

*Codified
by Planning*

ORDINANCE NO. 1774

(An ordinance **amending** Title 16 Section 16.04.020 Subdivisions: Purposes and objectives and Title 17 Sections 17.01, 17.03, 17.04, 17.06, 17.07, 17.08, 17.09, 17.12, 17.13, 17.14, 17.15, 17.05 Non-Conforming Uses and Structures and **adding** Chapter 17.16 Site Plan Review, Chapter 17.17 Landscaping and Development Standards, Chapter 17.18 Variances, Chapter 17.19 Townhouses of the Zoning Code of the Hood River Municipal Code.)

WHEREAS, the City is updating certain provisions in Titles 16 and 17 of the Hood River Municipal Code ("HRMC") to provide continuity, consistency and efficiency;

WHEREAS, following preparation of this Ordinance (referred to in the proceedings as the "Housekeeping Ordinance"), notice pursuant to the City of Hood River Comprehensive Plan, HRMC, and Oregon Revised Statutes was duly given;

WHEREAS, public hearings to consider the proposed Housekeeping Ordinance were held before the Planning Commission on 23 June, 21 July and 4 August 1999;

WHEREAS, at the conclusion of the 4 August 1999, public hearing, the Planning Commission recommended approval of the Housekeeping Ordinance with certain amendments;

WHEREAS, a public hearing was held before the City Council on 9 August 1999 at which the Council heard public testimony;

WHEREAS, the City Council then deliberated over the proposed Housekeeping Ordinance over several meetings;

WHEREAS, the City Council accepted the recommendation of the Planning Commission, with certain additional amendments;

WHEREAS, all of the amendments to the Housekeeping Ordinance are consistent with the notice given pursuant to ORS Chapter 227;

WHEREAS, the Housekeeping Ordinance is consistent with the applicable provisions of the City's Comprehensive Plan;

WHEREAS, the City Council finds that making certain group housing facilities permitted uses in zones where single family dwellings are permitted uses is required to comply with federal and state requirements with respect to those group housing facilities; however, the Council finds that for group housing facilities that house in excess of 15 persons, potential on-site and off-site impacts of such a proposed facility affect the health, safety and welfare of the citizens of Hood River and the City and warrant additional review under clear and objective standards;

WHEREAS, with respect to the proposed changes to Section 17.016.040(9), the City Council found that color and texture constituted additional design features that would eliminate monotony of design; and that so long as the Staff continued to work with the applicants to meet the criteria in this section, the design requirements would not impose an undue burden on small businesses and could be met at minimal expense;

WHEREAS, in considering the requirements regarding parking and street orientation in Section 17.16.040 (10) and (11), the City Council finds that it is the intent of these provisions that: (1) buildings should be physically located close to the street; (2) front doors do not necessarily need to be facing the street; (3) parking should be located to the side of or behind the structure; (4) foot traffic from the street should not have to pass through the parking area; and (5) only physical impossibility shall excuse an applicant from complying with these provisions.

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

1. Title 16 Subdivisions, Chapter 16.04.020; Purposes and objectives, of the Hood River Municipal Code is amended to read as follows: (Changes are indicated in ~~strike through~~ for deletions and underline for changes and additions).

16.04.020 Purposes and objectives.

C. Public Facilities: Adequate capacity of public facilities such as 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.

D. Streets and Traffic: The location, width and grade of streets shall be considered in relation to existing and planned streets, topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The streets system shall assure an adequate traffic circulation system. The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed and to the potential types of traffic (i.e., vehicles, pedestrians and bicycles).

- (1) On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
- (2) The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.
- (3) The desired level of service on streets and intersections serving the proposed use is level C or better, as established in Highway Capacity Manual of the Highway Research Board.
- (4) Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.

- (5) If the City Engineer determines that it is unreasonable to require level C or better, a level of service worse than C may be allowed.
- (6) If the City Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.
- (7) 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 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.

~~C. To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which may be required by conditions of an urban environment;~~

~~D. To provide streets of adequate capacity for anticipated traffic which would utilize them, and to insure their design to promote safe vehicular and pedestrian traffic circulation system;~~


- 2. Title 17 Zoning of the Hood River Municipal Code is amended to read as follows: (Changes are indicated in ~~strike through~~ and underline for changes and additions or movement of text to a new location).

See Attachment A

- 3. To the extent any provisions of this Ordinance conflict with existing provisions of Title 16 or Title 17, the provisions of this Ordinance shall apply.

Read for the first time: October 25, 1999.

Read for the second time and passed: November 1, 1999, to become effective thirty (30) days hence.


Paul G. Cummings, Mayor

ATTEST:


Anita R. Smith, City Recorder

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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

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 ordinance". (~~Ordinance 1488 (part), 1980~~).

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. (~~Ordinance 1488 (part), 1980~~).

17.01.030 Compliance with Title Provisions.

- A. No permit may 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. (~~Ordinance 1488 (part), 1980~~).

17.01.040 Interpretation.

- 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, provisions, and requirements of this title. If requested, the Planning Director shall make an interpretation in writing.
- B. The Planning Director's decision may be appealed to the Planning Commission. The Planning Commission's decision may be appealed to the City Council through the appeals procedure outlined in Review Procedures. (~~Ord. 1488 (part), 1980~~).

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. (~~Ord. 1488 (part), 1980~~).

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

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.

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

~~APARTMENT means a building or portion thereof designed to contain five (5) or more dwelling units.~~

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.

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 meansis all the window and wall area of a building on one (1) plane.
(Ord. 1677, January 25, 1993).

~~BUILDING HEIGHT, MAXIMUM~~ meansis 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 side or upper ground surface within 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 UBC 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 meansis 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 ~~(and extensions thereof, when necessary)~~ including adjacent properties:

North: Industrial Avenue, continuing east to Front Street

South: State Sherman Avenue

East: Front Street

West: 78th 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.

CHILD CARE CENTER means the provision for child day care of 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 and City and Council, and administers the City's zoning and subdivision ordinances and Comprehensive Plan. individual(s) designated by the City Council to process permit applications, provide professional planning advice to the Planning Commission and City Council, and administer the City Planning Department.

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.

DUPLEX means —a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate housekeeping facilities for each family.

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.

ENTITY means —*Any use functioning independently.*

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 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, 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.

~~Fourplex is a building designed or used exclusively for the occupancy of four (4) families living independently of each other and having separate housekeeping facilities.~~

GRADE (ADJACENT GROUND) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building between the building and a line five (5) feet from the building.

~~GROUP 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 to 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.~~

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, 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.

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 ~~provided the occupation is conducted so that the following apply.~~

Home occupation criteria were moved to supplementary provisions chapter.

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 which 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.

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. (~~Ord. 1658, 1992~~)

MOBILE HOME (SINGLE WIDE) means a vehicle or structure constructed for movement on the public highways, which 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 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 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 or 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. ~~(Ord. 1695, 1994)~~

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

MULTI-FAMILY DWELLING means a building designed or used exclusively for the occupancy of four (4) five (5) or more families living independently of each other and having separate housekeeping facilities.

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, which does not conform to the requirements of the zone in which it is located.

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

OCCUPATION means an endeavor for profit.

~~OPEN SPACE means an area intended for common privately owned and maintained or dedicated to the City. This 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 or driveways.~~

OWNER means the owner of record or his authorized agent.

~~PARCEL means a tract of land that is created by a partitioning of land. means a tract of land described by metes and bounds.~~

PARKING SPACE means a rectangle not less than eighteen (18) feet long and nine (9) feet wide for use by a vehicle, ~~having an all-weather hard surface, and further provided that such parking space shall have easy access to the street or alley by a driveway having an all-weather hard surface.~~

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.

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

PROJECTION means the distance by which a sign extends over public property or beyond the building line or architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than six inches into a 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. ~~Allowed uses are:~~

- ~~1. Recreational activities.~~
- ~~2. Playgrounds.~~
- ~~3. Non-profit community activities.~~
- ~~4. Temporary concessions incidental to and serving park/recreation users.~~
- ~~5. Swimming pools.~~
- ~~6. Tennis courts.~~
- ~~7. Arts festivals. (Ord. 1653, April 14, 1992)~~

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.

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 to 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.

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

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

SIGN means any identification, description, illustration, symbol or device which 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 120 days or a sign not in use for 120 continuous days shall be considered abandoned.

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 which 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, which 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 is a sign 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 which 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 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 is 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 is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Driveways and walks less than thirty (30) inches and fences six (6) feet or less above the ground on which they rest shall not be considered structures.

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.

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.

TOWNHOUSE means a single-family dwelling unit constructed as one of a row of attached units separated by property lines with open space on at least two sides. (~~Ord. 1717, 1995~~)

TOWNHOUSE BUILDING means a structure which includes two or more townhouses. (~~Ord. 1717, 1995~~)

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. (~~Ord. 1717, 1995~~)

U.B.C. STANDARDS means the Uniform Building Code Standards, promulgated by the International Conference of Building Officials, as amended and adopted by this jurisdiction.

USE means the proposed purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained. (~~Ord. 1488, (part) 1980; Ord. 1522, 1982; Ord. 1605, 1988; Ord. 1695, 1994~~).

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.

YARD is an area unobstructed 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 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.

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:

<u>ZONES</u>	<u>MAP SYMBOL</u>
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

(Ord. 1488, (part), 1980; Ord. 1681, 1993)

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. ~~(Ord. 1488 (part), 1980).~~

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:

- A. 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.

B. 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. (~~Ord. 1488 (part), 1980~~).

17.02.040 Zoning of Annexed Areas.

Any land annexed to the City shall be zoned a City zone which corresponds to the following County classification:

<u>COUNTY DESIGNATION</u>	<u>CITY DESIGNATION</u>
Medium Density Residential (R-1 7000)	Urban Low Density (R-1 7000)
Medium Density Residential (R-1 5000)	Urban Standard Density (R-2 5000)
Multi-Family Residential (R-2 5000)	Urban High Density (R-3 5000)
General Commercial (C-1)	General Commercial (C-2)
Light Industrial (M-2)	Light Industrial (L-1)
Industrial (M-1)	Industrial (I)

(~~Ordinance 1649, 1992~~)

17.03 - LAND USE ZONES

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 Medium 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, ~~as defined.~~
3. ~~Manufactured homes meeting the criteria specified in this ordinance. (Ord. 1721, 1996)~~
4. ~~Mobile home parks subject to the criteria in this ordinance.~~
5. Family day care
6. Residential Care Facilities

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~~day care facilities~~
3. Public parks, playgrounds, and related facilities:
~~(Conditional use permits are not required for normal maintenance and upkeep of improvements that do not increase the intensity of use).~~
4. Utility or pumping substations
5. Churches ~~(Ord. 1721, 1996)~~

C. **Site Development Requirements.** The minimum requirements for lot area per dwelling unit are as follows:

1. A minimum area of 7,000 square feet.
2. A minimum frontage of 50 feet on a dedicated public street.
3. A minimum frontage of 30 feet on a public dedicated cul-de-sac.

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. ~~(Ord. 1718, 1995)~~
3. Side yard/rear yard.
 - a. No structure shall be placed closer than 6 feet from the side property line.
 - b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
 - c. No structure shall be placed closer than 10 feet from the rear property line.

- d. Projections may not encroach more than three (3) inches for each foot of required yard width.

E. Maximum Building Height: 35 feet ~~No structure shall be constructed in excess of 35 feet in height. (See definition of "Height of Building" in Section 17.01.060 U.)~~

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. (~~Ord. 1488 (part), 1980~~).
- 2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
- 3. All required 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 Chapter 17.13 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. Townhouses
4. Home occupations, ~~as defined.~~
5. ~~Manufactured homes meeting that meet the criteria in this ordinance the criteria specified in Section 17.12.010 of this ordinance. (Ord. 1721, 1996)~~
6. Bed and breakfast facilities ~~subject to the standards of Section 17.04.120~~
7. Mobile home parks, ~~that meet the criteria of this ordinance~~
8. Family day care
9. Residential Care Facilities
10. Group Residential, if less than 15 persons

B. Conditional Uses:

1. Planned unit developments
2. Schools and child care centers ~~day care facilities~~
3. Public parks, playgrounds, and related facilities:
~~(Conditional use permits are not required for normal maintenance and upkeep or improvements that do not increase the intensity of use).~~
4. Utility or pumping substations
5. Churches ~~(Ord. 1721, 1996)~~

C. Site Development Standards. The minimum requirements for building sites per single-family dwelling unit, duplex or townhouse building are as follows:

1. A minimum of 5,000 square feet, or for a townhouse building, 2,100 square feet.
2. A minimum frontage of 50 feet on a dedicated public street.
3. A minimum frontage of 30 feet on a dedicated public cul-de-sac.

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. ~~(Ord. 1718, 1995)~~
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than 5 feet from the side property line.

- b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
- c. No structure shall be placed closer than 10 feet from the rear property line.
- d. Projections may not encroach more than three (3) inches for each foot of required yard width.

E. Maximum Building Height: 35 feet ~~No structure shall be constructed in excess of 35 feet. (See definition of "Height of Building" in Section 17.01.060 U.)~~

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. ~~(Ord. 1498 S1, 1981; Ord. 1488 (part), 1980).~~
- 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.

17.03.030 Urban Medium Density Residential Zone (R-3).

A. Permitted Uses:

1. Single-family dwellings and accessory structures
2. ~~Duplexes and, triplexes, and fourplexes~~
3. Townhouses
4. Multi-Family dwellings, subject to site plan review
5. Rooming and boarding houses
6. ~~Manufactured homes meeting the criteria specified in Section 17.12.010 of this ordinance. (Ord.1721, 1996)~~
7. ~~Home occupations, as defined.~~
8. ~~Bed and breakfast facilities, meeting subject to the standards of Section 17.04.120~~
9. Mobile home parks
10. Family day care
11. Residential Group Care Facilities, subject to site plan review
12. Group Residential, if 15 or more persons, subject to site plan review; subject to site plan review

B. Conditional Uses:

1. Hospitals, sanitariums, rest homes, nursing, or convalescent homes:
2. Schools and child care centers day care facilities:
3. Public parks, playgrounds and related facilities. ~~(Conditional use permits are not required for normal maintenance and upkeep of improvements that do not increase the intensity of use).~~
4. Utility or pumping substations:
5. Churches
6. Planned unit developments
7. Professional offices (Ord. 1721, 1996)
8. Hostels

C. Site Development Requirements. The minimum requirements for lot area per dwelling unit are as follows:

1. A minimum area of 5,000 square feet. The minimum lot area for one and two unit dwellings shall be 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. A townhouse project shall have a minimum lot size of 2,100 square feet per townhouse building for the first two townhouse buildings and a minimum of 1,500 square feet for each additional townhouse building thereafter.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of 30 feet on a dedicated public cul-de-sac.

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. (~~Ord. 1718, 1995~~)
3. Side yard/rear yard.
 - a. No structure shall be placed closer than 5 feet from the side property line.
 - b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
 - c. No structure shall be placed closer than 5 feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard width.
 - e. Structures greater than 28 feet in height shall be 10 feet from the rear property line.

E. Maximum Building Height: 35 feet ~~No structure shall be constructed in excess of 35 feet. (See definition of "Height of Building" in Section 17.01.060 U.)~~

F. Parking Regulations.

1. All individual dwelling units, duplexes and, triplexes, ~~and fourplexes~~ 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 (1 1/2) 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. (~~Ord. 1488 (part), 1980~~).
4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
4. 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 ~~Chapter 17.13~~ 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 Subject to Site Plan Review:

1. Professional offices, including change of use.
2. Change of use
3. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces.
4. Multi-family dwellings
5. Group Residential, if 15 or more persons

B. Permitted Uses Not Subject to Site Plan Review:

1. Single-family dwellings and accessory structures:
2. Townhouse projects
3. Duplexes and triplexes, and fourplexes
4. ~~Multi-Family dwellings~~
4. Rooming and boarding houses
6. ~~Manufactured homes 17.12.010 of this Ordinance. (Ord. 1661, 1992) (Ord. 1721, 1996)~~
7. Home occupation
8. ~~Bed and breakfast facilities, subject to the standards of Sections 17.04.120.~~
9. Family day care
10. Residential Care Facility
11. Group Residential, if less than 15 persons

C. Conditional Uses:

1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
2. Schools and child care centers ~~day care facilities~~
3. Public parks, playgrounds and related facilities. ~~(Conditional use permits are not required for normal maintenance and upkeep of improvements that do not increase the intensity of use.)~~
4. Utility or pumping substations
5. Churches
6. Planned unit developments ~~(Also subject to Chapter 17.07)~~
7. Public facilities and uses
8. Hostels

D. Site Development Requirements:

1. Minimum lot area: 5,000 square feet for one or two unit dwellings. Each unit thereafter shall require an additional 1,500 square feet.
2. Minimum townhouse lot area: 2,100 square feet for the first two townhouses in a townhouse building and 1,500 square feet for each additional townhouse in that building.
3. Minimum frontage: 50 feet on a dedicated public street or 30 feet on a public dedicated cul-de-sac.
4. Setback requirements:

- a. Professional offices. The standards outlined in the C-2 zone apply.
 - b. Residential uses or a combination of professional offices and residential uses. The standards outlined in the R-3 zone apply.
5. Maximum Building Height: 35 feet.
6. Parking Regulations:
- a. Professional Offices. 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. In no case shall there be less than two (2) off-street parking spaces. ~~Existing platted areas at the time of adoption of the ordinance codified in this title are excluded from these provisions.~~ The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook.
 - b. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - (1) New construction
 - (2) Change of use
 - (3) New parking area
 - c. Residential Uses.
 - i. All individual dwelling units duplexes and ~~;~~ triplexes, ~~and fourplexes~~ 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.
 - ii. Multi-Family dwellings shall be required to furnish one and one-half (1 1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - iii. Required setback areas may be utilized for off-street parking for Multi-Family dwellings. ~~(Ord. 1488 (part), 1980).~~
 - iv. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
7. 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 15 feet shall not be permitted.

E. **Signs.** All signs shall be in conformance with ~~Chapter 17.13~~the sign regulations of this title.

F. **Landscaping.** As set forth in ~~Chapter 17.04. (Ord. 1717, 1995)~~ All landscaping shall be in conformance with the landscape standards in this title.

17.03.050 General Commercial Zone (C-2).

A. Permitted Uses Subject to Site Plan Review:

1. Commercial uses, ~~including change of use:~~
2. Industrial uses incidental and essential to an on-site commercial use ~~(as defined in Section 17.01.060 of this title), including change of use~~
3. Change of use
4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces
5. Multi-family dwellings
6. Group Care Facilities
7. Group Residential, if 15 or more persons

B. Permitted Uses Not Subject to Site Plan Review:

1. Single-family dwellings and accessory structures:
2. Townhouse projects
3. Duplexes and, -triplexes, and fourplexes:
4. ~~Multi-Family dwellings:~~
4. Rooming and boarding houses
5. Manufactured homes meeting the criteria specified in ~~Section 17.12.010 of this Ordinance. (Ord. 1661, 1992) (Ord. 1721, 1996).~~
6. Home occupations, ~~as defined.~~
7. Bed and breakfast ~~subject to the standards of Sections 17.04.120.~~
8. Family day care
8. Residential Care Facility
9. Group Residential, if less than 15 persons

C. Conditional Uses :

1. Hospitals, sanitariums, rest homes, nursing or convalescent homes:
2. Schools and day care facilities:
3. Public parks, playgrounds and related facilities: ~~(Conditional use permits are not required for normal maintenance and upkeep of improvements that do not increase the intensity of use.)~~
4. Utility or pumping substations
5. Churches
6. Planned unit developments, ~~also subject to the PUD ordinance~~
7. Public facilities and uses
8. Hostels

D. Site Development Requirements:

1. Area: None.
2. Minimum frontage: 50 feet on a dedicated public street or 30 feet on a public dedicated cul-de-sac.
3. Minimum yard setbacks:
Front - none required.

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.

4. Maximum Building Height:
 - a. 35 feet for residential use;
 - b. 45 feet for commercial use or for mixed commercial and residential use
No commercial structure shall exceed a height of forty-five (45) feet.
~~Residential uses shall not exceed 35 feet in height. (See definition of "Height of Building" in Section 17.01.060 U.)~~
5. Parking Regulations: 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. In no case shall there be less than two (2) off-street parking spaces. ~~Existing platted areas at the time of adoption of the ordinance codified in this title and upper story dwelling units located within the Central Business District are excluded from these provisions. The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook.~~
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

All residential uses not specifically referenced above shall comply with the off-street parking standards of the R-3 Zone, as follows:

- a. All individual dwelling units, duplexes and; triplexes, ~~and fourplexes~~ 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 (1 1/2) 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. ~~(Ord. 1488 (part), 1980).~~
- 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. 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 15 feet shall not be permitted.

E. **Signs.** All signs shall be in conformance with ~~Chapter 17.13~~ the sign regulations in this title.

F. **Landscaping.** As set forth in ~~Chapter 17.04~~. (~~Ord. 1717, 1995~~) All landscaping shall be in conformance with the landscaping standards in this title.

17.03.060 Light Industrial Zone. (LI).

A. 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 ~~(as defined in Section 17.01.060 of this title), including change of use.~~
3. Change of use
4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces.

B. Permitted Uses Not Subject to Site Plan Review:

1. Temporary uses not exceeding thirty (30) days.
2. Caretaker's residence for an on-site industrial use.

C. Conditional Uses, ~~Subject to the Provisions of Chapter 17.06:~~

1. Public facilities and uses, including change of use.

D. Site Development Requirements:

1. Minimum Lot Area: None.
2. Minimum Setbacks: None.
3. Maximum Building Height: 45 feet.
4. Minimum frontage: 20 feet on a dedicated public street
5. Parking Regulations: 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. In no case shall there be less than two (2) off-street parking spaces. ~~Existing platted areas at the time of adoption of the ordinance codified in this title are excluded from these provisions. However, residential uses shall comply with the off-street parking standards of the R-3 Zone~~ The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook. -Off-street loading facilities shall be encouraged. Public alleys may be utilized for off street loading facilities. (Ord., 1498, §3, 1981; Ord. 1488 (part), 1980).
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. 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 15 feet shall not be permitted.

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

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

17.03.070 Industrial Zone (I)

A. Permitted Uses Subject to Site Plan Review:

1. Industrial activities, such as manufacturing, processing, warehousing, and outside storage, ~~including change of use.~~
2. Commercial uses incidental and essential to a an on-site industrial use ~~(as defined in Section 17.01.060 of this title), including change of use, as defined in this title.~~
3. Change of use
4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces.

B. Permitted Uses Not Subject to Site Plan Review:

1. Caretaker's residence for an on-site industrial use.
2. Temporary uses not exceeding thirty (30) days.

C. Conditional Uses, ~~subject to the provisions of Chapter 17.06:~~

1. Public facilities and uses, including change of use.

D. Site Development Requirements:

1. Minimum Lot Area: None.
2. Minimum Setbacks: None.
3. Maximum Building Height: 45 feet.
4. Minimum Street Frontage: 20 feet on a public dedicated street.
5. Parking Regulations: 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. In no case shall there be less than two (2) off-street parking spaces. Existing platted areas at the time of adoption of the ordinance codified in this title are excluded from these provisions. However, residential uses shall comply with the off-street parking standards of the R-3 Zone. The Central Business District, the Heights Business District and waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities. (Ord., 1498, §3, 1981; Ord. 1488 (part), 1980):
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. 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 15 feet shall not be permitted.

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

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

17.03.080 Open Space/Public Facilities 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. (Ord 1657, 1992):

A. Permitted Uses

1. Permitted Uses subject to Site Plan Review:

- a. Public parks: Playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts
- b. Municipal and governmental services and functions.

~~2. Permitted uses not subject to Site Plan Review include but are not limited to:~~

- ~~a. Recreational activities~~
- ~~b. Non-profit community activities~~
- ~~c. Arts festivals~~

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. Projections may not encroach more than two (2) inches for each foot of required yard width.

D. Maximum Building Height. ~~No structure shall be constructed in excess of 45 feet.~~

E. Parking Regulations. Municipal and governmental offices: One (1) off-street parking space shall be provided on the building site or adjacent to the site for each permanent employee and adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of the proposed use. (Ord. 1488 (part), 1980):

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

F. **Signs.** All signs shall be in conformance with Chapter 17.13:the sign regulations in this title.

G. **Landscaping.** As set forth in Chapter 17.04All landscaping shall be in conformance with the landscape standards in this title.

17.03.090 Environmental Protection Zone (EH).

The Environmental Protection 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 which 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 may be developed only in accord with the U.S. Department of Housing and Urban Development standards for flood hazard areas. (~~Ord. 1488 (part), 1980~~).

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.

A. Permitted Uses

1. Wildlife viewing area
2. Public bike and jogging paths
3. Windsurfing launch sites
4. Swimming beaches
5. Fishing sites
6. Boardwalks
7. Transient vending carts
8. Recreational and cultural events
9. Parks, playgrounds and open space
10. Restrooms

B. Permitted Uses Subject to Site Plan Review:

1. Recreational event sites
2. Boat docks
3. Commercial uses (as listed in subsections a, b and c below) which support recreation are subject to the following:
 - a. Eating and drinking establishments
 - b. Tourist/recreational establishments, excluding overnight lodging facilities
 - c. Tourist related uses

Lot Coverage ; based on that portion of the lot south of the Columbia River waterfront setback line.	Building Height
30% maximum excluding parking	19' – 28' maximum
35% maximum excluding parking	0' – 18' maximum

5. Public Parking with stalls no smaller than 10' x 20'.
6. Parks and playgrounds

~~C. Site Plan Review Process: The site plan review process is intended to ensure compliance with the purpose and intent of the Recreational/Commercial Zone. Prior to any development a site plan request shall be reviewed by the Planning Commission in accordance with Sections 17.09.050 – 17.09.100 of the Hood River Municipal Code. The following standards shall apply to each lot:~~

C. -Development Standards:

1. All applicable provisions of the Hood River Municipal Code.

2. Elements of the site plan are arranged so that:
 - a. There will be provisions for public access to the waterfront and recreational areas from streets, bike paths and public dedicated rights-of-way.
 - b. Traffic congestion is avoided.
 - c. Pedestrian and vehicular safety and welfare are protected.
 - d. Adequate public services, including public parking and open space shall be included consistent with the purposes of this zone so that recreational uses are encouraged and maximized.
3. Proposed lighting is arranged to direct light away from adjoining properties.
4. Lot Area: None
5. Lot Dimensions: None
6. Maximum Building Height: 28 feet (~~See definition of "Height of building" in Section 17.01.060 U.~~)
7. Landscaping: Any development shall be subject to Hood River Municipal Code ~~Sections 17.04.140 -- 17.04.170~~ Landscaping Standards, with the exception that the minimum percentage shall be increased to 30% of the lot based on that portion of the lot south of the Columbia River waterfront setback line. The required landscaping shall also:
 - a. Be consistent with the intent and purpose of this zone and to contribute to an aesthetically pleasing environment.
 - b. Landscaping shall be designed to reduce the visual impacts of buildings and paved areas.
 - c. Parking areas shall be shaded by trees with adequate screening and buffering from adjacent uses. Trees shall be planted at a minimum of 1 tree not less than 6 feet in height each 20 lineal feet (or an equivalent thereof) along the perimeter of the parking area.
 - d. Landscape plans shall include provisions for planting of trees as wind breaks.
8. Setbacks and Public Access:
 - a. There shall be public access to the Columbia River waterfront setback area as shown on Exhibits A and B and incorporated herein

at frequent and convenient intervals. Each public access shall be a minimum of 50 feet wide. The distance between each access shall not exceed 500 feet and shall be designed to encourage public access to the Columbia River waterfront setback area.

- b. No structure or parking lot shall be placed within 75' from the Columbia River waterfront line.
- c. The distance from structures and parking lots shall be an average of at least 100' from the Columbia River waterfront setback line.
- d. Noncommercial accessory structures related to recreational uses may be allowed within the public access and Columbia River waterfront setback area (benches, landscaping, bleachers, picnic areas, temporary concessions, restrooms, etc.)
- e. Side yard: 10 feet.

9. Parking Regulations:

- a. Commercial/retail and tourist related uses:
One (1) space for each 300 square feet of gross floor area.
- b. 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.
- c. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - 1. New construction
 - 2. Change of use
 - 3. New parking area

D. **Signs.** All signs shall be in conformance with Chapter 17.13. (Ord. 1681, 1993) the sign regulations in this title.

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

SECTIONS:

17.04.010	Maintenance of Minimum Ordinance Requirements
17.04.020	<u>Access/Frontage</u>
17.04.030	General Provisions Regarding Accessory Uses or Structures
17.04.040	<u>Exceptions to Building Height Limitations</u>
17.04.050	<u>Fences</u>
17.04.060	<u>General Requirements for Parking Lots</u>
17.04.070	<u>General Exceptions to Lot Area Requirements</u>
17.04.080	<u>Illegal Occupancy</u>
17.04.090	<u>Vision Clearance Area</u>
17.04.100	<u>Home Occupation</u>
17.04.110	<u>Bed and Breakfast</u>

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 which 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. (~~Ord. 1488 (part), 1980~~).

17.04.020 Access/Frontage.

Every lot or parcel shall have access and frontage on a street other than an alley, for at least twenty (20) feet of width. (~~Ord. 1488 (part), 1980~~).

17.04.030 General Provisions Regarding Accessory Uses or Structures.

An accessory use or structure shall comply with the requirements for a principal use. (~~Ord. 1488 (part), 1980~~).

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. (~~Ord. 1488 (part), 1980~~).

17.04.050 Fences.

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. (~~Ord. 1488 (part), 1980~~).

17.04.060 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:

- A. 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.
- B. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

- C. 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 the maximum safety of pedestrians and vehicular traffic on the site.
- D. 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~~^{twelve} (15+2) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices. (~~Ord. 1488 (part), 1980~~).
- E. Landscaping shall be in conformance with the landscape standards in this title. Duplexes are excluded from this requirement.

17.04.070 General Exceptions to Lot Area Requirements.

Lots of record existing as of _____ (insert date of adoption) ~~at the time of adoption of the ordinance codified in this title~~ which 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. (~~Ord. 1488 (part), 1980~~).

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. (~~Ord. 1488 (part), 1980~~).

17.04.090 Vision Clearance Area.

Corner lots or parcels in all residential zones shall ~~be provide with~~ 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 dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. See attachment "A".

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. Natural topographic features, utility poles, and tree trunks are excluded from this requirement. (~~Ord. 1488 (part), 1980~~).

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 in any, in traffic traveling to and from the dwelling unit.

17.04.110 Bed and Breakfast Facilities.

~~— A. Permitted Use: Pursuant to the applicant presenting documented, written, affirmative findings demonstrating compliance with all applicable provisions in this ordinance, a Bed and Breakfast facility is a permitted use in the following zoning districts: Urban Standard Density Residential (R-2), and Urban Medium Density Residential Zone (R-3).~~

~~Application shall be made to the Planning Director. A plot plan indicating the location of existing, proposed structures and off-street parking shall be provided with the application. The City Planning Director shall have the authority to approve, approve with conditions, or deny the application. Appeals of the Planning Director's decision shall be made in writing and be filed within fifteen (15) days of said decision. Appeals shall be heard before the Planning Commission in accordance with the provisions of the Zoning Ordinance.~~

~~— B. Notice Requirement: Upon submittal of an application pursuant to Section 17.04.120 (A), the Planning Director shall mail notice of the pending administrative action to property owners within 250 feet of the property for which the bed and breakfast facility has been requested. The notice of application shall be mailed at least ten (10) days prior to the date of the Planning Director's decision, and shall contain the time and place of the City Planning Director's decision, a description of the proposal, the location of the proposal and where supporting documents are available for review by interested parties.~~

Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban Medium 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*, 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 guest rooms 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 guest room.
4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1 1/2) 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 80 percent 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. ~~(Ord. 1605, 1988)~~

ATTACHMENT "A" VISION CLEARANCE DIAGRAM

CHAPTER 17.05 - NON-CONFORMING USES AND STRUCTURES

SECTIONS:

<u>17.05.010</u>	<u>Purpose</u>
<u>17.05.020</u>	<u>Non-Conforming Use</u>
<u>17.05.030</u>	<u>Non-Conforming Structure</u>
<u>17.05.040</u>	<u>Exceptions</u>

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 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 non-conforming use change may be approved as an administrative action. A nonconforming use may change to another similar or less non-conforming 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 impacts generated by the use change are not increased.
 - b. Noise, dust, and any other nuisance conditions are not increased.

17.05.030 NONCONFORMING STRUCTURE.

1. 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:
 - a. 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.
 - b. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform with its pre-damage

nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

c. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.

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

a. The maintenance or repair conforms to the existing nonconforming structure.

b. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.

c. The proposed maintenance or repair is not prohibited on the deed.

17.05.040 EXCEPTIONS.

1. Residential Structures. Any nonconforming structure being used for a residential use before the enactment of this ordinance may be:

a. 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.

b. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.

c. Modified and or enlarged provided that:

1. The structure maintains the same or fewer number of residential units.

2. 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.

3. The residential off-street parking requirement shall not be reducedbe met.

4. The nonconforming structure is not located in an existing City right-of-way.

~~17.05.030—Projections from Buildings.— Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than six (6) inches into a required setback. (Ord. 1488 (part), 1980).~~

~~17.05.040—Authorization to Grant or Deny Variances.— The Planning Commission may authorize a variance from the requirements of this title where it can be shown that owing to special and unusual circumstances related to a specific lot area or permitted use, strict application of the title would be inappropriate or cause hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this title. (Ord. 1488 (part), 1980).~~

~~17.05.050 Circumstances for Granting a Variance.~~ A variance may be granted in accordance with all the following criteria:

~~A. Exceptional or extraordinary circumstances apply to the property which do not apply to most properties in the same zone or vicinity, and result from lot size or shape, topography, an existing structure, or other circumstances over which the owners of property since enactment of the ordinance codified in this title have had no control.~~

~~B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of the other property in the same zone or vicinity possess.~~

~~C. The variance would not be materially detrimental to the purposes of this title, nor to property in the same zone or vicinity in which the property is located.~~

~~D. The variance requested is the minimum variance which would alleviate the hardship. (Ord. 1488 (part), 1980).~~

~~17.05.060 Procedure for Taking Action on a Variance Application.~~ The procedure for taking action on a variance application shall be as follows:

~~A. The property owner may initiate a request for a variance by filing an application with the Planning Director, using forms prescribed pursuant to Section 17.09.030.~~

~~B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in Section 17.09.010. (Ord. 1488 (part), 1980).~~

~~17.05.070 Time Limit on a Permit for a Variance.~~ Authorization of a variance shall be void within one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for additional periods, on request for good cause shown. (Ord. 1488 (part), 1980).

~~17.05.080 Limitation on Reapplications.~~ No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. (Ord. 1488 (part), 1980).

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

~~17.06.010 Authorization of Conditional Uses~~

~~————A. The conditional uses listed in this title are common types of land uses that may have an impact on a neighborhood. A conditional use application is required for all uses listed as a conditional use in this title. Conditional uses listed in this title may be permitted, enlarged, or otherwise changed upon approval by the Planning Commission in accordance with the standards and conditions in this chapter.~~

~~————B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing following the procedures established in Chapter 17.09.~~

~~————C. In the case of a use existing prior to the effective date of the ordinance codified in this title and which is classified as a conditional use, any change in that use is subject to the provisions of this chapter.~~

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 procedure.

The city shall process conditional use applications in accordance with Review procedure and the following:

- A. Preapplication Conference. Prior to submittal of a conditional use permit application, the applicant or applicant's representative shall attend a preapplication conference.
- B. Application. An applicant may submit an application for a conditional use permit at any time after completion of a required preapplication conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.
- C. Quasi-judicial Conditional Use. Applications shall be processed as a Quasi-Judicial application as set forth in the *Quasi-Judicial Actions section*.

- D. Changes to an approved or pre-existing conditional use which do not increase the density or impact of the use may be approved by the Planning Director. Changes which 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.
- E. 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. (~~Ord. 1721, 1996~~)

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 ~~may be required~~ shall be required.
 - 3. Location and layout of parking and loading facilities.
 - 4. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic.
 - 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 inches in diameter when measured four feet above the ground, and an indication of which trees are to be removed.
 - 10. Topographic map of the subject property using two foot contour intervals (five 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 which 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. (Ord. 1721, 1996)

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 landproperty within the applicable notice area for a use. In addition, any lotproperty 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.

- A. Conditional Uses are subject to Site Plan Review Decision Criteria, in addition to the following:
- B. 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:
 1. Any harmful effects on desirable neighborhood characteristics and livability.
 2. Bicycle and pedestrian circulation, access and safety.
- C. Nuisance. The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.
- D. **Plan Consistency:** The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.
- E. **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.

~~G. Compatibility: The use and proposed structures shall be reasonably compatible with the types of uses permitted in the surrounding area. To assure compatibility, at a minimum the following standards and factors shall be affirmatively addressed:~~

- ~~1. The functional nature of the use (i.e., hours, days of operation, size and lighting of outdoor displays, etc.):~~
- ~~2. Lighting shall be subdued and shall not shine directly, cause glare, or be unnecessarily bright on surrounding properties. Factors to consider include the number, size, direction, height, and intensity of the artificial lighting. Lights for parking and walking areas shall be low intensity ground lights.~~
- ~~3. The use shall not unreasonably increase the noise level beyond the boundaries of the subject parcel and shall conform to the Noise Control Ordinance of the City Municipal Code.~~
- ~~4. Building materials, textures, colors and architectural features.~~
- ~~5. Adequacy of the required lot size or required setbacks.~~
- ~~6. Height of buildings.~~
- ~~7. The need for diking, fencing, screening, landscaping, and/or other facilities; and the need for standards and materials for installation and maintenance, when necessary.~~
- ~~8. Monotony of design in single or multiple projects shall be avoided. Variety of detail, form and siting shall be used to provide visual interest.~~
- ~~9. New commercial buildings shall have their orientation toward the street rather than the parking area, when practicable.~~

~~D. Traffic: Access to and from the site and traffic circulation on the site shall be safe and efficient. Traffic shall include vehicular and non-vehicular travel. A study of off-site traffic may be required for projects on or served by major streets or intersections. The study shall be prepared by a Professional Traffic Engineer licensed in Oregon. Designating the size, number, location and design of vehicle and non-vehicle access points may be required to assure the above standards are met.~~

- ~~e. Access to all state highways will require a permit from ODOT District 2C. Access spacing and location shall address the states Access Management policies. Frontage improvements, such as curb and sidewalk to ADA standards, may be required by ODOT as a condition of access.~~

~~E. Parking: Adequate parking and loading areas shall be provided to serve the proposed use, considering the size, location, screening, drainage, surfacing or other needed improvements. New parking areas should be located behind buildings or on one or both sides.~~

~~F. 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. When needed to provide for efficient development of the surrounding area, additional improvements of public facilities shall be required. Underground utilities may be required.~~

~~G. **Water Quality:** The use shall have minimal or no adverse impact on water quality. Possible impacts to consider include pollution, siltation, and habitat degradation or loss.~~

~~H. **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.~~

~~I. **Land Quality:** The use shall have minimal or no adverse impact on the land quality of the surrounding area. Possible impacts to consider include soil contamination, habitat degradation or loss, and erosion.~~

~~J. **Vegetation:** Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. When feasible, vegetative buffers shall be left along major streets or highways, or to separate adjacent uses.~~

~~K. **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 (i.e., the use of small streams in the landscaping design, rather than culvert and fill).~~

~~L. **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 may be required.~~

~~M. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetation or appropriate fencing.~~

~~N. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment and large vehicles to provide for screening from view and for an adequate sound buffer.~~

F. **Landscaping:** Any landscaping required for a conditional use shall be subject to the requirements of Sections 17.04.130 through 17.04.160 of this title. Landscaping shall be in conformance with the landscape regulations of this title.

G. **Performance Bonds:** When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

H. **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.

I. **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 Planning Department City. (Ord. 1721, 1996)

17.06.035 Appeals.

Final decisions on Conditional Use Permits may be appealed in accordance with the *Appeal Procedures* of this ordinance.

17.06.040 Time Limit on a Permit for a Conditional Use.

The Conditional Use permit is valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one-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 30 days prior to the expiration of the permit.

~~Conditional Use Permits shall be valid for one year from the date of final approval. If construction is commenced within this one year period and is being pursued diligently towards completion, as determined by the building official, the Conditional Use Permit shall stay in full force for an additional year. In the case of unavoidable delay or an extensive construction schedule, the Planning Commission may extend the time limit for completion of the project, with the completion of a performance guarantee.~~

~~Planning Commission may, however, extend approval for additional periods upon written request from the property owner showing good cause. (Ord. 1721, 1996)~~

17.06.050 Limitation on Reapplication.

No conditional use application shall be considered by the Planning Commission within a six month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six 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 month restriction. ~~(Ord. 1721, 1996)~~

17.06.060 Revocation of 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 ~~Chapter 17.09~~Review Procedures 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 days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one 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 warrant it. ~~(Ord. 1721, 1996)~~

- E. Abandonment of the use for over twenty-four consecutive months shall void the conditional use. A single one-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 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 UNIT DEVELOPMENT

Sections:

17.07.010	Applicability of Planned Unit Development Regulations
17.07.020	Purpose for Planned Unit Development Regulations
17.07.030	Findings for Project Approval
17.07.040	Dimensional and Bulk Standards
17.07.050	Project Density
<u>17.07.060</u>	<u>Open Space Requirement</u>
<u>17.07.070</u>	<u>Design Standards</u>
17.07.080	Accessory Uses in a Planned Unit Development
17.07.090	Application Submission
17.07.100	Preliminary Development Plan
17.07.110	Approval of the Preliminary Development Plan
17.07.120	Approval of the Final Development Plan
17.07.130	Control of the Development After Completion

17.07.010 Applicability of Planned Unit Development Regulations.

The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Chapter 17.06. (~~Ord. 1488 (part), 1980~~).

17.07.020 Purpose for Planned Unit Development Regulations.

The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed.

The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- A. Advances in technology and design;
- B. Recognition and resolution of problems created by increasing population density;
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities;
- D. The potential of sites characterized by special features of geography, topography, size or shape. (~~Ord. 1488 (part), 1980~~).

17.07.030 Findings for Project Approval.

The Planning Commission may approve a planned unit development if it finds that the planned unit development will satisfy standards of both chapter 17.06 the Conditional Uses chapter, this chapter and including the following:

- A. The proposed planned unit development is an effective design consistent with the Comprehensive Plan.
- B. The applicant has sufficient financial capability to assure completion of the planned unit development. (~~Ord. 1488 (part), 1980~~).

17.07.040 Dimensional and Bulk Standards.

A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- A. The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained.
- B. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- C. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed. (~~Ord. 1488 (part), 1980~~).

17.07.050 Project Density. The planned unit development may result in a density thirty-three percent in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed. (~~Ord. 1488 (part), 1980~~).

17.07.060 ~~Common Open Space Requirement.~~ 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 or driveways.

- 1. A minimum of 30% of a planned development site area shall be reserved as common open space.
- 2. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the State, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. (~~Ord. 1488 (part), 1980~~).

17.07.070 Design Standards.

Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- A. Private streets shall have a minimum improved width of ten feet for each lane of traffic. On-street parking spaces shall be improved to provide an additional eight feet of street width. ~~Rolled curbs and gutters may be allowed.~~
- B. Utilities shall be underground ~~where practicable.~~ (Ord. 1488 (Part), 1980).

17.07.080 Accessory uses in a planned unit development.

In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- A. Golf course;
- B. Private park, lake or waterway;
- C. Recreation area;
- D. Recreation building, clubhouse or social hall;
- E. Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development. (Ord. 1488 (part), 1980).

17.07.090 Application Submission.

The city shall process Planned Unit Development applications in accordance with the following:

- A. Preapplication Conference. Prior to submittal of a conditional use permit application, the applicant or applicant's representative shall attend a preapplication conference.
- B. Application. An applicant may submit an application for a conditional use permit at any time after completion of a required preapplication conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.
- C. An applicant shall include with the application for approval of a planned unit development, a preliminary development plan as described in this chapter. The procedure for review and approval of a planned unit development is the same as contained in ~~chapter 1706~~ the Conditional Uses chapter. (Ord. 1488 (part), 1980).

17.07.100 Preliminary Development Plan.

A preliminary development plan shall be prepared and shall include the following information:

- A. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes;

- B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
- C. 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 buildings and structures;
- D. Elevation and perspective drawings of proposed structures;
- E. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin;
 - 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the ~~Uniform Building Code (UBC) as of date of issue of the building permit;~~ Oregon Structural Specialty Codes for a building permit.
 - 3. The anticipated rate of development;
 - 4. The approximate dates when each stage in the development will be completed;
 - 5. The area, location and degree of development of common open space that will be provided at each stage;
- F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas;
- G. The following plans and diagrams:
 - 1. An off-street parking and loading plan;
 - 2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
 - 3. A landscaping and tree plan;
- H. A written statement which is part of the preliminary development plan shall contain the following information:
 - 1. A statement of the proposed financing;

2. A statement of the present ownership of all the land included within the planned unit development;
3. A general indication of the expected schedule of development. (~~Ord. 1488 (part), 1980~~).

17.07.110 Approval of the Preliminary Development Plan.

The approval of the preliminary development plan by the Planning Commission shall be binding on both the City and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted. (~~Ord. 1488 (part), 1980~~).

17.07.120 Approval of the Final Development Plan.

- A. The final development plan shall be submitted to the Planning Commission within six (6) months of the date of approval of the preliminary development plan. The Planning Commission may extend for up to six (6) months the period for filing of the final development plan. After review, the Planning Commission shall approve the final development plan if it finds the plan is in accord with the approved preliminary development plan.
- B. A material deviation from the approved preliminary development plan shall require the preliminary development plan to be examined by the Planning Commission reviewed by the Planning Commission at a public hearing.
- C. Within thirty days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Hood River County Department of Records and Elections. (~~Ord. 1488 (part), 1980~~).

17.07.130 Control of the Development After Completion.

The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- A. The Building Official may issue a certificate of completion of the planned unit development which shall note the issuance on the City's copy of the recorded final development plan.
- B. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 1. Minor modifications of existing buildings or structures;
 2. A building or structure that is totally or substantially destroyed may be reconstructed.
- C. An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related use regulations.

D. Changes to an approved or pre-existing conditional use which do not increase the density or impact of the use may be approved by the Planning Director. Changes which 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. The procedure shall be as outlined in Section 17.07.090: (Ord. 1488 (part), 1980):

CHAPTER 17.08 - ZONE CHANGES AND PLAN AMENDMENTS

Sections:

- 17.08.010 Legislative Zone Changes and Plan Amendments-
- 17.08.020 Quasi-judicial Zone Changes and Plan Amendments-
- 17.08.030 Criteria
- 17.08.040 Record of Zone Changes and Plan Amendments
- 17.08.050 Limitations on Reapplications

17.08.010 Legislative Zone Changes and Plan Amendments.

Public hearing before the Planning Commission will be held twice a year in April and October, to review zone change applications comprehensively. Zone change applications will be accepted year around, however they will only be processed twice a year. An application accepted after 1 October, but prior to 1 April of the following year will be scheduled for a public hearing before the Planning Commission at the last meeting. An application accepted after 1 April, but prior to the first of the following October, will be scheduled for a public hearing before the Planning Commission at the last meeting of that October.

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 60 days after it is requested from the Planning Commission. The Planning Commission shall conduct at least one public hearing to assist in formulating its recommendation. Within 60 days after receipt of the Planning Commission's recommendation, the City Council shall take final action on the proposed legislative zone or plan change. 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 Quasi-Judicial Zone Changes and Plan Amendments.

- A. 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.
- B. An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department~~City Planner~~. 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 ~~Zoning Ordinance~~ 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.

~~D.C.~~ 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.

~~E.D.~~ The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan, ~~Zoning Ordinance~~ and the criteria set forth in ~~Section 17.08.030~~ this chapter.

~~F.E.~~ Hearings under this chapter may be held only after required notification and shall be conducted in conformance with ~~Chapter 17.09~~ the Review Procedures chapter.

17.08.030 Criteria.

A. ~~Zone or plan changes shall only be made if the zone may be approved~~ if one or more of the following exist:

1. If the change will not be unreasonably harmful or incompatible with existing uses on nearby properties; ~~or~~
2. A mistake was made in the original zone or plan designation; ~~and/or~~
3. 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); ~~and/or~~
4. 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 ~~Planning Commission~~ 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. Its peculiar suitability for particular uses;
3. Conservation of property values; and
4. The direction of building development.

17.08.040 Record of Zone/Plan Changes.

The City Recorder shall maintain records of amendments to the text and zoning map of this title.

17.08.050 Limitation on Reapplications.

No reapplication of a property owner for a zone or plan change shall be considered within a six month period following a previous denial of such request.

CHAPTER 17.09 - ADMINISTRATIVE PROVISION REVIEW PROCEDURES

Sections:

- ~~17.09.010~~ Definitions:
- ~~17.09.020~~ Filing fees:
- ~~17.09.030~~ Permit Applications:
- ~~17.09.040~~ Appeal From Decision of the City Planning Department ~~City Planner~~:
- ~~17.09.050~~ Requirements for Quasi-Judicial Land Use Hearings:
- ~~17.09.060~~ Quasi-Judicial Hearing Procedures:
- ~~17.09.070~~ Criteria of Approval:
- ~~17.09.080~~ Restrictions:
- ~~17.09.090~~ Appeal Of Decisions of the Planning Commission:
- ~~17.09.100~~ Resubmittal:
- ~~17.09.110~~ Filing Fees

~~17.09.010~~ **Definitions:** For the purposes of this ordinance, the following terms shall mean:

- ~~A. BOARD~~ means the Land Use Board of Appeals.
- ~~B. CITY PLANNING DEPARTMENT~~ ~~CITY PLANNER~~ means the individual(s) designated by the City Council to process permit applications, provide professional planning advice to the Planning Commission and City Council, and administer the City Planning Department.
- ~~C. HEARING BODY~~ means the Planning Commission or City Council, as applicable.
- ~~D. HEARING BODY MEMBERS~~ means the Planning Commissioners or City Council members, as applicable.
- ~~E. LAND USE DECISION:~~
 - ~~1. Includes a final decision or determination made by the City Planning Department ~~City Planner~~, ~~Planning Commission~~ or ~~City Council~~ that concerns the adoption, amendment or application of:
 - ~~a. The goals;~~
 - ~~b. A comprehensive plan provision;~~
 - ~~c. A land use regulation; and~~~~
 - ~~2. Does not include a decision of the City Planning Department ~~City Planner~~, ~~Planning Commission~~ or ~~City Council~~:
 - ~~a. Which is made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgment;~~~~

~~b. Which approves, approves with conditions, or denies a subdivision or partition, as described in ORS Chapter 92, located within an Urban Growth Boundary where the decision is consistent with land use standards; or~~

~~c. Which approves or denies a permit made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgment.~~

~~F. LAND USE REGULATION means the provisions of Title 16 and Title 17 of the Flood River Municipal Code.~~

~~G. PERMIT means discretionary approval of a proposed development of land under Title 16 or Title 17 of the Flood River Municipal Code.~~

~~H. 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.~~

<u>17.09.010</u>	<u>Purpose</u>
<u>17.09.020</u>	<u>Ministerial Actions</u>
<u>17.09.030</u>	<u>Administrative Actions</u>
<u>17.09.040</u>	<u>Quasi-Judicial Actions</u>
<u>17.09.050</u>	<u>Legislative Actions</u>
<u>17.09.060</u>	<u>Public Hearings</u>
<u>17.09.070</u>	<u>Appeal Procedure</u>
<u>17.09.080</u>	<u>Resubmittal</u>
<u>17.09.090</u>	<u>Filing Fees</u>
<u>17.09.100</u>	<u>Criteria for Approval</u>
<u>17.09.110</u>	<u>Restrictions</u>

17.09.010 PURPOSE:

This Chapter describes the review procedures required to make final decisions regarding applications for ministerial actions, planning actions, and legislative actions, and to provide for appeals.

17.09.020 MINISTERIAL ACTIONS

A. Ministerial actions are decisions that apply standards and criteria that do not involve the exercise of discretion. Ministerial actions are not land use decisions or limited land use decisions as defined by ORS 197.015. Ministerial actions do not require public notice, public hearing, or decision notice. Ministerial actions are subject to appeal by the applicant.

B. Ministerial Actions. The Director shall have the authority to review and approve or deny ministerial actions.

C. Decision Types. Ministerial actions include, but are not limited to, the following:

1. Final subdivision approval
2. Final partition approval
3. Minor amendments to subdivisions and partitions
4. Sign permits
5. Boundary Line Adjustments

D. Time Limits. The Director shall approve or deny an application for a ministerial action within 21 days of accepting the application unless the time limit is extended with the consent of the applicant.

E. Appeal. The applicant can appeal a ministerial action to the Planning Commission per the provisions of the appeal procedure within 10 days of a final decision.

17.09.030 ADMINISTRATIVE ACTIONS.

A. Administrative Actions are land use decisions that apply standards and criteria that involve the exercise of discretion and that are made by the Director. Decisions on administrative actions shall be based on the applicable standards contained in this Title. The Director shall provide notice of application to adjacent and nearby landowners, provide for the opportunity for written comment prior to final decision, and provide notice of decision to applicant and all parties of record per the provisions of *Administrative Actions* of this Chapter, and ORS "Limited land use decisions; procedures".

B. Administrative Actions. The Director shall have the authority to review and approve, approve with conditions, or deny applications processed as administrative actions.

C. 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.

D. Decision Types. Administrative actions include, but are not limited to, the following:

1. Site Plan Review
2. Partition
3. Extensions of time limits for approved planning actions

E. Notice of Application.

1. Within 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 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 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 Commission 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 a copy of the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 - h. Include the name and telephone number of the planning staff to contact for additional information.
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.
- F. Time Limits. All applications processed as administrative actions shall be approved, approved with conditions or denied within 45 days after the receipt of a complete application, unless the time limit is extended with the consent of the applicant.
- G. Staff Report. Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report 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.
 - 3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.
- H. Final Decision. The approval, approval with conditions, or denial of an administrative action shall be a final decision, subject to appeal as provided in this chapter.
- I. Notice of Decision. Decision notice shall be provided to the applicant, and any party of record, and any person entitled to notice. The decision notice shall include:
- 1. A brief summary of the decision and the decision making process.
 - 2. An explanation of appeal rights and requirements.
- J. Date of Final Decision. The date that the decision is considered final is the date notice of the decision is mailed to the applicant and parties of record.
- K. Appeal. Administrative actions may be appealed to the Commission, per the provisions of *Appeal Procedures*, within 10 days of the date the decision became final. A Commission decision on appeal may be further appealed to the Council per the provisions of *Appeal Procedures*, within 10 days of the date the Commission's appeal decision became final.

17.09.040 QUASI-JUDICIAL ACTIONS.

- A. Quasi-Judicial Action means an action which applies 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 and that involves the exercise of discretion.

B. Quasi-Judicial Actions. The Commission and Council, on appeal, shall each have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial planning actions. All quasi-judicial actions shall be reviewed through the public hearing process described in *Public Hearings* of this Chapter, and ORS.

C. Decision Types: Quasi-judicial actions include, but are not limited to, the following:

1. Quasi-Judicial Site Plan Review
2. Conditional Use Permits
3. Variances
4. Non-Conforming Uses
5. Subdivisions
6. Zone Changes

D. Staff Report. The Director shall prepare a staff report for each quasi-judicial action which identifies the criteria and standards which 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.

E. Quasi-Judicial Public Hearings.

1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled meeting of the hearing body within 45 days from the date the application is deemed complete.
2. Hearing on applications for quasi-judicial actions shall be conducted per the procedures in Public Hearings.
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 filed.
4. The hearing body shall hold at least one 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.
~~should be approved or can be approved with conditions.~~
6. The applicant shall attend the prescribed public hearing for the quasi-judicial action, unless otherwise authorized by the hearing body.

F. Notice of Hearing. At least 20 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:

1. 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.
2. Any affected governmental agency, department, or public district whose boundaries include the subject property.
3. 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 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 a copy of the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 - g. State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least seven 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.
4. 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.
- G. Decision on Quasi-Judicial Actions. The decision of the hearing body shall be set forth in writing and signed by the presiding officer. The written decision shall be based upon and accompanied by a brief 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.
 - 3. Facts which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.
- H. Final Decision. The approval, approval with conditions, or denial of a quasi-judicial action shall be a final decision, subject to appeal as provided in this chapter.
- I. Notice of Decision. Decision notice shall be mailed to the applicant and all participating parties within five 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.
 - 4. An explanation of appeal rights and requirements.
- J. Date of Final Decision. The date that a decision on a quasi-judicial action is considered final is the date notice of the decision is mailed to the applicant and parties of record.
- K. Appeal.
- 1. Commission decisions on quasi-judicial actions may be appealed to the Council, per the provisions of *Appeal Procedures*, within 15 days of the date the decision became final.

2. A Council decision on appeal may be further appealed to LUBA in accordance with the appeal procedures in ORS Chapter 197, within 21 days of the date the decision became final.

17.09.050 LEGISLATIVE ACTIONS.

- A. Legislative actions involve the implementation of land use policy and are broad in scope.
- B. Legislative actions include, but are not limited to the decision types specified in this section. The Planning Commission, and where appropriate, the Historic Landmarks Board, shall review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council shall make a final decision per the provisions of this section. Legislative actions may be appealed to the State Land Use Board of Appeals, subject to ORS 197.830.
- C. Decision Types. 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
- D. Public Hearings.
 1. The Commission shall hold at least one legislative public hearing to review legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny.
 2. The Council shall hold a legislative hearing on legislative actions within 30 days of the date of the Planning Commission's resolution recommending approval, conditional approval, or denial of the request.
 3. Legislative hearings shall be conducted per the procedures of *Public Hearings*.
- E. Notice of Hearing. At least 20 days before the first legislative hearing before the Planning Commission and the Council, notice of the hearing shall be published in a newspaper of general circulation. The notice shall:
 1. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized.
 2. 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.
 3. Set forth the geographical reference to the subject area.
 4. 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.

5. Include the name and telephone number of the planning staff to contact for additional information.
- F. Additional Notice. Written notice shall be provided to property owners when required by ORS 227.160.
- G. 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.
 3. Ultimate facts which explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.
- H. Final Decision. The Council's decision on legislative actions shall be a final decision.
- I. Notice of Decision. Decision notice shall be mailed to all participating parties within five working days of the date of the ordinance is adopted by the Council and signed by the Mayor. 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.
- J. Date of Final Decision. The date a decision on legislative actions is considered final is the date 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 the ordinance is adopted by the Council.
- K. Appeal. The Council's decisions on legislative actions may be appealed to the Land Use Board of Appeals (LUBA), in accordance with the appeal procedures of ORS Chapter 197, within 21 days of the date the decision became final.

17.09.060 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.
 1. The procedures set forth in this section shall be followed when the subject matter of a hearing is an appeal from a decision of the City Planning Department pursuant to Section 17.09.040, a conditional use permit, quasi-judicial zone/plan change, variance, or other land use decision.
 2. The Chair of the hearing shall follow the procedures set forth in subsection 3 of this section. It is the purpose of this procedure to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for an impartial hearing on the application. 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. 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.

3. The procedures 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, list the substantive criteria of Title 16 or Title 17 of the Hood River Municipal Code, the Comprehensive Plan or state statute which applies 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: the member of the hearing body or his spouse, brother, sister, child, parent, or like relative of his spouse, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she 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 should 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;
- f. The Chair shall then state the rules of conduct for the hearing:
 - 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, or 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;
 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 which apply to the matter at issue.
 - j. Continuance. 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 by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178.
 - 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, 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 may request the applicant to submit a proposed order. The decision shall be based upon the record of the proceeding. A proposed order submitted by the City Planning Department or any other person may be adopted by the hearing body with or without amendments. The written decision is the final decision on the application and the date of decision is the date it is signed by the Planning Commission Chair.
- 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. Conflict of Interest. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings 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. 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 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.

- A. Right to Appeal Decisions. The following persons may appeal a final decision described above:
1. Any party of record to the particular action.
 2. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
 3. The Planning Commission, or the City Council upon a majority vote.
 4. The Planning Commission upon a majority vote; provided, however that the Planning Commission may only appeal administrative Decisions or Historic Landmarks Board decisions. An appeal is by the Planning Commission on an administrative decision the appeal shall go before the Planning Commission.
 5. The Historic Landmarks Board upon a majority vote; provided however, the Historic Landmarks Board may only appeal administrative decisions made pursuant to the Historic Preservation Section.
- B. Filing Appeals.
1. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Department. The standard appeal fee shall be required as part of the notice of appeal.
 2. The notice of appeal and appeal fee must be received at the Planning Department office no later than 5:00 PM on the tenth day following the date of the mailing of the notice of decision.
- C. Notice of Appeal. Every notice of appeal 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. The appeal fee.
- D. Jurisdictional Defects.
1. Any notice of appeal which is received after the deadline, is received by facsimile, or which 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) 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 Director, with the advice of the City Attorney, after the expiration of the 10 day appeal period described in Subsection (B)(2) above. The Director's determination may be subject to appeal to the State Land Use Board of Appeals (LUBA).

E. Consolidation of Appeals.

1. If more than one party files a notice of appeal on a planning action decision, the appeals shall be consolidated, and noticed and heard as one proceeding.

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

G. Decision of Appeal.

1. The Commission or Council may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The Commission or Council shall make findings and conclusions, and make a decision based on the hearing record, except in cases of appeals of administrative actions, which shall be heard de novo.
3. Copies of the appeal decision shall be sent to all parties participating in the appeal.

~~17.09.020 Filing Fees~~ ~~The filing fees for land use permits, variances, conditional uses, zone changes, subdivisions, major and minor partitions, and appeals shall be set by City Council resolution. The fees shall be paid to the City Recorder upon filing of an application or appeal.~~

~~17.09.030 Permit Applications:~~

~~— A. Approval or denial of a discretionary permit application shall be based on the standards and criteria set forth in Title 16 and Title 17 of the Hood River Municipal Code and the Comprehensive Plan.~~

~~— B. Approval or denial of a permit shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.~~

~~— C. Written notice of the approval or denial shall be given to all parties to the proceeding and to any individual who has made a written request for notice of the decision.~~

~~— D. The City Planning Department/City Planner may approve or deny an application for a permit without a hearing if the City Planning Department/City Planner gives notice of the decision and provides an opportunity for appeal of the decision to those persons who would have had a right to notice pursuant to Section 17.09.050, or who are adversely affected or aggrieved by the decision.~~

~~— E. Unless otherwise provided, approval of a permit by the City Planning Department City Planner shall automatically become void one (1) year after the date on which it was granted unless a building permit has been issued. If a building permit is not required by the Building Official, construction shall commence within one (1) year after approval of the permit.~~

~~**17.09.040 Appeal from Decision of the City Planning Department City Planner.**~~

~~— A. An appeal from a decision of the City Planning Department City Planner may be filed by any person entitled to notice of the decision pursuant to Section 17.09.050A., by a person with standing, or by a person adversely affected or aggrieved by the decision:~~

~~— B. An appeal from a decision of the City Planning Department City Planner may only be initiated by filing a Notice of Intent to Appeal:~~

~~— C. The decision of the City Planning Department City Planner shall be final, unless a written Notice of Intent to Appeal is filed with the city recorder within 15 days of the date the decision is mailed to those persons entitled to notice pursuant to Section 17.09.050:~~

~~— D. The Notice of Intent to Appeal shall contain a copy of the application for the permit and a copy of the City Planning Department City Planner's decision:~~

~~— E. The Notice of Intent to Appeal shall state the specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the City Planning Department City Planner is not in conformance with the applicable criteria and standards set forth in Title 16 and Title 17 of the Hood River Municipal Code and the Comprehensive Plan:~~

~~— F. A Notice of Intent to Appeal shall be accompanied by the required fee as set by City Council resolution:~~

~~— G. An appeal of a decision of the City Planning Department City Planner shall be heard by the Planning Commission pursuant to the provisions of Section 17.09.050, Section 17.09.060, Section 17.09.070, and Section 17.09.080:~~

~~**17.09.050 Requirements for Quasi-Judicial Land Use Hearings:**~~

~~— A. Notice of quasi-judicial hearings before the Planning Commission or City Council shall be provided to the applicant and to record owners of property within 250 feet.~~

~~— B. The notice provided shall:~~

- ~~— 1. Explain the nature of the application and the proposed use or uses which could be authorized;~~
- ~~— 2. List the applicable criteria from the ordinance that apply to the application at issue;~~
- ~~— 3. Set forth the street address or other easily understood geographical reference to the subject property;~~

- ~~4. Include a map designating zones and boundaries of the subject and adjacent properties;~~
- ~~5. State the date, time and location of the hearing;~~
- ~~6. State that the failure of an issue to be raised at the hearing, in person or by letter, or the failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue precludes appeal to the board based on that issue;~~
- ~~7. Be mailed at least:

 - ~~a. Twenty days before the hearing; or~~
 - ~~b. If two or more hearings are allowed, ten days before the first hearing;~~~~
- ~~8. Include the name of the city representative to contact and the telephone number where additional information may be obtained;~~
- ~~9. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost at least seven (7) days prior to the hearing and copies will be provided at reasonable cost upon request;~~
- ~~10. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and that copies will be provided at reasonable cost upon request; and~~
- ~~11. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings including standing requirements;~~

~~C. Applicant shall submit all documents or evidence relied upon to the City of Hood River prior to the time notice is to be provided pursuant to Section 17.09.050 B.7.~~

~~D. Any staff report used at the hearing shall be available to the public at least seven (7) days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing upon request to the hearing body. Such a continuance shall not be subject to limitations of ORS 227.178.~~

~~E. The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given.~~

17.09.090 Appeal of Decisions of the Planning Commission.

~~A. The applicant, or any person who provided testimony, either in person or in writing, at the hearing before the Planning Commission, may appeal the decision of the Planning Commission to the City Council.~~

~~———— B. The appeal of a decision of the Planning Commission may only be initiated by filing a Notice of Intent to Appeal, as set forth in this section:~~

~~———— C. The decision of the Planning Commission shall be final, unless a written Notice of Intent to Appeal is filed with the City Recorder within 15 days from the date it was signed by the Chair, unless the City Council, on its own motion, orders a review of the decision within 15 days of the date of the recorded decision:~~

~~———— D. Every Notice of Intent to Appeal shall contain:~~

- ~~———— 1. A copy of the application or adequate reference to the matter sought to be appealed and the date of the decision of the Planning Commission;~~
- ~~———— 2. A statement that the appellant either participated in the hearing in person or in writing or that the appellant is the applicant;~~
- ~~———— 3. The specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the hearing body is not in conformance with the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance or Oregon Revised Statutes. Such issues shall be raised with sufficient specificity so as to afford the City Council an adequate opportunity to respond to each issue;~~
- ~~———— 4. The required fee as set by City Council resolution.~~

~~———— E. Hearings before the City Council shall be conducted in compliance with Sections 17.09.050, 17.09.060, 17.09.070 and 17.09.080.~~

~~———— F. The City Council's consideration of the Planning Commission's decision shall be confined to the record of the proceeding before the Planning Commission, which shall include:~~

- ~~———— 1. All materials, memorandum, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Planning Commission;~~
- ~~———— 2. All materials submitted by the City staff with respect to the application;~~
- ~~———— 3. The minutes of the hearing before the Planning Commission;~~
- ~~———— 4. The written decision of the Planning Commission;~~
- ~~———— 5. The Notice of Intent to Appeal;~~
- ~~———— 6. Oral and written argument, if any, by the hearing participants, their legal representatives or City staff, made at the time of consideration by the City Council.~~

~~— G. Evidence not contained in the record before the Planning Commission may not be presented to the City Council. In considering the appeal from the Planning Commission, the City Council need only consider those issues specifically raised by the appellant.~~

~~— H. The City Council may affirm, reverse or modify the action of the Planning Commission in full or in part. The City Council may also remand the matter back to the Planning Commission for further consideration.~~

~~— I. The City Council shall adopt a written decision that clearly states the basis for its decision within thirty (30) days of the close of the hearing. When an application is approved, the terms of approval shall be specified, including any restrictions and conditions. A proposed decision submitted by the City Planning Department City Planner or any other person may be adopted by the City Council as submitted, or as amended by the City Council.~~

17.09.080 RESUBMITTAL.

If an application request is denied by the City Planning Department City Planner or hearing body 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 denial. An application may be denied without prejudice and with a waiver of the six month restriction granted. 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 ~~variances, conditional uses, zoning map amendments~~ land use application(s), preapplication(s), and appeals shall be established by the City Council by resolution. The fees shall be paid to the City Recorder upon filing of an application. Fees may be changed by City Council resolution. (~~Ord. 1488 (part), 1980~~).

17.09.100 CRITERIA FOR APPROVAL.

The burden of proof shall be upon the applicant seeking approval. The more drastic the change or the greater the proposal or the greater the impact of the proposal in an area, the greater the burden is upon the applicant.

- A. For any application to be approved, it shall be first established that the proposal conforms to the City's Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, and the Oregon Revised Statutes, as applicable.
- B. In evaluating the proposal, consideration will be given to:
 - 1. The suitability of the subject area for the proposed type of development;
 - 2. The density of the development and the impact on adjacent property owners;
 - 3. Access;
 - 4. Public facilities;
 - 5. Trends in land development;
 - 6. The promotion of the public health, safety, general welfare, and/or the public need for the proposal; and/or
 - 7. The public need for the proposal.

17.09.110 Restrictions.

The hearing body may include restrictions and conditions as part of any approval. The purpose of the restrictions and conditions may be to:

- A. Protect the public from the potentially negative effects of the proposal;
- B. Fulfill the need for public services created or increased by the proposal; and/or
- C. Further the purposes of the Comprehensive Plan and Zoning Ordinance.

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 ordinance shall not affect the validity of the remaining sections or subsections.

17.10.020 Penalty and Abatement.

- A. Any person who violates or causes a violation of any provision of this title shall be deemed guilty of an offense, and shall be subject to punishment as prescribed in Chapter 1.12 of this code.

- B. 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. (~~Ord. 1488 (part), 1980~~).

CHAPTER 17.11 - COMPREHENSIVE PLAN

Sections:

- 17.11 010 Adoption.
- 17.11.011 Amendment of Map and Designation.

17.11.010 Adoption.

The Council of the City of Hood River hereby adopts the document entitled City of Hood River Comprehensive Plan, labeled Exhibit "A", the Background Report labeled Exhibit "B", and the Hood River Urban Growth Management Agreement, labeled Exhibit "C", for the lands within the corporate limits of the City of Hood River and the Urban Growth Area. (~~Ord. 1535-S1 (part); 1983~~).

17.11.011 Amendment of Map and Designation.

The Comprehensive Land Use map heretofore adopted is amended as follows:

- A. In the vicinity of Wells Island, in accordance with the map labelled Exhibit 2, which is adopted by reference and incorporated herein as though fully set forth. Exhibit 2 shall be on file in the Office of the City Recorder. That portion of Wells Island which is within the City limits is designated Open Space/Public Land. Exhibit 2 shall be an amendment to the Zoning Map and to the Urban Growth Boundary.
- B. To encompass the property shown on map 2 of the document entitled "Proposed Eastside Amendment to the City of Hood River Urban Growth Boundary, Background Report and Findings of Fact", as revised July 10, 1986. Said document is hereinafter referred to as Exhibit A and incorporated by reference herein as though fully set forth. Exhibit A shall be on file in the office of the City Recorder. Exhibit A shall be an amendment to the Zoning Map and to the Urban Growth Boundary.

CHAPTER 17.12 - MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS

SECTIONS:

- 17.12.010 Placement of Manufactured Homes on Individual Lots - Clear and Objective Criteria.
- 17.12.020 Additional Clear and Objective Criteria for Manufactured Homes in R-1 Zone
- 17.12.030 Mobile Home Parks - Clear and Objective Criteria.
- 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.

17.12.010 Placement of Manufactured Homes on Individual Lots - Clear and Objective Criteria.

The following standards apply to manufactured homes on individual lots or parcels in all zones where manufactured homes are a permitted use:

- A. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than twelve inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve 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 inch limitation will not apply.
- C. The manufactured home shall have a pitched roof with a slope of not less than a nominal three feet in height for each twelve feet in width.
- D. 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.
- E. 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 Clear and Objective 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 inches.
- B. Manufactured homes shall utilize at least five 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 inches, including gutters.

17.12.030 Mobile Home/Manufactured Dwelling Parks - Clear and Objective Criteria.

The following requirements apply to new, expanded, or altered mobile home parks.

- A. Parks are allowed in the R-1, R-2 and R-3 zones.
- B. Parks are not permitted in commercial or industrial zones.
- C. Minimum lot size of one acres with a maximum of two acres.
- D. No park shall be established or expanded without first receiving approval of the Planning Commission.
- E. The Planning Commission shall grant or deny approval of a park based on the following clear and objective criteria and the procedural requirements of the Review Procedures Chapter ~~Chapter 17.09, excluding Sections 17.09.070 and 17.09.080.~~
- F. 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 inch representing fifty feet. The drawing shall show the following information:

- A. Name of the property owner, the applicant, and the person who prepared the plan.
- B. Name of the mobile home park and address.
- C. Scale and north point of the plan.
- D. Vicinity map showing relationship of mobile home park to adjacent properties.
- E. Boundaries and dimensions of the mobile home park.
- F. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.
- G. Location and dimensions of each existing or proposed structure.
- H. Location and width of park streets
- I. Location and width of walkways.
- J. Location of each lighting fixture.
- K. Location of recreational areas and buildings.
- L. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.
- M. Location of point where mobile home park water system connects with the public system.
- N. Location of available fire and irrigation hydrants.
- O. Location of public telephone service for the park.

- P. 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:

- A. New structures.
- B. Water supply and sewage disposal system.
- C. Electrical systems.
- D. Road, sidewalk, and patio construction.
- E. Drainage system.
- F. 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 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 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 feet in width.
- C. **Sidewalks:** A paved public sidewalk of not less than four 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 asphaltic or concrete surfacing, according to the structural specifications established by the City Engineer.
- E. **Off-street Parking:**
 - 1. Two 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, which shall be hard surfaced. ~~not less than eight feet by eighteen feet in size and paved with an asphaltic or concrete surface.~~
 - 2. Guest parking shall also be provided in every mobile home park, based on a ratio of one parking space for each four mobile home sites. Such parking shall be paved with an asphaltic 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 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~~^{two} acre minimum and a ~~two~~^{two}-~~eight~~ acre maximum in the R-1, R-2 and R-3 zones.
2. **Density:**
 - R-1: 6 unit maximum per acre
 - R-2: 8 unit maximum per acre
 - R-3: 10 unit maximum per acre
3. **Setbacks:**
 - a. No mobile home shall be located closer than ten feet from a public dedicated street. Garages facing a public dedicated street shall be twenty feet from the property line.
 - b. No mobile home shall be located closer than ten feet from an interior park property line.
4. **Spacing:**
 - a. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of ten feet, end to end or side to side.
 - b. The distance between non-HUD approved mobile homes placed parallel to each other may be ten feet on one side, but must be at least fourteen feet on the other. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD approved mobile homes may be ten feet apart on both sides, but must be at least fourteen feet apart for half their length. See Attachment "B".
 - c. Adjacent mobile homes in all parks must be placed at least fourteen 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 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 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.

ATTACHMENT "B"
FOR CHAPTER 17.12

CHAPTER 17.13 - SIGN REGULATIONS

SECTIONS:

- ~~17.13.010~~ Title
- 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

~~17.13.010 Title~~

~~These regulations shall be known as the Sign Ordinance and may be cited as such and will be referred to herein as "this ordinance" or "this code".~~

17.13.020 Purpose and Scope

1. This ordinance provides reasonable and necessary regulations for the erection and maintenance of signs in order to:
 - A. Maintain a balance between the need to identify buildings and activities and the negative impact on community image created by visual clutter;
 - B. Protect the public health and safety;
 - C. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City; and
 - D. Prevent the interference of signage regulated herein with official traffic signs or signals.
2. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
3. 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.

4. It is not the purpose of this ordinance to regulate signs which 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, altered, except as provided by this code and after a permit for the same has been issued by the City Building Official. 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 Building Official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign 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 Building Official.

17.13.050 Measurement:

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

- A. **AREA OF FACE:** "False fronts" and mansard roofs will be excluded when calculating the area of the primary face.
- B. **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.
- C. **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.
- D. **ROOF LINE:** The ridge on a gable, ~~or~~ peaked roof or; the parapet or fascia of a flat roof. A mansard roof is considered ~~as~~ a gable roof for the purposes of this definition.
- E. **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.
- F. ~~VEHICLE CLEARANCE:~~ ~~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 ten~~

~~(10) feet back from their intersection. This vehicle clearance area shall provide an area of unobstructed vision.~~

- G. **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.

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 reinspected 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 which 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 (8) percent of the building face, occupied by that entity, including windows.

- b. A sign constructed on a second building face of a entity shall not exceed four (4) percent 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 (8) percent of that building face. If a third sign is placed on the third face, it shall not exceed four (4) percent 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 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 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 be set back at least five (5) feet from all property lines in addition to~~ the vision clearance and vehicle clearance requirements.
5. **PROJECTING SIGNS:** A projecting sign shall not exceed 32 total square feet.
6. **ROOF SIGNS:** No sign shall extend above the roof line ~~at the wall 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 90 days.
 - b. Temporary signs shall not exceed 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 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. NON-RESIDENTIAL USES: Hospitals, schools, churches and other institutional uses:

- a. Size: Maximum 24 square feet in size.
- b. Number: One (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totalling 24 square feet in size.

5. TEMPORARY SIGNS:

- a. Temporary signs shall be limited to one (1) per parcel for up to 90 days.
- b. Temporary signs shall not exceed 12 square feet in size.

C. OPEN SPACE/PUBLIC FACILITIES ZONE:

- a. Two (2) signs for each site or facility shall be allowed.
- b. Each sign shall not exceed 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 (C-2).

And:

That land zoned Light Industrial within the following described boundaries:

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 100 square feet per face and shall not have more than two (2) faces.
5. Height: The sign shall not exceed 45 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:

- A. **CHANGE OF OWNERSHIP:** A change of sign ownership requires compliance with this ordinance.
- B. **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.
- C. **BANNERS:** Banners attached to the City of Hood River's classic light poles
- D. **MEMORIAL TABLETS OR SIGNS:** Signs carved into a building or which are a part of materials which are an integral part of the building.
- E. **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:

- A. **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 pulsations or by action of normal wind currents, excepting clocks, barber poles, public service information signs and time or temperature signs.
- B. **PORTABLE SIGNS:** Portable or bench signs, excluding sandwich boards located on private property.
- C. **POLE AND TREE SIGNS:** Signs placed on, painted on, or affixed to any utility pole or tree.
- D. **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.
- E. ~~**ROOF SIGNS.**~~
- F. **CAR SIGNS:** A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is and placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.

- G. **FLAGS AND BANNERS:** Flags, banners, and objects designed to move with the wind which are located on a roof or project above a roof by more than 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 Chapter 17.09 of the Hood River Municipal Code upon submission of an application for recognition as a non-conforming exceptional sign. The Planning Commission may recognize exceptional non-conforming signs when the following three (3) criteria are met:

- A. **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; and
- B. **ASSET.** The sign structure is recognized as a special feature in the city, and a visual or historic asset; and
- C. **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. Non-conforming signs are those signs lawfully installed prior to the effective date of this ordinance, which 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 occur. Repair of a part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of its non-conforming status provided that there are no other changes to the sign or sign structure. (~~Ord. 1677, January 25, 1993~~)
- 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.
- D. Nonconforming signs lawfully located within the City of Hood River commercial or industrial zone on the effective date of this ordinance which 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 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 at the same date compliance would have been required if the annexed property had been located within the City of Hood River on the effective date of this ordinance, or within one (1) year of annexation, whichever is later.

17.13.150 Variance:

Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of ~~Section 17.05.040 to 17.05.080~~, the Variances section of this Zoning Ordinance.

17.13.160 Penalties:

Failure to comply with this ordinance shall constitute a violation of these regulations and will be subject to the penalty and abatement proceedings in the Severability – Penalties chapter prescribed under Chapter 17.10 of the Hood River Municipal Code.

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.

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	Interim Protection
17.14.140	Appeals
17.14.150	Penalties/Enforcement

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. (~~Ord. 1697, 1994~~)

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;
- (2) To all properties in Historic Districts, designated either locally or nationally. (~~Ord. 1697, 1994~~)

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.
- (7) Carry out the provisions of the State's Land Use Planning Goal 5. (~~Ord. 1697, 1994~~)

17.14.030 Definitions.

As used in the article, unless context requires otherwise.

- (1) Alteration: To remove, add to, or otherwise change the physical appearance of any part or portion of the EXTERIOR of a historic landmark.
- (2) Architectural Significance: The term shall mean 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 which represent a significant innovation.
- (3) Demolish: 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.
- (4) District: 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.
- ~~(5) ESEE Analysis: An analysis of the economic, social, environmental, and energy consequences that designation of the historic resource would have on identifiable conflicting uses permitted under the zoning ordinance.~~
- (6) Exterior: All outside features of a historic landmark, individually or within a historic district.
- (7) Historic Landmark: -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.

- (8) Historic Significance: 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.
- (9) Landmarks Board: "Landmarks Board" shall mean the Hood River Landmarks Review Board.
- (10) Matching or Like Materials: Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.
- (11) Rehabilitation: 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.
- (12) Restoration: 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. (~~Ord. 1697, 1994~~)

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. (~~Ord. 1697, 1994~~)

17.14.050 Composition.

The Landmarks Board shall be composed of seven members who shall be appointed by the City Council. Four members shall live within the city of Hood River. 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 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 vote. Members of the Landmarks Board shall serve without compensation. (~~Ord. 1697, 1994~~)

17.14.060 Terms.

The term of each member of the Landmarks Board shall be three years, with the exception of the initial appointment of the full Landmarks Board which shall be as follows: three initial members shall be appointed to three year terms, three initial members shall be appointed to two year terms and one member appointed to a one year term. Members may be reappointed or removed at the discretion of the City Council. A vacancy on the Board shall be filled by the City Council for the unexpired term. 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 year. (~~Ord. 1697, 1994~~)

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 ~~Section 17.14.080.~~
- (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) which a historic landmark is located.
- (5) Review and render decisions on all proposed demolition's within a designated historic district or on properties which 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 and 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 ~~or~~ districts or historic resources;
 - (d) Make recommendations to the City Council for historic ~~resource~~ preservation programs and incentives, to help preserve designated landmarks or districts.
 - (f) Periodically review and make recommendations for updating the inventory;

- (9) Establish and adopt rules and policies for conducting the business of the Landmarks Board. ~~(Ord. 1697, 1994)~~

17.14.080 DESIGNATION OF HISTORIC LANDMARKS OR DISTRICTS

(1) **Purpose.** The designation of historic landmarks/districts allows the City to formally recognize and protect historic landmarks/districts. Designated historic landmarks—~~identify district/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. ~~(Ord. 1697, 1994)~~

(2) **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. ~~(Ord. 1697, 1994)~~

(3) **Procedure.** Requests for designation of historic landmarks ~~and/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. ~~(Ord. 1697, 1994)~~

(4) **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. ~~(Ord. 1697, 1994)~~

(5) **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 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;
 - (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) It 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;
 - (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 ~~landmark~~historic landmark/district;
- (a) Is fifty 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;
 - (c) Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period;
(Ord. 1697, 1994)

(6) **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 ~~then consider the probable economic, social, environmental, and energy (ESEE) consequences that designation of the resource would have on the identifiable conflicting uses permitted under the Zoning Ordinance. The identification of conflicting uses and consideration of ESEE consequences shall follow the provisions of Statewide Land Use Planning Goal 5 (as described in OAR 660-16 et. seq.).~~

~~If the Landmarks Board acts to 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. (Ord. 1697, 1994)~~

(7) **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. (~~Ord. 1697, 1994~~)

17.14.090 REMOVAL OF HISTORIC LANDMARK DESIGNATION

(1) **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. (~~Ord. 1697, 1994~~)

(2) **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. (~~Ord. 1697, 1994~~)

(3) **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. (~~Ord. 1697, 1994~~)

(4) **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. (~~Ord. 1697, 1994~~)

(5) **Review Criteria.** The Landmarks Board shall evaluate the request for removal of the ~~landmark~~ 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 district parcel. In order to approve an application it must be found that at least one of the following has occurred since the site was listed as a historic landmark/district:

(1) Significance of the ~~resource or~~ 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 ~~resource or~~ historic landmark/district has been substantially reduced or diminished according the review criteria established in Section 17.14.080 (5). (~~Ord. 1697, 1994~~)

(6) **Exceptions.** The Planning Director shall delete any demolished or removed ~~landmark~~ historic landmark/district from the official Inventory through an administrative review if the property is damaged in excess of 70 percent of its previous value due to vandalism, fire, flood, wind, earthquake or other natural disasters. (~~Ord. 1697, 1994~~)

17.14.100 REVIEW OF EXTERIOR ALTERATIONS

(1) **Purpose.** The purpose of reviewing alterations to historic landmarks or landmark within a district, is to encourage the preservation of characteristics which led to designation as a historic landmark. (~~Ord. 1697, 1994~~)

(2) **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. (~~Ord. 1697, 1994~~)

(3) **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 ministerial administrative review~~action~~. The following are considered "minor" alterations:

- a) 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;
- b) 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;
- c) 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;
- d) Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames;
- e) Replacement of existing sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident;
- f) Repair and/or replacement of roof material with the same kind of roof material existing, or with materials which are in character with those of the original roof;
- g) Replacement or construction of fencing according to the established fence design written guidelines. (Attachment "DB"). (~~Ord. 1697, 1994~~)
- h) Other minor alterations, such as awning replacement or installation, specified by the Landmarks Board.

(4) **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;
- (3) Existing materials replaced in-kind for historic landmark because of damage or decay of materials; ~~(Ord. 1697, 1994)~~

(5) **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. ~~(Ord. 1697, 1994)~~

(6) **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. ~~(Ord. 1697, 1994)~~

(7) **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" (Attachment "C").
- (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" (Attachment "C").
- (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 structure in a Historic District or of the landmark historic landmark, individually or within a district;

- (b) The Uniform Building Code, as adopted and amended by the State of Oregon, with particular reference to ~~section 104(f)-designated~~ Historic Buildings and Section 3110 relating to ADA and historic buildings, or related sections;
- (c) Other applicable state and local codes and ordinances relating to the building, fire, health and safety; (~~Ord. 1697, 1994~~)

(8) **Conditions of Approval.** The Landmarks Board shall either 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. (~~Ord. 1697, 1994~~)

(9) **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. (~~Ord. 1697, 1994~~)

17.14.110 REVIEW OF NEW CONSTRUCTION

(1) **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. (~~Ord. 1697, 1994~~)

(2) **Initiation.** The process for applying for new construction may be initiated by the property owner or authorized agent, upon submittal of a complete application. (~~Ord. 1697, 1994~~)

(3) **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. (~~Ord. 1697, 1994~~)

(4) **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. (~~Ord. 1697, 1994~~)

(5) **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. (~~Ord. 1697, 1994~~)

(6) **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. (~~Ord. 1697, 1994~~)

(7) **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 site 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" (Attachment "C");

- (2) The location and orientation of the new construction on the site parcel is consistent with the typical location and orientation of similar structures on the site 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" (Attachment "C"). (~~Ord. 1697, 1994~~)

(8) **Conditions of Approval.** In approving applications for new construction, the Landmarks Board may attach conditions which are appropriate for the preservation of the historic or architectural integrity of the ~~district or landmark~~ historic landmark/district. All conditions must relate to review criteria. (~~Ord. 1697, 1994~~)

(9) **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. (~~Ord. 1697, 1994~~)

17.14.120 PROCEDURE FOR DEMOLITION OR MOVING OF A HISTORIC LANDMARK

(1) **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. (~~Ord. 1697, 1994~~)

(2) **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. (~~Ord. 1697, 1994~~)

(3) **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 ~~historic~~ district. (~~Ord. 1697, 1994~~)

(4) **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. (~~Ord. 1697, 1994~~)

(5) **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. (~~Ord. 1697, 1994~~)

(6) **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 or 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, 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 ~~landmarks or buildings~~ historic landmarks, individually or within the district and its 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 ~~and/or~~ district which cause it to possess a special character or special historical or aesthetic interest or value;
- (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.
(Ord. 1697, 1994)

(7) **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 which could be carried out to prevent demolition or removal of the ~~landmark~~ 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;
 - (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 ~~resource~~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 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 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 60-day period;
 - (c) Prepare and make available any information related to the history of the historic landmark;
 - (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;

- (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. (~~Ord. 1697, 1994~~)

(8) **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 70 percent 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. (~~Ord. 1697, 1994~~)

~~17.14.130 Interim Protection.~~

~~This provision is intended to provide interim demolition protection measures for historic resources listed in the "Hood River Cultural Resource Inventory" that have not been designated as Historic Landmarks. Resources in the Inventory, individually or within a district. Historic resources in the Inventory, classified as Primary or Secondary resources, that have not been designated are subject to provisions set forth in Section 17.14.120 of this chapter relating to the procedure for demolition/moving historic landmarks, individually or within a district. After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks, the Interim Protection Measures shall cease. (~~Ord. 1697, 1994~~)~~

~~17.14.140 Appeals.~~

~~A final written decision of the Landmarks Board may be appealed by any person with standing as defined in 17.09.010 of the Hood River Municipal Code to the City Council. The appeal shall be in writing and shall be filed within twenty days of the date of the written decision of the Landmarks Board.~~

~~The filing of a written appeal with the City Council shall stay any action relating to the subject property until a decision of the City Council. Any appeal of a decision of the Landmarks Board shall be in writing and shall specifically state the grounds for the appeal. The Hood River City Council shall conduct a quasi-judicial hearing to consider the appeal within ninety days of the date the appeal is filed. The decision of the council shall be considered a land use decision. (~~Ord. 1697, 1994~~) Final decisions by the Landmarks board may be appealed, per the provisions of the Appeal Procedure in Review Procedures.~~

~~17.14.150 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. (~~Ord. 1697, 1994~~)~~

ATTACHMENT C

The Secretary of the 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 preserved.
- (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 Statute 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.

Attachment D Cultural Resources Inventory

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	Factors To Be Taken Into Consideration When Determining Fiscal Impact
17.15.080	Factors To Be Taken Into Consideration When Determining 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:

- A. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;
- B. 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;
- C. 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;
- D. 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.

~~(Ord. 1719, 1995)~~

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:

- A. 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 be indicated also.
- B. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.
- C. Completed certifications of property ownership, registered voter status and map and legal description. ~~(Ord. 1719, 1995)~~

17.15.030 Filing Fees:

Fees for filing for annexation requests shall be set by City Council resolution.

17.15.040 Planning Commission Review.

Within 30 days of receipt of the completed application, the Planning Commission shall review the application and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *quasi-judicial hearing procedures* of the Municipal Code (~~17.09.050 - 17.09.080~~). (~~Ord. 1719, 1995~~)

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:

- A. The territory is contiguous to the city limits and within the Urban Growth Area;
- B. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
- D. 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;
- E. The fiscal impact of the annexation is favorable, as determined by the City of Hood River because of existing development.
- F. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
- G. The annexation conforms with the Comprehensive Plan.
(~~Ord. 1719, 1995~~)

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:

- A. The territory is contiguous to the city limits and within the Urban Growth Area;
- B. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
- C. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
- D. 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;

- E. 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;
- F. 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;
- G. If the criteria in 17.15.060 (F) 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;
- H. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
- I. The annexation conforms with the Comprehensive Plan;
(~~Ord. 1719, 1995~~)

17.15.070 Factors To Be Taken Into Consideration When Determining 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:

- A. The additional revenues, if any, available to the City as a result of the annexation.
- B. Whether any unusual or excessive costs will be incurred as a result of the annexation.
- C. The impact on the City's tax base, if any, as a result of the annexation. (~~Ord. 1719, 1995~~)

17.15.080 Factors To Be Taken Into Consideration When Determining Urban Services 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. (~~Ord. 1719, 1995~~)

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/city planner shall provide a staff report addressing the above criteria. (~~Ord. 1719, 1995~~)

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.
- B. Exemptions from Site Plan Review are as follows:-
 - 1. Any activities which 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 which does not exceed ~~ten~~five percent of the structure's total cost or fair market value or \$75,000, whichever is ~~less~~higher, 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. Preapplication conference with city staff.

1. To assist in permit processing, an applicant for a site plan review permit shall meet with the city staff at a required preapplication conference.
- B. An applicant may submit an application for a site plan review permit at any time after completion of a required preapplication conference. The applicant shall submit a complete application as specified in Submittal Requirements of this chapter listed below.
- C. Application Review.
 1. A site plan review application for minor projects may be reviewed by city staff, as determined by the director. The final decision on an application is made by the director. Administrative site plan review will require an additional noticing requirement. The notice of application shall be published in the local newspaper of record.
 - 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 and make a recommendation to the director.
 - b. The director will make the final decision based on the following:
 - i. The recommendation of the city staff,
 - ii. Consideration of any public comments received; and
 - iii. The decision criteria in this chapter.
 2. 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.
 - a. The director shall forward a completed application to city staff.
 - b. City staff shall consider the application and make recommendation to the director.
 - c. The director shall review the staff recommendation and determine the major issues and specific aspects of the project which the planning commission should review.
 - d. The planning commission shall review the application in relationship to staff recommendations. The planning commission shall consider the application at a public meeting.
 - e. The Planning Commission will make the final decision based on the following:
 - i. The recommendation of city staff;
 - ii. Consideration of any public comments received;
 - iii. The decision criteria in this chapter.

17.16.030 Submittal requirements.

- A. The site plan shall be drawn to scale and indicate 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;
 4. Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns;
 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 inches in diameter when measured four feet above the ground and an indication of which trees are to be removed;
 10. Contours mapped at 2 foot intervals. (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 which will assist in the evaluation of site development; and
 19. A statement of operations shall accompany the site plan. 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:

1. **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, 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.
2. **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.
3. **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.
4. **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.
5. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).
 - a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
 - b. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

- c. The desired level of service on streets and intersections serving the proposed use is level C or better, as established in Highway Capacity Manual of the Highway Research Board.
 - d. Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.
 - e. If the City Engineer determines that it is unreasonable to require level C or better, a level of service worse than C may be allowed.
 - f. If the City Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.
 - g. 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 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.
6. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
 7. **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.
 8. **Compatibility:** The height, bulk and scale of buildings shall be compatible with the site and buildings in the surrounding area ~~vicinity, whenever practical.~~ Use of materials should promote harmony with surrounding structures and sites.
 9. **Design:** Variety of detail, form and siting should be used to provide visual interest. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms or other architectural elements. A single uninterrupted length of facade shall not exceed 100 feet. Monotony of design in single or multiple projects shall be avoided. ~~Variety of detail, form and siting should be used to provide visual interest.~~
 10. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible. ~~whenever practical.~~
 11. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible. ~~practical.~~

7.16.050 Multi-Family and Group Residential Decision Criteria:

1. **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, 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.

2. **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.

3. **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.

4. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).
 - a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.

 - b. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

 - c. The desired level of service on streets and intersections serving the proposed use is level C or better, as established in Highway Capacity Manual of the Highway Research Board.

 - d. Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use),

development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.

e. If the City Engineer determines that it is unreasonable to require level C or better, a level of service worse than C may be allowed.

f. If the City Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.

f. 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 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. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

6. **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.

7. **Design:** Variety of detail, form and siting should be used to provide visual interest. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms or other architectural elements. A single uninterrupted length of facade shall not exceed 100 feet.

8. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

9. **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:

A. 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, location of public amenities, but do not entail changes to the intensity or character of the use.

- B. ~~Major adjustments other than minor 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 years from the written notice of the final decision, or the decision on an appeal, whichever is later.
- B. A single one-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 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* of this Ordinance.

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 Landscaping and Development Standards for the Entrances to the City of Hood River
- 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 4 spaces or more, public facilities and conditional uses.
- B. 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 expands, e.g. if the building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance. (~~Ord. 1688, 1994~~)

17.17.020 Procedure.

A landscaping plan shall be submitted to the planning director at the time of application ~~for a building permit, conditional use permit, or site plan review for all new multifamily, commercial, industrial uses, including change of use, and parking lots of 4 spaces or more.~~

- A. 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, conditional use permit, or site plan review shall not be issued until a 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. (~~Ord. 1688, 1994~~)

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:

- A. Survive in the climate and soils of the proposed site;

- B. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening and shade within a reasonable time. (Ord. 1688, 1994)

17.017.040 General Landscaping Standards.

The following landscaping standards shall apply: ~~to all new multi-family, commercial and industrial uses, including change of use, and parking lots of 4 or more spaces.~~

- A. The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.
- B. 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.
- C. 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.
- D. Plants that minimize upkeep and maintenance shall be selected.
- E. Plants shall complement or supplement surrounding natural vegetation and fit the climate.
- F. Plants chosen shall be in scale with building development.
- G. Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE/USE</u>	<u>PERCENT</u>
*Central Business District (excluding parking lots)	5%
Commercial	15%
<u>Conditional Uses:</u>	<u>15%</u>
<u>if a CUP in a residential zone</u>	<u>20%</u>
**The Heights Business District (excluding parking lots)	5%
Industrial	<u>10%</u>
Multifamily	20%
Parking lots	Requirement of base zone
Public Facilities	15%

The Central Business District and The Heights Business District as defined in this title.

- H. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of 1-1/2 inches and be adequately staked for planting.

- I. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
- J. Shrubs shall be a minimum 18 inches in height and spaced not more than four (4) feet apart for planting.
- K. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum 18 inches on center between plants and rows.
- L. 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.
- M. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
- N. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location should be positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.
- O. Trees shall not be planted closer than 2-1/2 feet from the face of the curb except at intersections, where it should be 5 feet from the curb in a curb return area.
- P. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
- Q. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 4 feet by 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.
- R. Trees, as they grow, shall be pruned to their natural form to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.
- S. 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.
- T. Vision clearance hazards shall be avoided. (~~Ord. 1688, 1994~~)
- U. City or State right-of-way(s) can not be used to satisfy the required landscaping requirement.

17.017.050 Landscaping and Development Standards for the Entrances to the City of Hood River.

- A. The following standards will be required for new commercial, multi-family, industrial uses, including change of use, and parking lots of 4 spaces or more on properties within the designated entrances to the City of Hood River.
- B. 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 25%, then 25% of the site must be brought up to the standards required by this ordinance.

1. **Entrances.**

- a. 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.
- b. 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.
- c. 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.
- d. 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. (~~Ord. 1688, 1994~~)

2. **Standards.**

- a. A 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.
- b. Street trees shall be placed at the rate of one tree for every 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 prescribed under Chapter 17.10 of the Hood River Municipal Code. (~~Ord. 1688, 1994~~)

CHAPTER 17.05 -- EXCEPTIONS AND VARIANCES

SECTIONS

- ~~17.05.010~~ Non-conforming Uses.
- ~~17.05.020~~ General Exceptions to Building Height Limitations.
- ~~17.05.030~~ Projections from Buildings.
- ~~17.05.040~~ Authorization to Grant or Deny Variances.
- ~~17.05.050~~ Circumstances for Granting a Variance.
- ~~17.05.060~~ Procedure for Taking Action on a Variance Application.
- ~~17.05.070~~ Time Limit on a Permit for a Variance.
- ~~17.05.080~~ Limitation on Reapplications.

~~17.05.010 Non-conforming Uses.~~

~~A. A non-conforming use or structure existing as of the effective date of the ordinance codified in this title may be continued but may not be substantially altered or expanded. The expansion of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time of passage of the ordinance codified in this title is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms which respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this title.~~

~~B. If a non-conforming use is discontinued for a period of one (1) year, further use of the property shall conform to this title.~~

~~C. If a non-conforming use is replaced by another use, the new use shall conform to this title.~~

~~D. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of the structure's fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this title.~~

~~E. Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of the ordinance codified in this title, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time the permit is issued. (Ord. 1488 (part), 1980).~~

~~**17.05.020 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. (Ord. 1488 (part), 1980).~~

~~**17.05.030 Projections from Buildings.** Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than six (6) inches into a required setback. (Ord. 1488 (part), 1980).~~

~~17.05.040 Authorization to Grant or Deny Variances.~~ The Planning Commission may authorize a variance from the requirements of this title where it can be shown that owing to special and unusual circumstances related to a specific lot area or permitted use, strict application of the title would be inappropriate or cause hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this title. (Ord. 1488 (part), 1980).

~~17.05.050 Circumstances for Granting a Variance.~~ A variance may be granted in accordance with all the following criteria:

~~——— A. Exceptional or extraordinary circumstances apply to the property which do not apply to most properties in the same zone or vicinity, and result from lot size or shape, topography, an existing structure, or other circumstances over which the owners of property since enactment of the ordinance codified in this title have had no control.~~

~~——— B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of the other property in the same zone or vicinity possess.~~

~~——— C. The variance would not be materially detrimental to the purposes of this title, nor to property in the same zone or vicinity in which the property is located.~~

~~——— D. The variance requested is the minimum variance which would alleviate the hardship.~~ (Ord. 1488 (part), 1980):

~~17.05.060 Procedure for Taking Action on a Variance Application.~~ The procedure for taking action on a variance application shall be as follows:

~~——— A. The property owner may initiate a request for a variance by filing an application with the Planning Director, using forms prescribed pursuant to Section 17.09.030.~~

~~——— B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in Section 17.09.010.~~ (Ord. 1488 (part), 1980):

~~17.05.070 Time Limit on a Permit for a Variance.~~ Authorization of a variance shall be void within one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for additional periods, on request for good cause shown. (Ord. 1488 (part), 1980):

~~17.05.080 Limitation on Reapplications.~~ No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. (Ord. 1488 (part), 1980):

17.18 VARIANCES

SECTIONS:

<u>17.18.010</u>	<u>Variances - Purpose</u>
<u>17.18.020</u>	<u>Procedure</u>
<u>17.18.030</u>	<u>Criteria for Granting a Variance</u>
<u>17.18.040</u>	<u>Time Limits</u>
<u>17.18.050</u>	<u>Limitation of Reapplication</u>

17.18.010 Variances - 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 on a variance application shall be as follows:

- A. 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* in the Conditional Use chapter.
- B. 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*.

17.18.030 Criteria for Granting a Variance

The application shall include a statement and evidence showing that all of the following criteria are met:

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 years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one-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 30 days prior to the expiration of the permit.

~~Authorization of a variance shall be void within one (1) year unless substantial construction has taken place. However, the Planning Commission may extend authorization for additional periods, on requests for good cause shown.~~

17.18.050 Limitation on Reapplications

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.

17.19. TOWNHOUSES

SECTIONS:

<u>17.19.010</u>	<u>Applicable Zones</u>
<u>17.19.020</u>	<u>Criteria</u>
<u>17.19.030</u>	<u>Townhouse Conversion Process</u>

17.19.10 Applicable Zones

Townhouses are permitted in the following zones:

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

17.19.20 ~~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 townhouses.
3. The townhouse project shall have a lot size of not less than 2,100 square feet per 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 12 feet of paved area with 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, see vision clearance standards.
9. Each unit shall provide a minimum average size of 6 feet by 12 feet of private outside open area (patio/deck/lawn).
10. 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 5000 square foot parcel or to the size of the parcel prior to the townhouse project.

11. 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.

12. The side yard setback for the common wall on a townhouse is reduced to zero.

17.19.030 Townhouse conversion process.

A townhouse conversions shall be processed as a minor partition, pursuant to the provisions of the minor partitions section of Title 16.

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