

## **ORDINANCE NO. 1953**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Elan Holdings, LLC.)**

**WHEREAS**, the owner of certain property contiguous to the City limits located in the Urban Growth Area has applied for connection to the City's sewer system, a copy of which application is attached as Exhibit A;

**WHEREAS**, the property is legally described as set forth in the application and is located in Hood River County, State of Oregon (3N 10E 34A#1804);

**WHEREAS**, pursuant to HRMC Chapter 12.09, a request for connection to City water and/or sewer service for property located contiguous to City limits is considered a written consent to annexation;

**WHEREAS**, all of the Property owners provided their written consent to this annexation. There is one elector on the property who also provided written consent. This annexation was processed pursuant to ORS 222.125;

**WHEREAS**, the Property is located within the Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District and ORS Chapter 222 provides for the withdrawal of territories from districts such as the Westside Rural Fire Protection District, Farmers Irrigation District, and Ice Fountain Water District upon annexation;

**WHEREAS**, notice of the public hearing on the questions of annexation and withdrawal was published and posted as provided in ORS Chapter 222;

**WHEREAS**, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed annexation;

**WHEREAS**, the Council concluded that the territory sought to be annexed should remain within the Farmers Irrigation District upon annexation;

**WHEREAS**, the City has the authority, within constitutional and statutory limits, to set the property tax rate at which annexed territories should be taxed;

**WHEREAS**, the Planning Commission and the City Council have, in accordance with the procedures set forth in Chapter 17.15 of the Hood River Municipal Code, held public hearings (May 19, 2008, and June 9, 2008, respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from West Side Fire District;

**WHEREAS**, the City Council considered the Planning Commission's record and recommendation, the Planning Department's Staff Report, and testimony presented, if any;

**WHEREAS**, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed June 2, 2008, attached to this Ordinance and incorporated by reference as if fully set forth herein;


NOW, THEREFORE, the City of Hood River ordains as follows:

1. The Property described above is hereby proclaimed to be annexed to the City of Hood River.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and from the Ice Fountain Water District.
3. The effective date of the annexation is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective. The effective date for the withdrawal of the territory from the Ice Fountain Water District will be July 1, 2009.

Read for the first time: June 9, 2008.

Read for the second time and passed: June 23, 2008, to become effective thirty (30) days hence.

Signed June 23<sup>rd</sup>, 2008.

  
Linda Streich, Mayor

ATTEST:

  
Jennifer McKenzie, City Recorder

**CITY OF HOOD RIVER APPLICATION  
ANNEXATION REQUEST and REQUEST for CONNECTION to CITY of  
HOOD RIVER SEWER and/or WATER SERVICE**  
PLANNING DEPARTMENT

Submit the completed application **WITH TWELVE (12) ADDITION** and appropriate fees to the City of Hood River Planning Department (Box 27), Hood River, OR 97031. Please note the review criteria attached. If you have any questions, please contact the Planning Department at (541) 338-2222.

**EXHIBIT A  
ORDINANCE #1953**

**APPLICANT:**

Name: Pathfinder Development Group Inc.  
Address: 3345 Cascade Ave  
(physical) Hood River OR 97031  
(mailing) PO 224  
Hood River OR 97031  
(email) eric@pathfinderhr.com  
Telephone: 541.490.1747 Cell Phone: 541.490.9509  
Signature: Eric M. [Signature]

**PARCEL OWNER:** (if different than applicant)

Name: Rael Isacowitz / Adelle Isacowitz  
Address: 3895 May St  
(mailing) Hood River OR 97031  
Telephone: 541.386.5161 Cell Phone: \_\_\_\_\_  
Signature: [Signature] Adelle Isacowitz  
*\*Authorization of parcel owner required*

**PARCEL INFORMATION:**

Township 3N Range 10E Section 34A Tax Lot(s) 1804  
Current Zoning: R1 Parcel Size: 2.08 AC  
Property Location (cross streets or address): South of May St east of Frankton  
Existing Water Service, if any: Ice Fountain  
Farmers Irrigation:  YES  NO Septic:  YES  NO  
Is this a health hazard request for sewer connection?  YES  NO  
If yes, Explain: City Council Packet

**ADDITIONAL PARCEL INFORMATION**

Please submit the following information with your completed application:

- ✓ 1. Assessor map (tax lot map) showing the location of your parcel.
- ✓ 2. For contiguous parcels, a copy of the most recent deed to your property with complete legal description.
- \* 3. Addresses of all dwellings and/or businesses located on the parcel and names, addresses, and ages of all residents and whether they are registered voters.

**REQUEST**

Sewer Service   X                        Water Service \_\_\_\_\_

In connection with this request to hook up to and receive water and/or sewer service from the City of Hood River, I/we hereby petition the Honorable Mayor and City Council of Hood River for annexation of the above-described property. I/we further desire that by this petition, the above-described property be annexed to and included within the corporate limits of the city of Hood river, Oregon, a municipal corporation, and I/we do hereby consent to such annexation without the necessity of any election being called within the area above described or a public hearing being held pursuant to ORS 222.125, and I/we do hereby consent to the City of Hood River taking such steps a necessary to determine whether or not the above-described property shall be annexed.

If the City determines that the above-described property is to be annexed, at least 51% of the electors residing on the property will be required to sign a Consent to Annexation in order to complete the annexation process.

If the City determines that the above-described property will not be annexed at this time, the property owner(s) will be required to execute and record a Consent to Annexation prior to connection to city water and/or sewer.

Eric M. Stehnel  
Signature

- \* 3895 May St, Hood River OR 97031
- Rael Isacowitz, 52, NO
- Adelle Isacowitz, 47, YES



March 21, 2008

To: Kevin Liburdy, City of Hood River

From: Scott Keillor, AICP

**Re: Annexation Request for 3N-10E-34A, Tax Lot 1804, Elan Holdings, LLC**

Kevin,

Below are summary findings in support of the above annexation request. The subject property is located at 3895 May Street, adjacent west of the Willow Pond Subdivision and adjoining the City Limits. Please also refer to attached deed and Annexation exhibit.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.

**Response:** The attached annexation exhibit includes the required drawing elements. The scaled and dimensioned exhibit shows the 2.08-acre site is adjacent to the western City Limits along a majority of its east boundary. The proposed use is residential, consistent with surrounding zoning and uses. The specific existing zone is County Low Density Residential, R-1 and is proposed as a City R-1 zone upon annexation. The proposed density is 2.9 units per acre, pending approval of a concurrent 6-lot subdivision. The exhibit includes adjacent lands and City and County zoning designations as required.

2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.

**Response:** This memo provides the required statement.

3. Completed certifications of property ownership, registered voter status, map, and legal description.

**Response:** Attached is the property deed showing the present owner is Elan Holdings, LLC (the LLC members are Rael and Adelle Isacowitz). Because this is an owner initiated, single parcel annexation request, the request for voter status appears unnecessary – please advise



if this information is essential. The legal description for the property is map 3N-10E-34A, Tax Lot 1804.

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

**Response:** The required filing fee is being submitted with this request.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the Quasi-Judicial Hearing Procedures or Legislative Hearing Procedures (Chapter 17.09), whichever is applicable.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

**Response:** The subject property is located adjacent west of the existing City Limits, adjoining Willow Pond. The annexation represents an extension of the City boundary to accommodate new housing and City services.

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**Response:** A concurrent subdivision application is being submitted to the City. It includes preliminary utility plans that indicate the area can be served by a rational extension of services and roads. All needed City services are available to serve this site. Due to its location on May Street adjacent to the City Limits, there appears to be no reason a negative impact to the service area would result from serving the subject property. The imposition of service will be compensated through newly created public and private improvements, and associated tax revenue to the City.



5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;
6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;

**Response:** The applicant is certain the City will find the annexation favorable, given the pending 6-lot subdivision, with its associated public and private improvements and related tax revenues. The annexation addresses housing growth within the Urban Area, and under the City/County UGA agreement, the City's land use code applies to the parcel. Because the City is the most appropriate review body, concurrent annexation is proposed. This allows the City to control the proposed development and related infrastructure development.

7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;
8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
9. The annexation conforms to the Comprehensive Plan.

**Response:** The proposal is consistent with adjacent development and will not negatively impact nearby properties. Because the area is designated as Low Density Residential and is located within the UGA, the annexation request will facilitate the natural extension of urban services to serve urban expansion – the proposal is therefore consistent with the City's Comprehensive Plan.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and
3. The impact on the City's tax base, if any, as a result of the annexation.

**Response:** The applicant understands that City staff will conduct a fiscal analysis of the proposed annexation. In general terms, the annexation will facilitate development of a 6-lot subdivision. One of the proposed lots will retain an existing resident. The remaining four lots will add considerable tax revenues and enterprise funds (water and sewer hook-ups) to the City. No unusual or excessive costs are anticipated because City utilities are immediately adjacent in May Street, and will be built to City Standards with access direct from May Street. The proposal will result in an expansion of the City's tax base.



17.15.080 Evaluation Criteria – Urban Service Capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

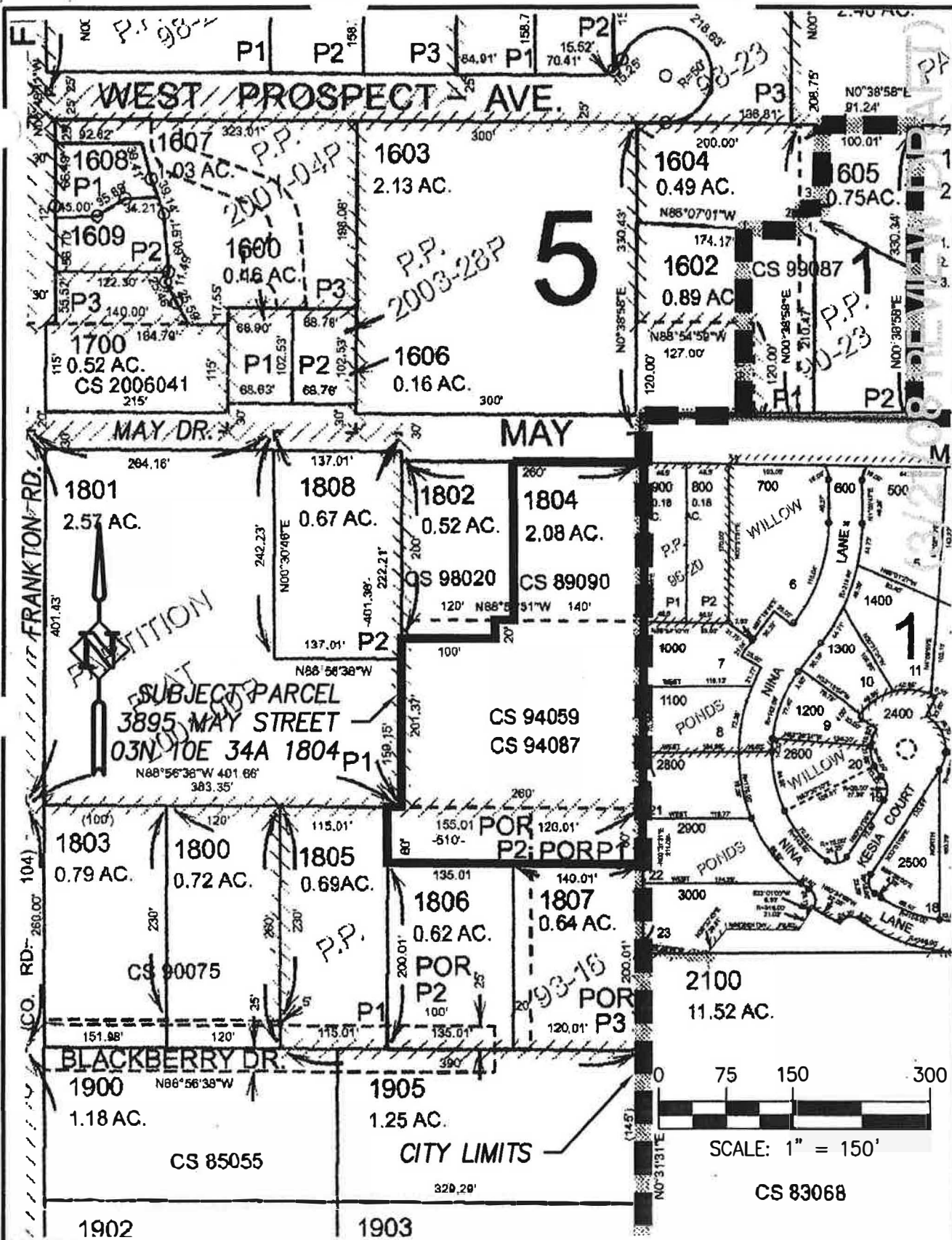
**Response:** The municipal service needs for the annexation territory are the full range of urban services required for residential development. This includes police, fire, sewer, water and public street access. On-site city water, sewer and street improvement costs to adequately serve the proposed development will be the responsibility of the applicant. All long-term or system-wide service maintenance needs and ongoing police and fire protection are typically the responsibility of the City upon annexation. These City costs are expected to be covered by the additional tax revenues generated by the proposed development.

17.15.090 Staff Analysis. In order to assure that the Planning Commission and the City Council, prior to action upon a proposal for annexation, are fully informed as to the potential impacts of the annexation on both the City and the territory proposed to be annexed, the City Planning Department shall provide a staff report addressing the above criteria.

**Response:** Noted.

**Conclusion:** The applicant requests annexation of the subject 2.08 acres adjacent west of the City Limits (adjoining the Willow Pond PUD). The above findings support the proposal, and the applicant respectfully requests the Planning Commission recommend the City Council approve the annexation.





ANNEXATION EXHIBIT  
**ELAN ESTATES SUBDIVISION**  
 HOOD RIVER COUNTY, OREGON

SUMMERSET CIVIL  
 ENGINEERING  
 6305 Miller Road  
 Mount Hood Parkdale, OR 97051-8722  
 (541) 352-9313

DESIGNED:	SSS
DRAWN:	SSS
CHECKED:	SSS
DATE:	March 24, 2008

SHEET NO.	NO.	DESCRIPTION
1	1	

JOB NO. 03N10E34A1804

- NOTE:**
- SUBJECT PARCEL AND ALL ADJACENT PARCELS ARE ZONED EITHER COUNTY LOW DENSITY RESIDENTIAL R-1 OR CITY URBAN LOW DENSITY RESIDENTIAL R-1 AND ARE DEVELOPED AS SUCH. NONE OF THEM ARE UNDEVELOPED.
  - EXISTING RESIDENTIAL LAND USE DENSITY = 0.5 DWELLING UNITS PER GROSS ACRE. PROPOSED RESIDENTIAL LAND USE DENSITY = 2.9 DWELLING UNITS PER GROSS ACRE.

**BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION  
HOOD RIVER, OREGON**

In the Matter of the Pathfinder )  
Development Group, Inc. / )  
Elan Holdings, LLC )  
Annexation and Subdivision )  
File No. 2008-11 )

**FINDINGS AND DECISION**

Application submitted: 3/24/08 Application deemed complete: 4/21/08 120-day deadline: 8/19/08
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**I. BACKGROUND:**

- A. **REQUEST:** Annexation and a 6-lot Subdivision. There is one existing home that will remain on the site. The proposal includes 5 new lots for single-family homes, construction of a public street, installation of utilities and construction of associated site improvements. (See attached application materials, Attachments “A.1” – “A.3”)
- B. **APPLICANT:** Pathfinder Development Group, Inc. (Eric Sletmoe)
- C. **OWNERS:** Elan Holdings, LLC (Rael and Adelle Isacowitz)
- D. **PROPERTY LOCATION:** The property is located on the south side of May Street, east of Frankton Road. Legal description: 3N 10E 34A Tax Lot #1804. (See Location Map, Attachment “B”).
- E. **PROPERTY SIZE:** 2.08 acres
- F. **SITE ZONING AND LAND USE:** The property currently is in the Urban Growth Area and is zoned Urban Low Density Residential (U-R-1). If the property is annexed, the zoning will remain Urban Low Density Residential (R-1). There is one existing single-family home on the site.
- G. **SURROUNDING ZONING AND LAND USES:**
  - North (Tax Lot 1802): U-R-1, single-family home
  - South (Tax Lots 1806, 1807): U-R-1, single-family homes
  - East (Tax Lots 900, 1000, 1100, 2800, 2900): R-1, single-family homes
  - West (Tax Lots 1801, 1805): U-R-1, single-family homes
- H. **APPLICABLE CRITERIA:**
  - Hood River Municipal Code (HRMC) Section 17.09.040 – Quasi-Judicial Actions (Annexation and Subdivision)
  - HRMC Chapter 17.15 – Annexation (Annexation)
  - Oregon Revised Statute (ORS) Sections 222.111 through 222.183 (Annexation)
  - HRMC 17.03.010 – Urban High Low Residential (R-1) (Subdivision)
  - HRMC Chapter 16.08 – Procedural Requirements for Land Divisions (Subdivision)
  - HRMC Chapter 16.12 – General Design and Improvement Standards (Subdivision)
- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
  - 1. Ice Fountain Water District: See attached comments dated April 23, 2008 (Attachment “C”)
  - 2. Farmer’s Irrigation District: See attached comments dated April 23, 2008 (Attachment “D”)
  - 3. City Engineering: See attached comments dated May 7, 2008 (Attachment “E”)
  - 4. Fire Marshal: See attached comments dated May 12, 2008 (Attachment “H”)
  - 5. City Engineering: See attached comments dated May 12, 2008 (Attachment “I”)

6. City Engineering: See attached comments dated May 19, 2008 (Attachment "M")

J. **ADJACENT PROPERTY OWNERS COMMENTS:** Property owners within 250 feet of the subject site were notified of this request. The following adjacent property owner submitted comments in response to the notice prior to the public hearing.

1. Mark Van Voast: See attached comments dated May 8, 2008 (Attachment "F")
2. Wendy Willow and Kevin McNevin: See attached comments dated May 9, 2008 (Attachment "G")
3. Bob Smith: See attached comments dated May 8, 2008 (Attachment "J")
4. Tamara Shannon: See attached comments dated May 5, 2008 (Attachment "K")
5. Laurie Stephens: See attached comments dated May 18, 2008 (Attachment "L")

K. **HISTORY:**

1. Pre-application conference held August 21, 2007
2. Neighborhood meeting held March 6, 2008
3. Application submitted March 24, 2008
4. DLCDC Annexation Notice mailed March 24, 2008
5. IGA meeting March 26, 2008
6. PUD application deemed complete April 21, 2008
7. Notice of Planning Commission & City Council hearings mailed April 29, 2008
8. Planning Commission hearing held on May 19, 2008
9. Notice of decision for subdivision mailed May 23, 2008
10. City Council hearing for annexation held \_\_\_\_\_, 2008
11. Notice of decision for annexation mailed \_\_\_\_\_, 2008

L. **ATTACHMENTS:**

- Attachment "A.1" – Application narrative for Annexation
- Attachment "A.2" – Application narrative for Subdivision
- Attachment "A.3" – Preliminary plan set (Sheets 1-5, dated March 24, 2008)
- Attachment "B" – Location map
- Attachment "C" – Ice Fountain Water District comments, 4/23/08
- Attachment "D" – Farmer's Irrigation District comments, 4/23/08
- Attachment "E" – City Engineering comments regarding subdivision, 5/7/08
- Attachment "F" – Neighboring property owner comments, 5/8/08
- Attachment "G" – Neighboring property owner comments, 5/9/08
- Attachment "H" – Fire Marshal's comments, 5/12/08
- Attachment "I" – City Engineering comments regarding annexation, 5/12/08
- Attachment "J" – Neighboring property owner comments, 5/8/08
- Attachment "K" – Neighboring property owner comments, 5/5/08
- Attachment "L" – Neighboring property owner comments, 5/18/08
- Attachment "M" – City Engineering comments regarding improvements, 5/19/08
- Attachment "N" – Photographs 1-5, submitted by applicant to Planning Commission

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

### A. CHAPTER 17.15 - ANNEXATION

17.15.010 Introduction. It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where:

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;

- 12 -

City Council Packet

2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;
3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;
4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

**FINDINGS:** The eastern property line of the subject site abuts the City Limits and, as such, the annexation is a natural extension of the City boundary consistent with urban growth. Pursuant to the City's Intergovernmental Agreement (IGA) with the special districts (i.e. West Side Fire District, Ice Fountain Water District, Farmer's Irrigation District), the City held a meeting with the special districts to discuss the annexation on March 26, 2008. Comments from the special districts (Attachments "C" and "D") are incorporated into this report. The site will be withdrawn from the West Side Fire District and Ice Fountain Water District, but will remain in the Farmer's Irrigation District. The City will provide fire- and water service to the annexed property. The impact on the City's ability to provide services and financial capabilities of the City are addressed below in HRMC 17.15.060.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.
2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.
3. Completed certifications of property ownership, registered voter status, map, and legal description.

**FINDINGS:** The owners of the subject property propose the annexation. The submitted application includes preliminary plans for a subdivision and the additional information required by this section. As such, the application is consistent with these requirements.

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

**FINDINGS:** The applicant submitted a filing fee as set by City Council resolution.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.

**FINDINGS:** The Planning Commission is reviewing the request for annexation and a request for a 6-lot subdivision. The Planning Commission will make a recommendation with findings to the City Council, and the City Council will conduct a Quasi-Judicial public hearing and will make a decision on the annexation application.

17.15.050 Evaluation Criteria – Developed Land.

**FINDINGS:** Although there is an existing single-family home on the site, the subject site is not fully developed. As addressed below, the applicant also proposes a 6-lot subdivision. As such, these criteria are not applicable. The applicable evaluation criteria addressed below in HRMC 17.15.060.

17.15.060 Evaluation Criteria – Undeveloped Land. Prior to approving a proposed annexation of undeveloped land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;

**FINDINGS:** The subject property is located within the Urban Growth Area, and its eastern property line is contiguous to the City Limits. As such, the proposal is consistent with this criterion.

2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

**FINDINGS:** The subject property was designated for location inside the Urban Growth Area in 1980 when the City-Westside Comprehensive Plan was adopted by the County Board of Commissioners (Ordinance #102). The City was required by the State of Oregon Land Conservation and Development Commission (LCDC) to designate sufficient amounts of urbanizable land to accommodate future expansion. The Urban Growth Boundary was adopted by the City Council and LCDC in 1983 and zoned for future urban uses. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits (Willow Ponds PUD). As such, the proposal is consistent with this criterion.

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;

**FINDINGS:** The property is located adjacent to an existing collector street, May Street. The applicant proposes to construct one new public road in association with the proposed subdivision. The city sewer system is already serving the Willow Ponds PUD located immediately east of the site. The property is currently being served by Ice Fountain Water District (IFWD) but, as indicated in comments from IFWD (Attachment "C"), the City will take jurisdiction of water service to serve the site. As such, the proposal is consistent with this criterion.

4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**FINDINGS:** Annexation and subsequent subdivision will result in additional demand on City services, including maintenance of sanitary sewer and water lines, as well as an increased demand on the City's Fire and Police Departments. City Fire- and Police Departments already provide service to properties immediately east of the site. Neither the City's sewer- or water fund have a deficit (the deficit is in the City's general fund, which does not affect provision of those services). The City Public Works Department verified that the City's existing sanitary sewer system is adequate to serve the property (Attachment "I"). Sewer can be provided without negatively impacting service elsewhere because the Frankton Sewer District and City Wastewater Treatment Plant are designed to accommodate the urban growth area. The City Public Works Department requires the developer to purchase the existing Ice Fountain water main along May Street and dedicate it to the City. User fees will offset maintenance costs. As such, the proposal is consistent with this criterion.

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;

**FINDINGS:** The applicant is requesting annexation to receive City services for a total of six single-family residences. Under Measure 50, it is favorable to annex property in association with development. The permanent tax rate for the City of Hood River is \$2.8112 per thousand dollars of  
City Council Packet

assessed valuation. The City will receive approximately \$2,811 in annual general fund revenue for each million dollars of existing- and added valuation as the property is developed.

Pursuant to the City's IGA with West Side Fire District, the City is required to compensate the District for five years of lost property tax revenue. Similarly, pursuant to the City's IGA with Ice Fountain Water District, the City is required to compensate the District for three years of lost revenue, user fees, infrastructure and debt service. Pursuant to resolution of the City Council, the applicant will be required to reimburse the City for these costs as a condition of approval of annexation. Therefore, there will be no negative impact to the City associated with the costs of compensating the Districts.

In association with construction of new dwellings, the City collects system development charges (SDCs) for sanitary sewer (\$1,508/dwelling unit), water (\$3,883/dwelling unit), and the transportation system (\$705.12/dwelling unit). Because the property is in the Frankton Sewer District, a sanitary sewer SDC will be charged regardless of whether or not annexation occurs. Park SDCs are collected separately by the Hood River Valley Parks and Recreation District. In addition, monthly sanitary sewer-, storm sewer- and water fees are collected for each household (\$44 for sanitary sewer, \$2.50 for storm sewer, and \$22.85 for water). If five new dwellings are constructed the City will receive system development charges totaling approximately \$30,480.60, as well as annual property taxes and utility fees for six homes totaling approximately \$11,709.81.

Annexing the existing home as well as future construction of new homes on the site will result in City collection of franchise fees for Pacific Power and Light, Northwest Natural Gas, Charter Cable, and Hood River Garbage Service. Franchise fees go into the City's general fund. Assuming franchise fees for each home total approximately \$150 per month, the City would receive approximately 4% of these fees totaling approximately \$432 a year ( $\$150 \times 6 \times 12 \times 4\% = \$432$ ).

The following comparison estimates the fiscal impact if the property is annexed and developed as proposed, versus remaining in the UGA under the County's jurisdiction.

**Fiscal Impact  
If annexed**

Sanitary sewer SDCs (5 @ \$1,508) = \$7,540  
 Annual sanitary sewer fees (6 @ \$44 x 12) = \$3,168  
 Annual storm sewer fees (6 @ \$2.50 x 12) = \$180  
 Water SDCs (5 @ \$3,883) = \$19,415  
 Annual water (6 @ \$22.85 x 12) = \$1,645.20  
 Traffic SDCs (5 @ \$705.12) = \$3,525.60  
 Franchise Fees: \$432  
 Existing home estimated annual property tax: \$1,284.61  
 Estimated annual property tax for 5 new homes: \$5,000

**Fiscal Impact  
If not annexed**

none  
 none  
 Loss of \$180  
 Loss of \$19,415  
 Loss of \$1,645.20  
 Loss of \$3,525.60  
 Loss of \$432  
 Loss of \$1,284.61  
 Loss of \$5,000

- Total one time fees collected by the City if annexed – \$30,480.60<sup>1</sup>
- Total annual fees collected by the City if annexed – \$11,709.81
- Total SDCs and fees collected by the City if not annexed – \$10,708 (sanitary sewer)

As such, the fiscal impact of the annexation is favorable and the proposal is consistent with this criterion.

6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;

<sup>1</sup> This figure does not include building permit fees which depend on the number of new homes, as calculated prior to construction.

**FINDINGS:** The subject property has been located inside the City's Urban Growth Area (UGA) since 1983 and has been zoned for future urban uses since that time. Annexation of property in the UGA is consistent with the City's Comprehensive Plan. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits (Willow Ponds PUD).

Although the County has adopted the City's zoning ordinance for application in the UGA, it remains to the City's advantage to control the growth and development of the subject property because it will have a direct impact on City sewer, water, stormwater and transportation infrastructure. In addition, it is to the City's fiscal advantage to control development on the subject property because it will generate additional revenue through collection of System Development Charges and utility fees. As such, the proposal is consistent with this criterion.

7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;

**FINDINGS:** Because 17.15.060 (6) does apply, this criterion is not applicable.

8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

**FINDINGS:** The criteria detailed above address the growth of the City, extension of City services, financial impact, and ability to continue to provide services to existing residents. Other issues associated with annexation include potential future uses of the property and how those use might affect nearby properties.

Because the zoning of the property will remain consistent with the existing County zoning designation, properties in the City Limits generally will not be negatively affected by the annexation. The applicant submitted a concurrent request for a 6-lot subdivision of the subject property to accommodate 5 new single-family homes. Use of the site for single-family homes is consistent with the use of adjacent properties. As such, the proposal is consistent with this criterion.

9. The annexation conforms to the Comprehensive Plan.

**FINDINGS:** Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

### **Goal 1: Citizen Involvement**

This Goal is satisfied through provisions in the acknowledged Comprehensive Plan and Zoning Ordinance that provide for citizen participation including public hearings. This application has been processed pursuant to those provisions. Notices have been mailed to property owners and agencies, posted in appropriate locations and included in the Hood River News. Public hearings are held before the Planning Commission and City Council before a decision is reached.

### **Goal 2: Land Use Planning**

The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. This Goal is satisfied by following the Zoning Ordinance including applicable procedures for processing this application and conducting public hearing related to the application.

### **Goal 3: Agricultural Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and is not used as agricultural land.

**Goal 4: Forest Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and has been "excepted" from the County's resource base.

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

The County has adopted the City's ordinances for use in the UGA. Although the County has not adopted the City's Goal 5 Ordinance (1874), there are no known Goal 5 resources on the subject site.

**Goal 6: Air, Water and Land Resources Quality**

This application does not increase or decrease the air, water and land resource qualities of the area because it does not directly result in any development. Subsequent development of six-lot subdivision is not expected to adversely affect air, land or resource quality if development occurs in accordance with City standards.

**Goal 7: Natural Disasters**

This site is not in a floodplain, does not include slopes greater than 25%, does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries.

**Goal 8: Recreational Needs**

Policy 8 states "as parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

Staff assembled park and open space information from the Parks and Recreation Capital Facilities Master Plan<sup>2</sup> and applied a methodology as described in a "Best Development Practices" guide to ensure that adequate park and open space lands are available. The park and open space methodology is based on the Best Development Practices<sup>3</sup> of 1.5 acres per 1,000 population. As such, a minimum of 10.07 acres of park and open space is required to serve the current population of approximately 6,710 residents ( $6,710/1000 = 6.71 \times 1.5 = 10.07$  acres of open space/park land needed). Based upon these requirements, there is an adequate amount of park and open space in the City to serve the proposed annexation, as follows:

Open space areas in the City:

"Morrison Park"	13.54 acres
Indian Creek Trail	14.12 acres
"Elloit Park"	11.8 acres
"Waucoma Park"	0.5 acre
Wells Island (portion)	18 acres

Parks in the City:

Jackson/Friendship Park	9.19 acres
Children's Park	1.24 acres
Wilson Park	1.05 acres
Tsuruta Park	0.87 acre
Mann Park	0.48 acre
Coe Park	0.34 acre

<sup>2</sup> Hood River Valley Parks & Recreation District/City of Hood River "Parks & Recreation Capital Facilities Master Plan", Don Ganer & Associates, 1998.

<sup>3</sup> Ewing, Reid "Best Development Practices", American Planning Association, 1996, Page 35.



Memorial Overlook and Rose Garden	0.4 acre
Aquatic Center (HRVPRD)	0.94 acre
Jaymar (HRVPRD)	2.77 acres
Rotary Skate Park (HRVPRD)	2.71 acres
Culbertson Park (HRVPRD)	0.6 acre
Hazelview (HRVPRD)	0.35 acre
Marina Park and Event Site (Port)	9.5 acres
Georgiana Smith (County)	0.5 acre

Total park lands = approximately 30.94 acres (does not include schools)

Total open space lands = approximately 57.96 acres

Total park and open space lands = approximately 88.9 acres

The Hood River Valley Park and Recreation Capital Facilities Master Plan details the locations of needed neighborhood and mini-parks inside the UGA. This plan recommends development of a neighborhood/mini-park in the vicinity of the subject site. The city approved a 156-unit subdivision (Columbia Ridge Estates/Village) located northwest of the site that features a total of 9.33 acres of park and open space. This park and open space, approved after adoption of the Park Master Plan, is expected to satisfy the need of a neighborhood/mini-park to serve the subject site. As such, staff does not recommend development of a park on the subject site and the proposal is consistent with this criterion.

**Goal 9: Economy of State**

This Goal requires the City to ensure that there is adequate land with public services provided to meet the needs for economic growth and development. This goal is not applicable.

**Goal 10: Housing**

The subject property was included within the buildable lands inventory for the City/UGA, and will remain zoned for housing. As addressed below in detail, the applicant requests a 6-lot subdivision in order to construct 5 additional homes on the site.

**Goal 11: Public Facilities**

The proposal's effect on public facilities is addressed above in HRMC 17.15.060. Based upon those findings, the annexation of the subject property is consistent with Goal 11.

**Goal 12: Transportation**

Following annexation, any subsequent development will be required to compliance with the City's Transportation System Plan.

**Goal 13: Energy Conservation**

Annexation and development of lands located close to existing services generally promotes energy conservation. Increased residential densities near collector streets such as May Street are expected to facilitate additional transportation alternatives such as mass transit.

**Goal 14: Urbanization**

The subject property is located within the Urban Growth Area, as such, and annexation of property is consistent with the City's Comprehensive Plan.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and

3. The impact on the City's tax base, if any, as a result of the annexation.

**FINDINGS:** The findings above in 17.15.060(5) address fiscal impacts. Costs associated with purchasing an existing water line from Ice Fountain Water District will be paid by the applicant and neighboring property owners who benefit from this infrastructure when they annex and develop their properties.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

**FINDINGS:** This provision contains factors to be taken into consideration when evaluating urban service capabilities. The findings above in 17.15.060(4) address these criteria. In association with development of the site, the developer will be required to construct half-street improvements to the site's May Street frontage to meet the City's Urban Collector standard. The developer will be required to pay all costs associated with withdrawing the existing property from the Special Districts as well as providing adequate public facilities.

ORS 222.111 Authority and procedure for annexation. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year. (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465. (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. (6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart. (7) Two or more proposals for annexation of territory may be voted

upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

**FINDINGS:** The proposed annexation is for property that is contiguous to the city. The owners of the property are the petitioners for the annexation. The rate of taxation will be consistent with these requirements. The territory to be annexed is a part of districts named in ORS 22.510 including the West Side Fire District, Ice Fountain Water District, and Farmer's Irrigation District, and will be withdrawn from the West Side Fire District and Ice Fountain Water District as of the effective date of the annexation. As addressed below, the City is not obligated to submit the annexation request to the electors. As such, the proposal is consistent with these requirements.

ORS 222.120 - Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection. (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section. (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance.

**FINDINGS:** The City Charter does not require the City Council to submit a proposal for annexation to the voters. This annexation is not being submitted to the voters; instead, public hearings on the annexation are being held in accordance with the requirements of this statute. Notice of the public hearings was published in accordance with ORS 222.120, including being published once each week for two successive weeks prior to the date of the City Council hearing in the Hood River News, and posting of notices of the hearing in four public places in the city for the same period of time.

This annexation request includes withdrawal of territory from districts named in ORS 222.510 (West Side Fire District and Ice Fountain Water District). Pursuant to ORS 222.111(5), the effective date of withdrawal from West Side Fire and Ice Fountain Water District will be the effective date of the annexation. As such, the proposal is consistent with these requirements.

ORS 222.125 Annexation by consent of all owners of land and majority of electors. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**FINDINGS:** There are two residents living in the home on the subject property. Written consent to the annexation was provided by the owners Rael and Adelle Isacowitz (for Elan Holdings, LLC). Adelle Isacowitz is also a registered voter at this address. Because written consent was provided by the owners and not less than 50 percent of the electors, no election is necessary. As such, the proposal is consistent with these requirements.

ORS 222.180 Effective date of annexation. (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

**FINDINGS:** The public hearing for this annexation will take place before the City Council on June 9, 2008. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from West Side Fire and Ice Fountain Water District for the first time (and second time if a full Council is present) by title only on June 9, 2008. After the second reading the ordinance will be transmitted to the Secretary of State for filing. Pursuant to ORS 222.180, the effective date of the annexation would be the date it was filed with the Secretary of States. As such, the proposal is consistent with these requirements.

222.183 Notice of annexation when effective date delayed for more than one year. (1) If the effective date of an annexation is more than one year after the date of a proclamation of annexation, the city, through its recorder or other city officer or agency performing the duties of recorder under this section, shall send notice to the county clerk of each county within which the city is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the annexation. (2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 222.010 to 222.750.

**FINDINGS:** As addressed above, the effective date of annexation will be the date the annexation is filed with the Secretary of State. The annexation will be filed with the Secretary of State less than one year from the date of proclamation of annexation. As such, these notice requirements are not applicable.

## **B. CHAPTER 16.08 – GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS**

### **16.08.010 Approval Process for Subdivisions and Partitions**

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

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

**FINDINGS:** The applicants attended a pre-application conference on August 21, 2007. The applicants submitted a Preliminary Plat and propose to subdivide the existing parcel into 6 lots (Attachment "A.3"). This subdivision application is being reviewed concurrently with the request for annexation.

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

**FINDINGS:** If the proposed subdivision is approved, **a condition of approval is recommended specifying that the preliminary plat shall be effective for two years from the date of approval.**

#### 16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

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

- 1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;**
  - a. Corner lots shall have a minimum of thirty (30) feet of frontage on public dedicated roads;**

**FINDINGS:** As addressed in this report, conditions of approval are recommended to the Preliminary Plat (Attachment "A.3") where necessary to ensure compliance with all applicable standards. As conditioned, the proposal is consistent with this criterion.

- 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

**FINDINGS:** The proposed subdivision name is Elan Estates. The County Surveyor will determine if the proposed name complies with the applicable provisions of ORS Chapter 92. If it does not, the applicants will be required to provide an acceptable name prior to final plat approval.

- 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;**

**FINDINGS:** Properties on all sides of the site are developed but the property located west of the majority of the site has additional development potential. The proposed development is laid out to facilitate extension of the new public street and utilities to the west of the site in order to accommodate additional development. The applicant has included a conceptual location of a street extension to the west of the site on the future street plan (Attachment "A.3", Sheet 1). **A condition of approval is recommended that all public improvements and dedications shall be identified on the plat.** As conditioned, the proposal complies with this criterion.

- 4. The location, width, and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets and**

**walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);**

**FINDINGS:** The proposed public street responds to existing development in the vicinity and topographical constraints, while facilitating future extension to the west. According to the City Engineering Department, the proposed street does not match any existing City street standard and must be redesigned (Attachment "E"). As addressed in HRMC 16.12.060 (B.6), conditions of approval are recommended to ensure the new public street complies with applicable standards. As conditioned, the proposal complies with this criterion.

**5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat;**

**FINDINGS:** Private common areas are limited to two proposed parking easements located adjacent to the new public street. A temporary fire-department turn-around easement is also proposed on Lot 4. The easements are identified on the preliminary plat and the applicant proposes that the parking easements are maintained by a Homeowners Association. As proposed the application complies with this criterion.

**6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).**

**FINDINGS:** The developer is responsible for provision of adequate public facilities, as addressed in the City Engineering comments (Attachment "E"). Conditions of approval are recommended where necessary to ensure adequate public facilities are provided prior to final plat approval.

**7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable;**

**FINDINGS:** Public facilities and private utilities currently serve the site. The City Engineering Department will review final engineering plans to ensure all lots have adequate access to public facilities. Public and private utility services are proposed to be extended to serve new dwellings. The site is not located within a floodplain. As proposed and conditioned, the application complies with this criterion.

**8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required;**

**FINDINGS:** The applicant submitted preliminary storm drainage information (Attachment "A.3", Sheet 4). Neighboring property owners submitted comments (Attachments "F" and "G") expressing concerns about drainage from the site affecting properties to the east of the site, and along May Street. The City Engineering Department requires provision of a stormwater management plan in conformance with the City's Engineering Standards. In addition, **a condition of approval is recommended that stormwater facilities shall be designed to ensure there is no adverse effect on adjacent properties and rights-of-way.** As conditioned, the proposal is consistent with these requirements.

**9. Underground utilities are provided;**

**FINDINGS:** Conditions of approval are recommended that all utilities shall be placed underground. As conditioned, the application complies with this criterion.

**10. Minimize flood damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency (FEMA) requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

**FINDINGS:** The proposed development is not located within a floodway or 100-year floodplain. As proposed, the application complies with this criterion.

**11. Determination of Base Flood Elevation.** Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City Engineer.

**FINDINGS:** The proposed development is not located in or near an area that is prone to inundation. As such, this criterion is not applicable.

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

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

**FINDINGS:** Lot 5, which contains the existing home on the site, is more than twice the minimum size of the R-1 zone (7,000 square feet). The applicant prepared a future street plan (Attachment "A.3", Sheet 1) which anticipates extension of the new public street to the west of the site. Because Lot 5 has less than 100 feet of frontage on the new public street, the applicant does not anticipate future redevelopment and therefore has not prepared a future re-division plan. In addition, due to the limited capacity of the proposed public street serving the site, it is unlikely that additional dwelling units could be permitted.

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

**FINDINGS:** There is an existing driveway at the northwestern corner of the property that serves an existing home on the adjacent Tax Lot 1802. The applicant proposes the new home on Lot 1 to share this driveway in order to minimize turning conflicts at the intersection of the new public street with May Street. To ensure turning conflicts are minimized at this intersection, **conditions of approval are recommended that a vehicle access restriction shall be depicted on the plat along the eastern property line of Lot 1 (adjacent to the new public street), as well as along the eastern approximately 65 feet of its May Street frontage (limiting access to the existing shared driveway).**

#### **16.08.030 Final Plat Submission Requirements and Approval Criteria**

**FINDINGS:** If the proposed subdivision is approved, **a condition of approval is recommended that the final plat shall be submitted in compliance with the requirements of HRMC 16.08.030.**

#### **16.08.040 Filing and Recording**

**FINDINGS:** If the proposed subdivision is approved, **a condition of approval is recommended that the final plat shall be filed and recorded in compliance with the requirements of HRMC 16.08.040.**

### **C. CHAPTER 16.12 – GENERAL DESIGN AND IMPROVEMENT STANDARDS**

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

**FINDING:** The standards detailed below apply to the proposed subdivision; in general, the standards of HRMC 16.12 that are not applicable are not included in this analysis.

#### **16.12.020 Vehicular Access and Circulation**

- A. **Intent and Purpose.** The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.
- B. **Applicability.** This section shall apply to all public streets within the City and to all properties that abut these streets.
- C. **Access Permit.** Access to a public street requires an access permit in accordance with the following procedures:
1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 – Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
- D. **Traffic Study.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements. (See also, *Public Facilities Standards*, Section 16.12.060.)



**FINDINGS:** Approximately 50 daily trips (10/dwelling) are expected to be generated by the five proposed homes. A traffic study was not required due to the limited impact of the proposed development.

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

**FINDINGS:** The applicants propose a new public street to serve five of the lots (excluding Lot 1). As addressed above, conditions of approval are recommended to place access restrictions on portions of Lot 1 in order to minimize turning conflicts at the intersection of the new public street with May Street.

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

**FINDINGS:** As depicted on the preliminary plans, the applicants propose one new public street through the site to provide a connection between May Street and the site’s western property line. Five of the proposed lots (excluding Lot 1) will access to the new public road. As proposed, Lot has frontage on two public streets because it is a corner lot. The applicants propose that Lot 1 will share direct access to May Street, a collector street, with the adjacent home on Tax Lot 1802 via an existing driveway. As addressed above, conditions of approval are recommended to place access

restrictions on portions of Lot 1 in order to minimize turning conflicts at the intersection of the new public street with May Street. As such, the proposal is consistent with these requirements.

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

**FINDINGS:** The shared driveway that is proposed to serve Lot 1 is located approximately 60 feet from the intersection of the new public street with May Street. The preliminary plans (Attachment "A.3") do not depict the location of proposed driveways to serve Lots 2, 3, 4, 5 or 6. **A condition of approval is recommended that driveway locations to serve Lots 2, 3, 4, 5 and 6 shall be depicted on the subdivision construction plans and shall maintain a minimum of 22 feet of separation as measured from the sides of the driveway/street.**

- H. **Shared Driveways.** The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.
  2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.

**FINDINGS:** The applicants propose a shared driveway to serve Lot 1 and a neighboring home on tax Lot 1802. The preliminary plans depict the location of a shared driveway and utility easement across the northwestern corner of Lot 1 (Attachment "A.3").

- I. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
1. **Block Length and Perimeter:** The maximum block length and perimeter shall not exceed
    - a. Four Hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;

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

**FINDINGS:** The applicants propose a new public street between May Street and the site's western property line that is approximately 360-feet long. The proposed subdivision complies with these standards.

As depicted on the applicants' future street plan (Attachment "A.3", Sheet 1), if the new public street is extended to Frankton Road, the resulting street length will be approximately 730-feet long with a perimeter block length of approximately 1,500 feet. Development west of the site will be analyzed for compliance with these standards if/when development is proposed but, based on the applicants' preliminary plan, it appears that the future block and perimeter lengths generally will be consistent with these standards.

- J. **Future Street Plan (FSP) Required.** Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.
1. **Applicability:** The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in Subsection (2) and shall be subject to review and approval under Subsection (4), below. The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one (1) or more directions in the following situations:
    - a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
    - b. The proposed street layout is consistent with a street pattern of an existing approved FSP.
  2. **Submittal Requirements:** The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the FSP criteria. The FSP shall incorporate the following details, both on-site and off-site:
    - a. The FSP shall be no larger than eleven (11) inches x seventeen (17) inches and may include several sheets;
    - b. The topography for slopes of fifteen percent (15%) or greater with contour intervals not more than ten (10) feet;
    - c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site;
    - d. Property lines and dimensions;
    - e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development;
    - f. Site access points for autos, pedestrians, bicycles; and

- g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.
3. **Review Criteria:** A proposed FSP shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
    - a. A future street plan shall
      - (1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
      - (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
      - (3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns;
      - (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets;
      - (5) Minimize the impact to natural resources and fit the landscape; and
      - (6) Provide pedestrian access and create neighborhoods.
    - b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ bicycle accessways may connect on one (1) end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).
    - c. Pedestrian accessways shall be provided as required under 16.12.030.
  4. **Filing a Future Street Plan:** Upon approval by the review authority, a FSP shall be made a matter of record by being recorded by the Planning Director on a future street index to be maintained by the Planning Department.
  5. **Compliance with or Revision to Future Street Plans.** New developments shall be consistent with adopted FSP. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. A revision to an approved future street plan shall be reviewed by the Planning Director as an administrative procedure. All revisions to future street plans must comply with review criteria for FSP.

**FINDINGS:** The applicants have designed the new public street in a manner that it can be extended west of the site to Frankton Road. As depicted on Sheet 1 of the preliminary plans (Attachment "A.3"), a future street plan is provided that depicts existing streets, buildings and driveways (excluding the Willow Ponds PUD), topography and vegetation. The submitted future street plan is consistent with the Transportation System Plan's Local Street Concept Plan (Figure A-2).

As addressed in the narrative (Attachment "A.2"), the applicant requests that future street planning in the area is limited to the property west of the site due to existing development in the area and topographic constraints. Staff anticipates redevelopment of the property east of the site adjacent to May Street. In order to eliminate the need for direct access to May Street, **a condition of approval is recommended that the future street plan shall be modified to depict access to the property east of the site (3N 10E 34AC Tax Lot 900) in a manner that minimizes potential turning conflicts at the intersection of the new public street with May Street (i.e. as far south from May Street as possible, without impact the existing home on Tax Lot 900).**

- K. **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide

adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

**FINDINGS:** As depicted on the preliminary plat (Attachment "A.3"), a public access and utility easement is proposed over the northern 36- to 43 feet of Lot 4 in order to facilitate a fire access turn-around. The turn-around is intended to be temporary and is to be relinquished if/when the new public street is extended west to meet Frankton Road. All proposed homes are expected to be located within 150 feet of the new public street. However, **conditions of approval are recommended that a notation shall be included on the final plat that no parking is permitted in the fire-access turn easement, and the easement shall be valid until the public street is extended west and connects to Frankton Road.** In addition, **the subdivision and future development on the lots shall comply with the requirements of the Fire Marshal (Attachment "H").**

### 16.12.030 Pedestrian Access and Circulation

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

1. **Continuous Pathways:** A pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.
2. **Street Connectivity:** Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
  - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than eight (8) feet wide and located within a fifteen (15) foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
  - b. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
  - c. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
  - d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to
    - (1) Physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);
    - (2) Buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and
    - (3) Sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

**FINDINGS:** The applicant does not propose sidewalks along either side of the new public street, or any other pedestrian or multi-use pathways through the site. The City Engineering Department requires the proposed street to be redesigned to an Urban Local Residential Option

“C” or “D”, both of which feature sidewalks. As conditioned, the proposal is consistent with these requirements.

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

**FINDINGS:** As addressed above, pedestrian and/or multi-use pathways are not proposed but sidewalks will be required adjacent to May Street and the new the public street. As such, these standards are not applicable.

#### 16.12.040 Landscape Conservation

- A. **Applicability.** All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – “diameter, breast, height”), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.
- C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:

1. **Protection of Significant Trees and Shrubs:** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.
  2. **Conservation Easements and Dedications:** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.
- E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
- F. **Exemptions.** The protection standards in Section D shall not apply in the following situations:
1. **Dead, Diseased, and/or Hazardous Vegetation:** Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
  2. **Emergencies:** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

**FINDINGS:** As depicted on the Existing Conditions map (Attachment "A.3", Sheet 2), there is a mix of native coniferous and deciduous trees on the site that exceed 6 inches in diameter. The applicants propose to remove 3 Significant trees in order to construct the proposed road. Preservation of these 3 trees is not practicable because their retention would prohibit development of a public road to serve the site. No other trees are proposed to be removed on any of the proposed lots. To provide screening for neighboring property owners, the applicant agrees to plant evergreen trees along portions of the site's southern and western property lines.

**In order to ensure compliance with these landscape conservation standards, conditions of approval are recommended as follows: prior to approval of the final plat, the applicant shall verify the size, species and location of all existing trees 6" and greater diameter (measured 4 feet above grade) on the site as required by HRMC 16.12.040(B and C). All Significant Trees and Shrubs (i.e. native, 6" and greater DBH) on the site, including plants within their driplines, shall be retained in accordance with HRMC 16.12.040(B-E), unless an exemption(s) is warranted and granted in accordance with 16.12.040(F). In order to ensure the continued retention and protection of Significant trees and shrubs, they shall be depicted on the final plat or on a separate boundary survey that shall be filed with the County Surveyor prior to recording the final plat. Any such boundary survey shall be reviewed by the Planning Department prior to filing with the County Surveyor. Any such boundary survey shall be referenced on the plat, and a plat note shall be included that states any tree or shrub identified on the boundary survey shall be retained and protected unless removal is approved by the City Planning Department in accordance with applicable landscape conservation standards. Finally, construction fencing shall be installed around retained Significant trees and shrubs on lots prior to excavation for roads, utilities and/or home construction.**

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

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

**FINDINGS:** As depicted on the preliminary plans (Attachment “A.3”, Sheet 4), the applicants propose to install street trees along May Street and the new public street approximately 20- to 30-foot-on-center. The applicants indicate that species will be selected from the City’s street tree list. Due to existing trees on the site, the location of driveways, topography and other issues, proposed street tree locations appear to be appropriate. However, **a condition of approval is recommended that prior to final plat approval street trees shall be provided in conformance with HRMC 16.12.050, including a minimum caliper size of two inches. The City Engineer may allow an exception to allow some trees to be planted in association with building permits for the new homes.**

## **16.12.060 Public Facilities Standards**

### **A. Purpose and Applicability.**

1. **Purpose:** The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City’s Transportation System Plan.



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

**FINDINGS:** The design and construction of any public facilities shall meet the requirements of the City of Hood River Engineering Standards. A copy of the Engineering Standards is available at the City Public Works office. The City Engineer's requirements are addressed above in HRMC 17.16.040 (4).

All required improvements are roughly proportional to the impact of development because these improvements facilitate development of the subject site in a manner that is more intense than the existing use of the site. All required improvements will ensure the safety of future residents of the subject site and those traveling adjacent to it within the public right-of-way. All required improvements are consistent with the policies of the Comprehensive Plan and the standards of the Zoning Ordinance and Land Division Ordinance. As proposed and conditioned, the proposal complies with these requirements.

#### B. **Transportation Standards.**

1. **Development Standards:** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
  - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
  - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
  - c. New streets and drives street shall be hard-surfaced; and
  - d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
    - (1.) A partial improvement may create a potential safety hazard to motorists or pedestrians;
    - (2.) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
    - (3.) The improvement would be in conflict with an adopted capital improvement plan; or
    - (4.) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.

**FINDINGS:** The applicants request a modification to street design standards in order to build a public street to a modified "Infill" standard, with a grade of approximately 15% due to topographical constraints. As addressed below in HRMC 16.12.060 (B.6), the City Engineering Department reviewed the request and requires the new public street to be redesigned.

3. **Creation of Rights-of-Way for Streets and Related Purposes:** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.
4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
  - a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
  - b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
    - (1.) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
    - (2.) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

**FINDINGS:** The applicants propose a new public street that is similar to a Local Street Infill Standard Option "A" with modifications. As addressed below, the City Engineering Department reviewed the proposed street design and requires the street to comply with City standards.

6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be the widths in Table 16.12-A and as shown in Figures 16.12-A through 16.12-E. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
  - a. Street classification in the Transportation System Plan;

- b. Anticipated traffic generation;
- c. On-street parking needs;
- d. Sidewalk and bikeway requirements based on anticipated level of use;
- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Minimize drainage, slope, and sensitive lands impacts;
- h. Street tree location, as provided for in Section 16.12.050;
- i. Protection of significant vegetation, as provided for in Section 16.12.040;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- l. Access needs for emergency vehicles; and
- m. Transition between different street widths (i.e., existing streets and new streets), as applicable.

**FINDINGS:** The applicants propose a 32-foot-wide right-of-way to facilitate a street that is similar to a Local Street Infill Standard Option “A” (Attachment “A.3”, Sheet 4). The proposed street includes “on-street” parking located partially within the right-of-way and partially within public access easements on Lots 2 and 6. The applicants assert that this design is appropriate because less than 100 daily vehicle trips are anticipated, including if/when the street is extended west. The applicants also assert that due to existing topography, a street grade is nearly 15% is needed for a distance of less than 250 feet.

The proposed new public street does not meet any existing City street standard. Because the street is intended to provide future connectivity to Frankton Road, an Infill street standard cannot be approved. The City Engineering Department reviewed the proposed street design, determined it did not comply with applicable standards, and made recommendations for changes to the design (Attachment “E”). Prior to the Planning Commission hearing, the City Engineering Department submitted additional comments regarding a preferred street design (Attachment “M”). The City Engineering Department comments regarding street design were incorporated into the conditions of approval as moved and approved by the Planning Commission.

**7. Traffic Signals and Traffic Calming Features:**

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

**FINDINGS:** The applicants propose a narrow public street designed to provide access to a limited number of dwellings. Traffic calming features are not proposed or recommended in this location due to the limited amount of pedestrian traffic that is anticipated.

**8. Future Street Plan and Extension of Streets:**

- a. Where required by Section 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.

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

**FINDINGS:** The applicants submitted a future street plan and propose to extend the new public street to the sites western property line in accordance with these requirements. A temporary fire department easement and turn-around are proposed on Lot 4 until the street is extended to connect with Frankton Road.

Rather than installing a barricade at the western terminus of the street, the applicants propose to install boulders which will prohibit vehicle access and maintain a more natural setting. The City Engineer may approve a design exception to these requirements based upon a specific proposal. Until such time, the barricade at the western terminus of the new public street shall comply with these requirements.

**9. Street Alignment and Connections:**

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

- (2) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
  - (3) Not applicable to the Industrial zone (I); and
  - (4) Eight hundred (800) feet length and 2,000 feet perimeter in all other zones.
- Exceptions to the above standards may be granted by the City Engineer when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040.

**FINDINGS:** The applicants propose a new public street intersection at May Street that is located approximately 200 feet from Nina Lane, a private street serving the Willow Ponds PUD, and approximately 600 feet from Frankton Road. The proposed intersection spacing, street alignment and design generally comply with these requirements.

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

**FINDINGS:** Sidewalks are not proposed along the new public street. The applicant proposes to improve the site's May Street frontage in compliance with City standards including installation of sidewalks, planter strip and street widening. **The City Engineering Department requires the site's May Street frontage to be improved to match the street section in the Willow Ponds PUD. The developer shall replace the existing pavement to the centerline of May Street unless conditions are not warranted (Attachment "M").**

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

**FINDINGS:** The proposed intersection angle is a right angle in conformance with these requirements.

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

**FINDINGS:** The May Street right-of-way adjacent to the site is 60-feet wide. No additional right-of-way is necessary.

13. **Cul-de-sacs:** A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.
- a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of forty-two (42) feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and
  - b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

**FINDINGS:** The proposed street is longer than 200 feet but is intended to be extended in association with development of the property to the west of the site. A temporary fire access turn-around is proposed on Lot 4 until the street is extended to Frankton Road.

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

**FINDINGS:** The applicants propose one curb cut along May Street at the intersection of the new public street. Curb cuts with driveway approaches will also be constructed along the new public street to serve Lots 2, 3, 4, 5, and 6. **A condition of approval is recommended that all concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in HRMC 16.12.020 and 16.12.030, and in compliance with the requirements of the City Engineer.**

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

**FINDINGS:** The subject site is not adjacent to a railroad right-of-way. As such, these requirements are not applicable.

17. **Development Adjoining Arterial Streets:** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one (1) or more of the following:
  - a. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
  - b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.12.020;
  - c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
  - d. Other treatment suitable to meet the objectives of this subsection;
  - e. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

**FINDINGS:** The site does not abut an arterial street (May Street is a collector street according to the TSP) and, as such, these requirements are not applicable.

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

**FINDINGS:** No alleys are proposed and, as such, these requirements are not applicable.

19. **Private Streets:** Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in

the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

**FINDINGS:** No private streets are proposed and, as such, these requirements are not applicable.

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

**FINDINGS:** The applicants propose to name the new public street Elan Lane. According to Section 13.04.020 (A.8), the term "Lane" is reserved for private streets. As such, **a condition of approval is recommended that the applicant shall include a street name on the final plat that complies with the street naming standards of Section 13.04 of the Hood River Municipal Code.**

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

**FINDINGS:** The applicant agrees to comply with all surveying and monumenting requirements.

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

**FINDINGS:** The applicant agrees to comply with all street sign installation requirements.

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

**FINDINGS:** The applicant agrees to comply with all mail box requirements.

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

**FINDINGS:** The applicant agrees to comply with all street lighting requirements.

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

**FINDINGS:** The applicant agrees to complete the final lift of paving in accordance with City standards.

#### **D. Sanitary Sewer and Water Service Improvements.**

1. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.
2. **Sewer and Water Plan Approval:** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
3. **Over-sizing:** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.
4. **Permits Denied:** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development, and which if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

**FINDINGS:** The City Engineering Department reviewed the preliminary plans and makes the following findings and recommends the following conditions of approval (Attachment "E"): City water is available for extension within the May St. right of way at the east property line of the parcel. **The applicant shall purchase and dedicate to the City the Ice Fountain water main along the May Street frontage from the east to the west property lines and install an isolation valve at the connection to the Ice Fountain system. The City water system shall be extended to the west property line within the proposed street right of way. All piping shall be looped, with valves on all legs of system at intersections.**

The City sewer system is available for extension within the May St. right of way. **Unless a design exception is approved through the engineered design review process, the system shall be extended to the west property line within the proposed street right of way. Sizing of all pipes shall meet the City's Sanitary Sewer Capital Facilities Plan (CFP). See City of Hood River Engineering Standards Section 4.7 Sanitary Sewer Systems for design criteria.**

#### **E. Storm Drainage.**

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

**FINDINGS:** The City Engineering Department reviewed the preliminary plans and makes the following findings and recommends the following conditions of approval (Attachment "E"): **A Storm Water Management Plan is required as per City Engineering Standards and shall be submitted with the engineered design. Sizing of all pipes shall meet the City's Stormwater Utility Capital Facilities Plan (CFP). See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design criteria.**



**F. Utilities.**

1. **Underground Utilities:** All utility lines including but not limited to those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

- a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
  - b. The City reserves the right to approve the location of all surface mounted facilities;
  - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
  - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. **Easements:** Easements shall be provided for all underground utility facilities.
3. **Exception to Under-Grounding Requirement:** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

**FINDINGS: A condition of approval is recommended that all utilities shall be placed underground.**

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

**FINDINGS: A condition of approval is recommended that public- and franchise utility easements shall be depicted on the plat for any utilities located on the site.**

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

**FINDINGS: Public improvements are proposed. As such, a condition of approval is recommended specifying that no public improvements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.**

**I. Installation.**

1. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
2. **Adopted Installation Standards:** The Oregon Standard Specifications for Construction, Oregon Department of Transportation and Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.
3. **Commencement:** Work shall not begin until the City has been notified in advance.
4. **Resumption:** If work is discontinued for more than one (1) month, it shall not be resumed until the City is notified.
5. **Construction Observation:** Improvements shall be constructed under the observation and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under *Modifications and Extensions*, Section 16.08. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced by an Oregon Licensed Land Surveyor prior to final acceptance of the improvements.
6. **Engineer's Certification and As-Built Plans:** A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" drawings, in conformance with the City Engineer's specifications, for permanent filing with the City. One set shall be a hard copy plot or print and one set shall be in electronic AutoCad format compatible with the City's computer hardware and software.

**FINDINGS:** All public improvements, or private improvements affecting public utilities, must be reviewed and approved by the City Engineer in accordance with applicable standards.

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

**FINDINGS:** The City Engineer will determine if a performance guarantee is required.

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

**FINDINGS:** The City Engineer will determine if a warranty guarantee is required.

## **D. CHAPTER 17.03 – LAND USE ZONES:**

### **17.03.010 – Urban Low Density Residential Zone (R-1)**

**FINDINGS:** If the subject Annexation and Subdivision applications are approved, the applicant proposes to construct single-family homes on the five new lots. According to HRMC 17.03.010, single-family dwellings are permitted in the R-1 zone.

#### **Site Development Requirements.**

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.
2. The minimum requirements for building sites are as follows:
  - a. Per dwelling, unit a minimum area of 7,000 square feet.
  - b. A minimum frontage of fifty (50) feet on a dedicated public street.
  - c. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
3. Lot coverage: Pursuant to 17.04.120

**FINDINGS:** As depicted on the preliminary plat, the proposed lots comply with the minimum lot size standards and minimum frontage requirements of the R-1 zone. Lot coverage will be evaluated in association with future development on Lots 1, 2, 3, 4 and 6. Existing development on Lot 5 complies with maximum lot coverage standards. As such, the proposal is consistent with these requirements.

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

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

**FINDINGS:** Setbacks will be evaluated in association with future development on Lots 1, 2, 3, 4 and 6. Existing development on Lot 5 complies with setback standards. As such, the proposal is consistent with these requirements.

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

**FINDINGS:** Building height will be evaluated in association with future development on Lots 1, 2, 3, 4 and 6. Imported fill has been placed on the site as topsoil for landscaping, but will not affect building height. Building height will be measured from original grade per City Engineering Standards.

**Parking Regulations.**

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

**FINDINGS:** Parking will be evaluated in association with future development on Lots 1, 2, 3, 4 and 6. Existing development on Lot 5 complies with parking standards. As such, the proposal is consistent with these requirements.

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

**FINDINGS:** No signs are proposed. As such, the sign standards of HRMC 17.13 are not applicable.

**III. CONCLUSION:** Based on the above Findings of Fact, the Planning Commission **forwards a recommendation of approval of the annexation to the City Council**, and the Planning Commission **tentatively approves** the 6-lot subdivision **subject to the following conditions:**

Annexation

1. The effective date for the annexation shall be the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Rural Fire District and Ice Fountain Water District will be the effective date of the annexation, except for purposes of ORS 308.225.
2. The applicant shall deposit with the City funds in the amount of the estimated payment to West Side Rural Fire District and Ice Fountain Water District as specified by Council. Within 30 days after the estimated payment amounts are approved by the City and the respective Districts, the applicant shall pay any balance owed to the City, or the City shall refund to the applicant any overpayment.
3. Annexation and withdrawal from West Side Rural Fire Protection District and Ice Fountain Water District is required as a condition of connection to City water and sanitary sewer. All annexation and withdrawal fees are the responsibility of the applicant.
4. Approval of the subject Subdivision shall be contingent upon City Council approval of the Annexation of the subject site.

Subdivision

5. Prior to final plat approval, the applicant shall redesign and construct the new public street to comply with City standards. On-street parking is proposed in the interior street which shall be built to the Urban Local Residential Option "C" standard, in accordance with the street section identified in the City Engineering Department comments dated May 19, 2008 (Attachment "M"). A design exception allowing a sidewalk on only one side and reduced right of way may be available through the engineered design review process. See City of Hood River Engineering Standards Section 4.4 Roadways for design criteria.
6. Prior to final plat approval, the applicant shall complete improvements to the site's May Street frontage in conformance with City standards, including matching the street section in the Willow Pond PUD. At the preconstruction meeting the condition of the asphalt will be noted, with pictures, and during construction the City Inspector will monitor the surface condition with the Project Engineer. If the street condition warrants, the developer will replace the asphalt as required. The City Engineer shall have the final authority to require replacement of the asphalt.
7. Prior to final plat approval, the future street plan shall be modified to depict access to the property east of the site (3N 10E 34AC Tax Lot 900) in a manner that minimizes potential turning conflicts at the intersection of the new public street with May Street (i.e. as far south from May Street as possible, without impact the existing home on Tax Lot 900).
8. A vehicle access restriction shall be depicted on the plat along the eastern property line of Lot 1 (adjacent to the new public street), as well as along the eastern approximately 65 feet of its May Street frontage (limiting access to the existing shared driveway).

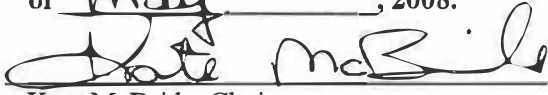
9. A notation shall be included on the final plat that no parking is permitted in the fire-access turn easement, and the easement shall be valid until the public street is extended west and connects to Frankton Road.
10. Prior to final plat approval, the applicant shall design and construct the water system to comply with City Engineering standards. The applicant shall purchase and dedicate to the City the Ice Fountain water main along the May Street frontage from the east to the west property lines and install an isolation valve at the connection to the Ice Fountain system. The City water system shall be extended to the west property line within the proposed street right of way. All piping shall be looped, with valves on all legs of system at intersections.
11. Prior to final plat approval, the applicant shall design and construct the sanitary sewer system to comply with City Engineering standards. Unless a design exception is approved through the engineered design review process, the system shall be extended to the west property line within the proposed street right of way. Sizing of all pipes shall meet the City's Sanitary Sewer Capital Facilities Plan (CFP). See City of Hood River Engineering Standards Section 4.7 Sanitary Sewer Systems for design criteria.
12. Prior to final plat approval, the applicant shall design and construct the storm sewer system to comply with City Engineering standards. A Storm Water Management Plan shall be submitted with the engineered design. Sizing of all pipes shall meet the City's Stormwater Utility Capital Facilities Plan (CFP). See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design criteria. 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.
13. Prior to approval of the final plat, the applicant shall verify the size, species and location of all existing trees 6" and greater diameter (measured 4 feet above grade) on the site as required by HRMC 16.12.040(B and C). All Significant trees and shrubs on the site (i.e. native, 6" and greater DBH), including plants within their driplines, shall be retained in accordance with HRMC 16.12.040(B-E), unless an exemption(s) is warranted and granted in accordance with 16.12.040(F). In order to ensure the continued retention and protection of Significant trees and shrubs, they shall be depicted on the subdivision plat or on a boundary survey that shall be filed with the County Surveyor prior to recording the final plat. Any such boundary survey shall be reviewed by the Planning Department prior to filing with the County Surveyor. Any such boundary survey shall be referenced on the plat, and a plat note shall be included that states any tree or shrub identified on the boundary survey shall be retained and protected unless removal is approved by the City Planning Department in accordance with applicable landscape conservation standards.
14. Prior to final plat approval, street trees shall be provided in conformance with HRMC 16.12.050, including a minimum caliper size of two inches. The City Engineer may allow an exception to allow some trees to be planted in association with building permits for the new homes.
15. A street name shall be included on the final plat that complies with the street naming standards of Section 13.04 of the Hood River Municipal Code.
16. Prior to final plat approval, the applicant shall demonstrate that the subdivision and future development on the lots comply with the requirements of the Fire Marshal.
17. Public- and franchise utility easements shall be depicted on the subdivision plat for any utilities located on the site.

18. All public improvements and dedications shall be identified on the plat.
19. No public or private improvements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. All Fees, Bonds, and Insurance shall be provided as per the Engineering Standards requirements.
20. 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.
21. Prior to excavation for roads, utilities and/or home construction, construction fencing shall be installed around retained Significant Trees and Shrubs.
22. All utilities shall be placed underground in conformance with HRMC 16.12.060 (F), including power, phone, and cable TV and other telecommunications lines, and shall be extended to the far property line of the project.
23. All City water, sanitary, and or storm sewer pipes and appurtenances located outside of a dedicated public right of way shall be located within a recorded easement on a form provided by the City. All easements shall meet the requirements of the City Engineering Standards. Any public utility easements and dedications shall be on a form provided by the City.
24. A National Pollutant Discharge Elimination System (NPDES) 1200-C permit shall be obtained, if required, from the Oregon Department of Environmental Quality. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.
25. The final plat shall be submitted in compliance with the requirements of HRMC 16.08.030, Final Plat Submission Requirements and Approval Criteria.
26. The final plat shall be filed and recorded in compliance with the requirements of HRMC 16.08.040, Filing and Recording.
27. All concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in HRMC 16.12.020 and 16.12.030, and in compliance with the requirements of the City Engineer.
28. Driveway locations to serve Lots 2, 3, 4, 5 and 6 shall be depicted on the subdivision construction plans and shall maintain a minimum of 22 feet of separation as measured from the sides of the driveway/street.
29. The applicant/property owner is responsible for knowledge of existing easements and property lines. Conflicts are to be resolved prior to issuance of building permits. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
30. This approval shall be 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 Planning Director prior to the expiration date if the applicant can demonstrate compliance with applicable land division extension standards.
31. Failure to comply with these conditions will nullify this permit.

**IV. DECISION:** Commissioner Kaden moved and Commissioner Harrison seconded a motion to forward a recommendation of approval of the annexation request to the City Council based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 5-1 vote.

Commissioner Kaden moved and Commissioner Harrison seconded a motion to approve the 6-lot subdivision for Pathfinder Development Group, Inc. and Elan Holdings, LLC, based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 6-0 vote.

**APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION** the 23<sup>rd</sup> day  
of May, 2008.

  
\_\_\_\_\_  
Kate McBride, Chair

ATTEST:

  
\_\_\_\_\_  
Kevin Liburdy, Senior Planner



March 21, 2008

To: Kevin Liburdy, City of Hood River

From: Scott Keillor, AICP

Re: **Annexation Request for 3N-10E-34A, Tax Lot 1804, Elan Holdings, LLC**

Kevin,

Below are summary findings in support of the above annexation request. The subject property is located at 3895 May Street, adjacent west of the Willow Pond Subdivision and adjoining the City Limits. Please also refer to attached deed and Annexation exhibit.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.

**Response:** The attached annexation exhibit includes the required drawing elements. The scaled and dimensioned exhibit shows the 2.08-acre site is adjacent to the western City Limits along a majority of its east boundary. The proposed use is residential, consistent with surrounding zoning and uses. The specific existing zone is County Low Density Residential, R-1 and is proposed as a City R-1 zone upon annexation. The proposed density is 2.9 units per acre, pending approval of a concurrent 6-lot subdivision. The exhibit includes adjacent lands and City and County zoning designations as required.

2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.

**Response:** This memo provides the required statement.

3. Completed certifications of property ownership, registered voter status, map, and legal description.

**Response:** Attached is the property deed showing the present owner is Elan Holdings, LLC (the LLC members are Rael and Adelle Isaacowitz). Because this is an owner initiated, single parcel annexation request, the request for voter status appears unnecessary – please advise





if this information is essential. The legal description for the property is map 3N-10E-34A, Tax Lot 1804.

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

**Response:** The required filing fee is being submitted with this request.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the Quasi-Judicial Hearing Procedures or Legislative Hearing Procedures (Chapter 17.09), whichever is applicable.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

**Response:** The subject property is located adjacent west of the existing City Limits, adjoining Willow Pond. The annexation represents an extension of the City boundary to accommodate new housing and City services.

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**Response:** A concurrent subdivision application is being submitted to the City. It includes preliminary utility plans that indicate the area can be served by a rational extension of services and roads. All needed City services are available to serve this site. Due to its location on May Street adjacent to the City Limits, there appears to be no reason a negative impact to the service area would result from serving the subject property. The imposition of service will be compensated through newly created public and private improvements, and associated tax revenue to the City.



5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;
6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;

**Response:** The applicant is certain the City will find the annexation favorable, given the pending 6-lot subdivision, with its associated public and private improvements and related tax revenues. The annexation addresses housing growth within the Urban Area, and under the City/County UGA agreement, the City's land use code applies to the parcel. Because the City is the most appropriate review body, concurrent annexation is proposed. This allows the City to control the proposed development and related infrastructure development.

7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;
8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
9. The annexation conforms to the Comprehensive Plan.

**Response:** The proposal is consistent with adjacent development and will not negatively impact nearby properties. Because the area is designated as Low Density Residential and is located within the UGA, the annexation request will facilitate the natural extension of urban services to serve urban expansion – the proposal is therefore consistent with the City's Comprehensive Plan.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and
3. The impact on the City's tax base, if any, as a result of the annexation.

**Response:** The applicant understands that City staff will conduct a fiscal analysis of the proposed annexation. In general terms, the annexation will facilitate development of a 6-lot subdivision. One of the proposed lots will retain an existing resident. The remaining four lots will add considerable tax revenues and enterprise funds (water and sewer hook-ups) to the City. No unusual or excessive costs are anticipated because City utilities are immediately adjacent in May Street, and will be built to City Standards with access direct from May Street. The proposal will result in an expansion of the City's tax base.



17.15.080 Evaluation Criteria – Urban Service Capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

**Response:** The municipal service needs for the annexation territory are the full range of urban services required for residential development. This includes police, fire, sewer, water and public street access. On-site city water, sewer and street improvement costs to adequately serve the proposed development will be the responsibility of the applicant. All long-term or system-wide service maintenance needs and ongoing police and fire protection are typically the responsibility of the City upon annexation. These City costs are expected to be covered by the additional tax revenues generated by the proposed development.

17.15.090 Staff Analysis. In order to assure that the Planning Commission and the City Council, prior to action upon a proposal for annexation, are fully informed as to the potential impacts of the annexation on both the City and the territory proposed to be annexed, the City Planning Department shall provide a staff report addressing the above criteria.

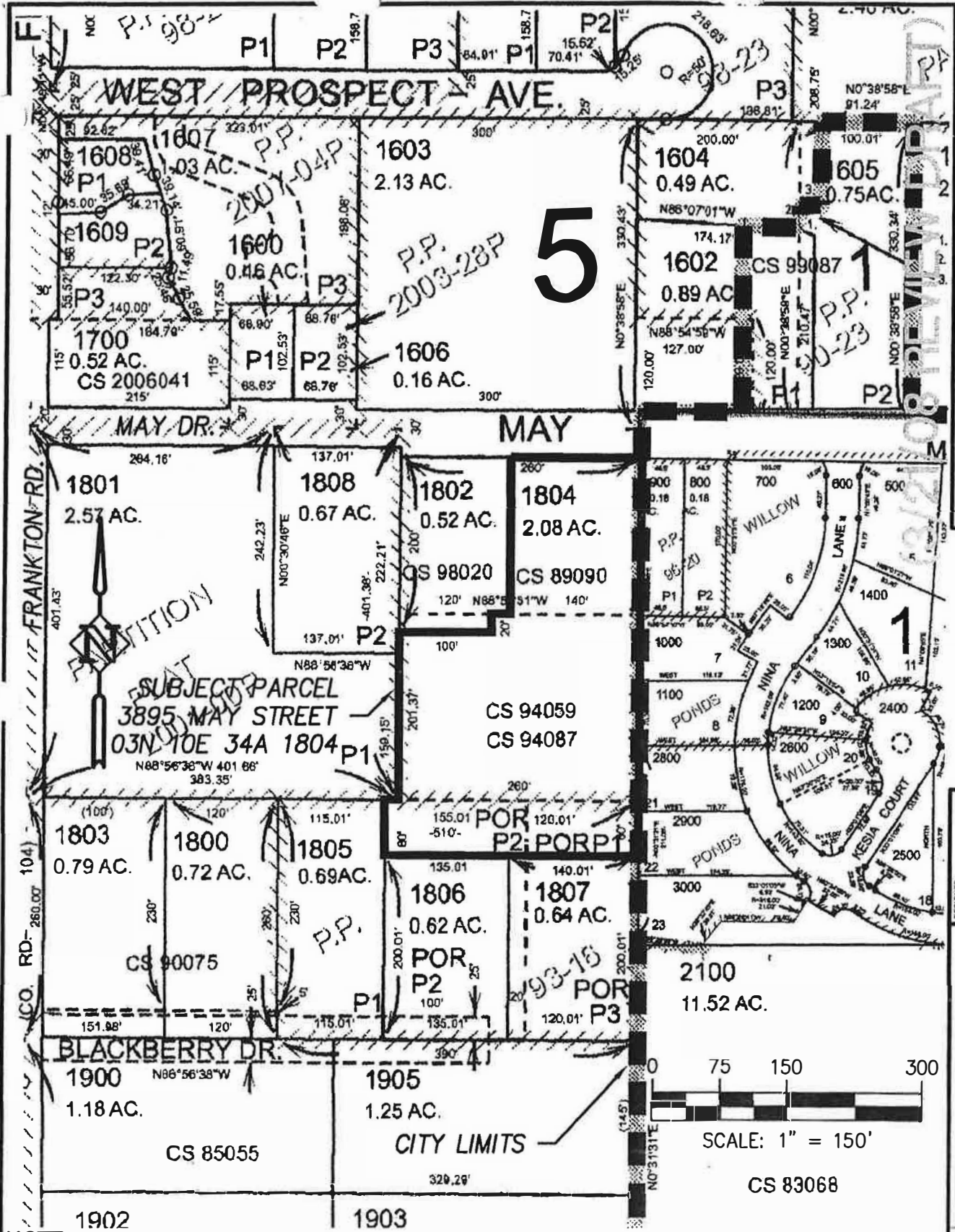
**Response:** Noted.

**Conclusion:** The applicant requests annexation of the subject 2.08 acres adjacent west of the City Limits (adjoining the Willow Pond PUD). The above findings support the proposal, and the applicant respectfully requests the Planning Commission recommend the City Council approve the annexation.

5

ANNEXATION EXHIBIT  
ELAN ESTATES SUBDIVISION  
HOOD RIVER COUNTY, OREGON

SUMMERSETT CIVIL  
ENGINEERING  
6305 Miller Road  
Mount Hood Parkdale, OR 97041-8722  
(541) 352-9313



- NOTE:**
1. SUBJECT PARCEL AND ALL ADJACENT PARCELS ARE ZONED EITHER COUNTY LOW DENSITY RESIDENTIAL R-1 OR CITY URBAN LOW DENSITY RESIDENTIAL R-1 AND ARE DEVELOPED AS SUCH. NONE OF THEM ARE UNDEVELOPED.
  2. EXISTING RESIDENTIAL LAND USE DENSITY  $\approx$  0.5 DWELLING UNITS PER GROSS ACRE. PROPOSED RESIDENTIAL LAND USE DENSITY = 2.9 DWELLING UNITS PER GROSS ACRE.

DESIGNED	SSS
DRAWN	SSS
CHECKED	SSS
DATE	DATE
	March 24, 2008
DESCRIPTION	
JOB NO.	
03N10E34A1804	
SHEET NO.	
1	
OF	
1	



**PRELIMINARY TITLE REPORT**

Pathfinder Development Group, Inc.  
Attn: Eric Sletmoe, General Manager  
Fax: 387-5450

February 1, 2007  
**Report #1**  
Title Number: 0037115  
Escrow Officer: TITLE ONLY

**Policy or Policies to be issued:**  
PRELIMINARY TITLE REPORT ONLY

<u>Liability</u>	<u>Premium</u>
No Charge	

We are prepared to issue ALTA (10/17/92) title insurance policy(ies) of FIRST AMERICAN TITLE INSURANCE COMPANY of OREGON, in the usual form and amount(s) shown above, insuring the title to the land described as follows:

SEE EXHIBIT "A" ATTACHED---

**Vestee:**

**ELAN HOLDINGS, LLC**

Dated as of January 29, 2007 at 8:00 A.M.

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

**GENERAL EXCEPTIONS:**

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*
- Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.*
- Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.*
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.*
- Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- Unpatented mining claims whether or not shown by the public records.*

***SPECIAL EXCEPTIONS:***

7. The rights of the public in roads and highways.
8. The herein described property lies within the boundaries of Farmers Irrigation District and is subject to levies, assessments and easements, if any, thereof.
9. Minor Partition, subject to the terms and provisions thereof;  
Recorded :December 30, 1988  
Microfilm No. :883087 (Records of Hood River County, OR)
10. Minor Partition, subject to the terms and provisions thereof;  
Recorded :December 29, 1989  
Microfilm No. :893528 (Records of Hood River County, OR)
11. Annexation Agreement, and the terms and provisions thereof:  
Between :Ronald Krieg and City of Hood River  
Recorded :January 19, 1990  
Microfilm No. :900137 (Records of Hood River County, OR)
12. Agreement, Waiver of Remonstrance and Appointment of Attorney-in-Fact, subject to the terms and provisions thereof;  
In Favor of :City of Hood River  
Recorded :January 19, 1990  
Microfilm No. :900138 (Records of Hood River County, OR)
13. Rural Water Application and Annexation Agreement, and the terms and provisions thereof:  
Recorded :February 7, 1990  
Microfilm No. :900262 (Records of Hood River County, OR)
14. Reservation including the terms thereof as set forth by deed;  
From :Krieg Millwork, Inc.  
To :Marcus Bergen  
Recorded :March 26, 1992  
Microfilm No. :920896 (Records of Hood River County, Oregon)  
Purpose :Easement for utilities
15. Annexation Agreement, and the terms and provisions thereof:  
Between :Marcus and Annette Bergen and City of Hood River  
Recorded :July 14, 1993  
Microfilm No. :932342 (Records of Hood River County, OR)
16. Agreement, Waiver of Remonstrance and Appointment of Attorney-in-Fact, subject to the terms and provisions thereof;  
In Favor of :City of Hood River  
Recorded :May 3, 1995  
Microfilm No. :951206 (Records of Hood River County, OR)

17. An Agreement, and the terms and provisions thereof:  
 Between :Marcus and Annette Bergen and City of Hood River  
 Recorded :May 3, 1995  
 Microfilm No. :951207 (Records of Hood River County, OR)
  
18. Agreement, Waiver of Remonstrance and Appointment of Attorney-in-Fact, subject to the terms and provisions thereof;  
 In Favor of :City of Hood River  
 Recorded :May 3, 1995  
 Microfilm No. :951208 (Records of Hood River County, OR)
  
19. Easements and Covenant created by instrument, subject to the terms and provisions thereof:  
 Recorded :September 6, 1995  
 Microfilm No. :952538 (Records of Hood River County, OR)
  
20. Property Line Adjustment, subject to the terms and provisions thereof:  
 Recorded :March 22, 1999  
 Microfilm No. :991315 (Records of Hood River County, OR)
  
21. Restrictions, easements and dedications contained on the face of said plat.
  
22. An Easement created by instrument, subject to the terms and provisions thereof:  
 Recorded :July 25, 2000  
 Microfilm No. :20002733 (Records of Hood River County, OR)  
 Between :Marcus and Annette Bergen and Fred and Fella Tanaka  
 Purpose :Ingress and egress
  
23. A Deed of Trust, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon:  
 Dated :July 7, 2006  
 Recorded :July 18, 2006  
 Microfilm No. :20063586 (Records of Hood River County, Oregon)  
 Amount [REDACTED]  
 Grantor :Rael Isacowitz  
 Trustee :First American Title Insurance Company  
 Beneficiary :Bank of America, N.A., a National Banking Association

**NOTE:** Taxes for fiscal year 2006-07 are paid in full as follows:  
 Code No. :5  
 Map Tax Lot No. :3N-10E-34A-1804  
 Reference No. :11149  
 Amount [REDACTED]

**NOTE:** The property address as shown on the Assessor's Roll is:

**3895 May St.  
Hood River, OR 97031**

**NOTE:** As of the date hereof, there are no matters against **Elan Holdings, LLC** which would appear as exceptions in the policy to issue, except as shown herein.

**NOTE:** Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

**This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.**

**AmeriTitle**

By:   
Linda D. Lively, Title Officer

LDL:erl

*"Superior Service with Commitment and Respect for Customers and Employees"*



**EXHIBIT "A"**

The East 260 feet of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon.

**EXCEPTING THEREFROM:**

The South 260 feet thereof and the West 120 feet of the North 200 feet thereof and the North 30 feet of the East 140 feet thereof.

**TOGETHER WITH:**

The North 60 feet of Parcel 2 & 3 of Partition Plat No. 9316 as filed May 26, 1993 and being a portion of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon;

**EXCEPTING THEREFROM:**

The South 20 feet of the North 220 feet of the West 100 feet of the East 260 feet of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon.

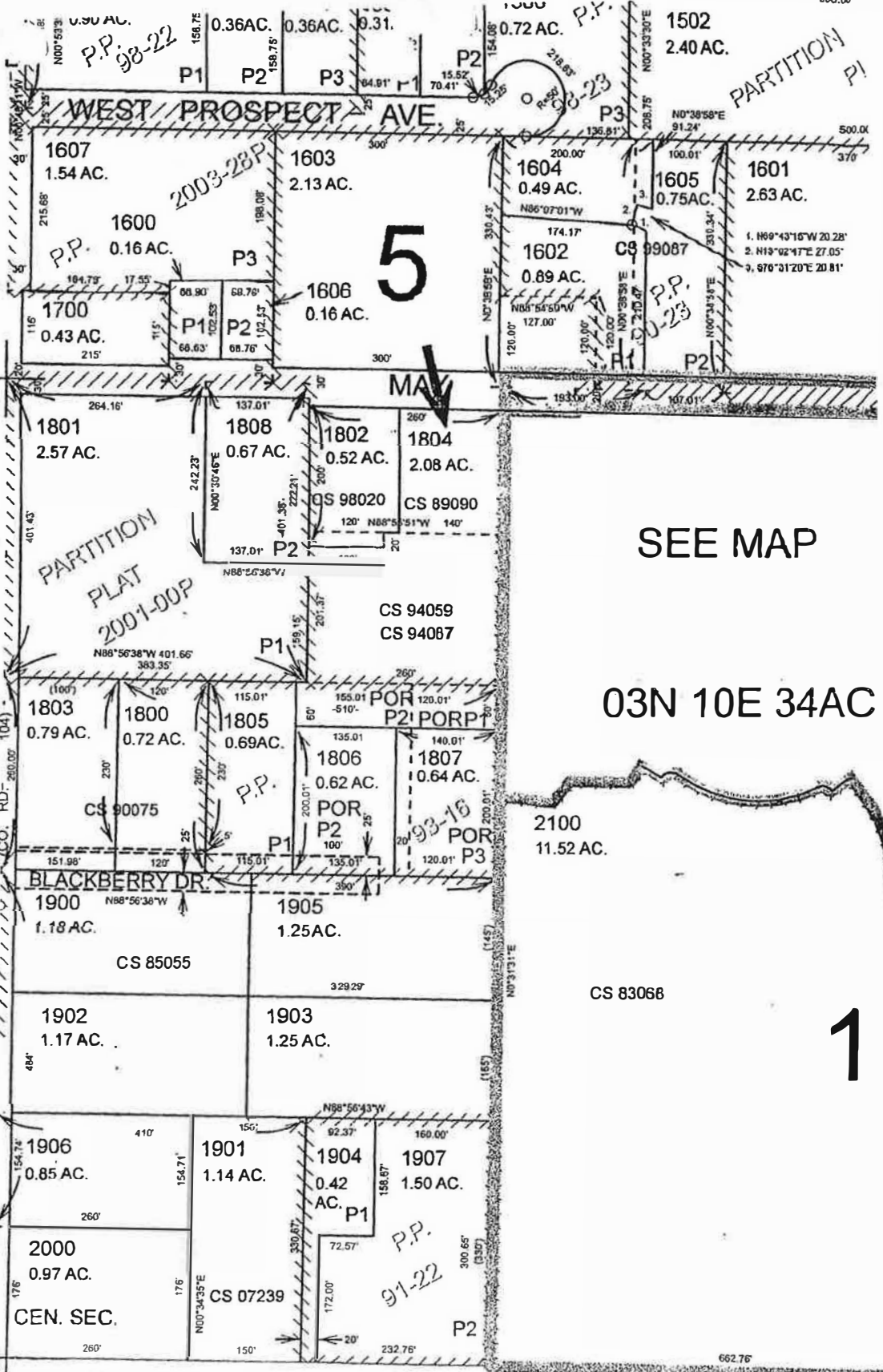
SEE MAP 03N 10E 34B

SEE MAP

03N 10E 34AC

1

SEE M



2006-585(2)

THIS SPACE RESERVED FOR RECORDER'S USE



After recording return to:  
 Rael Isacowitz

---

Until a change is requested all  
 tax statements shall be sent to  
 The following address:

Rael Isacowitz

---

Escrow No. HR35911  
 Title No. 0035911

(SWI)

35911

STATE OF OREGON      SS

COUNTY OF HOOD RIVER

I certify that this document has been received  
 and recorded in this recording jurisdiction.

Sandra E. Berry, Director of records and  
 Assessment and Information Services

by: \_\_\_\_\_ Deputy

DOC#: 2006585  
 RCPT: 50359 31.00  
 7/18/2006 10:24 AM

**STATUTORY WARRANTY DEED**

**John M. Garcia and Nancy Garcia, as tenants by the entirety, Grantor(s) hereby convey and warrant to Rael Isacowitz, Grantee(s) the following described real property in the County of HOOD RIVER and State of Oregon free of encumbrances except as specifically set forth herein:**

**SEE EXHIBIT "A" ATTACHED--**

Ref. No. 11149      3N1034A 1804

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:  
 2006-2007 Real Property Taxes a lien not yet due and payable.

The true and actual consideration for this conveyance is \_\_\_\_\_.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 12<sup>th</sup> day of July, 2006

John M. Garcia  
 John M. Garcia

Nancy Garcia  
 Nancy Garcia

State of Oregon  
 County of Hood River

This instrument was acknowledged before me on July 12<sup>th</sup>, 2006 by John M. Garcia and Nancy Garcia.

Karrie Cantrell  
 (Notary Public for Oregon)

My commission expires 12/8/07



(2)  
20064332

ONLINE RECEIVED FOR REORDER'S USE

Mail after recording to:  
Rael Isaacowitz  
3895 May Street  
Hood River, Oregon 97031-8742

Send Tax Statements to:  
Elan Holdings, LLC  
3895 May Street  
Hood River, Oregon 97031-8742

Tax Parcel/Lot Identifier Number: 3N1034A1804

STATE OF OREGON SS

COUNTY OF HOOD RIVER  
I certify that this instrument was received and recorded in the records of this county.

Sandra E. Berry, Director of records and Assessment and Es. Official Recorder  
by: [Signature] Deputy.

DOC#: 20064332  
RCPT: 512AS 51.00  
8/31/2006 12:29 PM

**QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS QUITCLAIM DEED, executed this 17 day of AUGUST, 2006, by and between

GRANTOR	GRANTEE
Rael Isaacowitz, an individual, <input checked="" type="checkbox"/> married <input type="checkbox"/> unmarried	Elan Holdings, LLC,  Tax/Mailing Address: 3895 May Street Hood River, OR. 97031-8742

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That the Grantor, for good consideration and for the sum of Zero Dollars (\$ 0.00 ) in hand paid, by Grantee, the receipt of which is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee all the right, title, interest and claim which the Grantor has in that certain lot or parcel of land situated in the City of Hood River, County of Hood River, State of Oregon to wit:  
**SEE EXHIBIT "A" ATTACHED**

THE TOTAL DOLLAR VALUE OF THE CONSIDERATION paid for the property described herein is \$ 0 - 0 - 00.

IN WITNESS WHEREOF, The said Grantor has caused these presents to be signed by its duly authorized officer on the day and year first above written.

[Signature]  
Signature of Grantor

STATE OF CALIFORNIA )  
 )  
COUNTY OF Orange ) ss.

On AUGUST 17th, 2006 before me EDGAR DE LA TORRE, Notary Public, personally appeared Rael Isaacowitz, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

EDGAR DE LA TORRE  
SIGNATURE OF NOTARY PUBLIC



**EXHIBIT "A"**

The East 260 feet of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon.

**EXCEPTING THEREFROM:**

The South 260 feet thereof and the West 120 feet of the North 200 feet thereof and the North 30 feet of the East 140 feet thereof.

**TOGETHER WITH:**

The North 60 feet of Parcel 2 & 3 of Partition Plat No. 9316 as filed May 26, 1993 and being a portion of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon;

**EXCEPTING THEREFROM:**

The South 20 feet of the North 220 feet of the West 100 feet of the East 260 feet of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian in the County of Hood River and State of Oregon.

20064332

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# Elan Estates Subdivision

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## Project Narrative

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Submitted to: City of Hood River  
Submitted by: Pathfinder  
Development Group, Inc.

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March, 2008

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## Elan Estates Subdivision

### TABLE OF CONTENTS

<b>I. PROJECT OVERVIEW .....</b>	<b>3</b>
<b>Existing Conditions .....</b>	<b>4</b>
<b>Site Layout .....</b>	<b>4</b>
<b>Access and Streets.....</b>	<b>4</b>
<b>Parking.....</b>	<b>4</b>
<b>Utilities .....</b>	<b>4</b>
<b>Drainage .....</b>	<b>5</b>
<b>Authority and Approval Request.....</b>	<b>5</b>
<b>II. RESPONSE TO APPLICABLE APPROVAL CRITERIA .....</b>	<b>5</b>
<b>III. CONCLUSION .....</b>	<b>30</b>



**I. PROJECT OVERVIEW**

The proposal includes a request to annex the subject property to the City of Hood River in order to secure public water and sewer service to develop a six-lot subdivision. The property located on the south side of May Street between Frankton Road and Nina Drive (adjacent directly west of Willow Ponds PUD). The following lists project contacts and summary data:

Applicant: Pathfinder Development Group, Inc  
3345 Cascade Avenue  
Hood River, OR 97031  
541.490.1747 phone  
541.275.1986 fax  
Contact: Eric Sletmoe  
[eric@pathfinderhr.com](mailto:eric@pathfinderhr.com)

Owner: Elan Holdings, LLC  
Rael and Adelle Isacowitz  
3895 May Street  
Hood River OR 97031  
541.386.5161

Planner: Columbia Planning and Design, LLC  
885 Methodist Road  
Hood River OR 97031  
541.806.1535 phone  
541.386.1353 fax  
Contact: Scott Keillor, AICP  
[scott@columbiaplanning.com](mailto:scott@columbiaplanning.com)

Engineer: Summersett Civil Engineering  
6305 Miller Road  
Mount Hood Parkdale, OR 97041-8722  
541.352.9313 phone  
Contact: Shawn Summersett, PE  
[shawn@summersettce.com](mailto:shawn@summersettce.com)

Site address: 3895 May Drive  
Map No: 3N 10E 34A tax lot 1804  
Site Size: 2.08 Acres  
Zoning: U-R-1 (County Low Density Residential)

Request: 1. Annexation to City of Hood River  
2. Preliminary Approval for a 5-Lot Subdivision





### **Existing Conditions**

The property is “L” shaped and extends south from May Street to the existing home on the upper, southern half of the site. The existing driveway extends in a curve up the north-facing slope and is shared near May Street with the neighbor adjacent west. There are a number of trees located across the site, including conifers and deciduous species. The site is surrounded by developed R-1 properties, with homes on all sides.

### **Site Layout**

The proposed subdivision is designed to reflect the character of the adjacent Willow Pond PUD. With 6 lots on 2 acres, Elan Estates has a proposed gross density of 2.9 units per acre, and a net density of 3.3 units per acre once proposed street right-of-way is dedicated. The proposal retains the existing home on a large 2/3-acre lot and creates five new lots of 7,028 to 12,099 square feet. The average lot size is proposed at 13,060 square feet. These parcels would be accessed via a public street that follows the site contours, sweeping from May Street southwest to the west property line, with plans for a future street westerly to connect to Frankton Road as property west of the site re-develops. New homes would be accessed from the new local “infill” street, and would be tucked into the slope to maximize views. The entire site concept includes extensive landscaping to ensure that Elan Estates truly looks and feels like a virtual extension of the adjacent Willow Pond development.

### **Access and Streets**

May Street is the County Street name at present, and is likely to change to May Street upon annexation. For this reason the application refers to May Street for access to the site.

The site is located on the south side of May Street, approximately 600’ east of its intersection with Frankton Road. It takes direct access from May Street, which would be widened as required along its frontage, including planting strip and sidewalk. The new local street is proposed as a 32’ Neighborhood Infill street (Option “A”). There are constraints to future street planning on three sides of the project, including topography and drainage north, and existing development east and south. To ensure compliance with the City’s Future Street Plan regulations, the applicant proposes a future 380’ extension of the local infill street when the property adjacent west decides to redevelop. Sheet 1 indicates how the future street would align, and indicates there is a potential for 10 homes total on the new street, Elan Lane. This includes potential for 5 homes on the future street, and 5 homes on the subject site. Note that proposed Lot 1 will use the existing shared driveway with the property adjacent west as this is a preferred, existing access point that will avoid a new driveway near the new intersection of Elan Lane and May Street.

### **Parking**

All homes will be provided with minimum two off-street parking places. Additional guest parking is planned along the northwest and southeast segments of Elan Lane, totaling 5 additional parking spaces.

### **Utilities**

The proposal includes private utility connections from each lot to May Street. This includes direct connections for Lot 1 to May Street, replacing the connection now being used for the existing home.



Lots 2 through 6 will be served via extensions within Elan Lane (see Sheet 5, Utility Plan).

**Drainage**

Storm water will be conveyed into the existing culvert under May Street just east of the site frontage.

**Authority and Approval Request**

The site is located within the City of Hood River Urban Growth Boundary, but is proposed for concurrent annexation to the City of Hood River to facilitate public sewer and water delivery to the project. The applicant must demonstrate compliance with the land division and R-1 zoning approval criteria of the City of Hood River Zoning Ordinance. Responses to applicable approval criteria are provided in Section II of this report.

**II. RESPONSE TO APPLICABLE APPROVAL CRITERIA**

Responses to all applicable sections of the City of Hood River Zoning Regulations are included below. Sections that are not applicable may be omitted, and directive sections not requiring a response are marked as “Noted”.

**HOOD RIVER CITY ZONING REGULATIONS**

**CHAPTER 16 - LAND DIVISIONS**

Chapter 16.04 - Purpose and Definitions

16.04.010 Purpose

The purpose of this chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
- B. Carry out the City’s development pattern, as envisioned by the Comprehensive Plan and the Transportation System Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
- F. Promote alternative modes of transportation through the provision of adequate pedestrian and bicycle facilities;
- G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for all modes of transportation, water supply, sewage and drainage; and
- H. Encourage the conservation of energy, natural and open space resources.

**Response:** The proposal creates a logical extension of the City, with readily available services and a similar development pattern to adjacent Willow Pond PUD, also within the R-1 zone. The proposed



new infill street provides access to the parcels, and proposes a future street connection west to Frankton Road. The proposal maximizes development potential through efficient design that matches adjoining development, and which preserves an appropriately-sized lot for the prominent existing home on this exceptional site. All home sites are planned to maximize views, and present an orderly extension of the City in a desirable location. A frontage sidewalk on May Street is proposed to encourage walking – and May will be widened for safer bicycle through traffic. Fire access will be available direct from May Street, and the new street, Elan Lane will have acceptable fire access and a temporary turnaround on Lot 4. This temporary turnaround will be maintained as an easement until such time as Elan Lane is extended west to Frankton Road. With lots ranging from just over 7,000 square feet to about 2/3-acre, ample open space, light, and landscaping will be realized. Energy resources will also be conserved through adherence to modern building code practices.

### Chapter 16.08 - General Procedural Requirements

#### 16.08.10 Approval Process for Subdivisions and Partitions

- A. Subdivision and Partition Approval through Three-Step Process. Applications for subdivision or partition approval shall be processed through a three-step process:
1. Pre-Application Conference.
  2. Preliminary Plat.
  3. Review Final Plat

**Response:** A pre-application conference with County staff was held on August 21, 2007. In addition, the applicant held the required neighborhood meeting on March 6, 2008. Summaries for both meetings are given in Attachment A.

#### 16.08.020 Preliminary Plat Submission Requirements and Approval Criteria.

A. General Submission Requirements.

B. Preliminary Plat Information.

**Response:** The information required for the proposed improvements can be found on the Tentative Plan Set, Attachment B provided with this application narrative, including:

- Sheet 1, Cover
- Sheet 2, Existing Conditions
- Sheet 3, Preliminary Plat
- Sheet 4, Street/Grading/Drainage
- Sheet 5, Utility Plan

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



1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;

**Response:** The proposed Planned Development complies with all applicable code sections as demonstrated by this application narrative.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

**Response:** The County surveyor will be contacted to ensure that the proposed plat name "Elan Estates" has not been previously taken prior to final plat filing.

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

**Response:** All proposed improvements are on the attached Tentative Plan Set and are designed to properly fit with and transition to adjoining property. All public improvements and dedications are also identified. See Attachment B, Sheets 1 through 5.

4. The location, width and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets and walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);

**Response:** The Local Street Concept Plan Map (A-2) from the Transportation System Plan applies to this proposal. Adjacent topographic constraints and existing development on three sides result in the applicant proposing a future street west, as an extension of Elan Lane to Frankton Road. This westerly future infill street can serve up to five off-site homes as indicated on Sheet 1. All options to the north, east and south are foreclosed by topographic constraints and/or the close proximity to existing homes, and will not allow any other future streets. Consistent with the policy objectives of the TSP, a new public infill street is proposed on-site with a future connection off-site west to Frankton – such a future street is a conceptual alignment to be further refined should redevelopment of adjacent property be proposed.

5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat; and



**Response:** There are two parallel parking bump-outs proposed as easements on private land to be maintained by a proposed Homeowner's Association. A fire turnaround on Lot 4, and required private utility easements are also shown on the Sheet 3 of the attached Plan Set.

6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).

**Response:** Utilities exist in May Street on the project frontage. They will be extended in Elan Lane to serve Lots 2 through 6. Lot 1 will connect to the public system directly in May Street via the existing laterals, that now serve the existing home, but which would otherwise be terminated. With annexation approval, adequate public facilities exist to serve the site consistent with the Comprehensive Plan.

Street widths and grades are designed to meet fire access requirements. Fire protection will be provided from May Street.

7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable.

**Response:** All proposed lots will be served with needed public and private utilities, with extensions designed to prevent or minimize flood damage. No flood prone areas exist on the site.

8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required.

**Response:** Adequate drainage will be provided. Water quality and quantity control improvements are provided where necessary. Please refer to Sheet 4, Streets/Grading/Drainage.

9. Underground utilities are provided.

**Response:** All utilities will be placed underground.

10. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

**Response:** No new lots will be created within or near a flood plain of floodway.



11. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City Engineer.

**Response:** No new lots will be created within or near a flood plain of floodway.

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

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

**Response:** The application includes a parcel of more than twice that allowed by the underlying zone. Lot 5, containing the existing home is proposed at 29,187 square feet or 2/3 acre. The applicant has completed a Future Street Plan (FSP; see Sheet 1), and requests the Planning Director and the Planning Commission accept the FSP as the Re-Division Plan (RDP). This FSP/RDP shows re-division of the parcel adjacent west with a potential for five lots. The applicant has arranged the subdivision to provide an appropriately-sized lot for the existing home on this site. The Lot 5 public street frontage is less than 100', and the code requires 50' of public street frontage per lot. Therefore, there is no way to further divide Lot 5 in the future. The applicant prefers not to further divide Lot 5, as the lot is appropriately-sized for the existing home and garage, there is not adequate frontage to re-divide the lot under the code, and the average lot size for the subdivision is 13,060 square feet, which is less than twice the minimum lot size for the R-1 zone.



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

**Response:** Noted.

## Chapter 16.12 - General Design and Improvement Standards

### 16.12.010 General Applicability

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

**Response:** The proposed development is a subdivision and this narrative provides the required findings of compliance.

### 16.12.020 Vehicular Access and Circulation

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

**Response:** The proposed development is consistent with the intent of this section. Street connectivity is limited to a proposed westerly connection to Frankton due to topography and existing conditions. This Elan Lane extension is shown on the Future Street Plan (see Sheet 1, Cover). Proposed facilities are designed to ensure safe and efficient traffic flow, and there is sufficient capacity on May Street to serve the proposal, which includes potential for 5 new homes (50 new daily and 5 new peak hour trips).

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

**Response:** The proposed development abuts May Street and proposes dedication of and improvement of a new public street.

- C. Access Permit. Access to a public street requires an Access Permit.

**Response:** An access permit will be acquired as necessary. No State facilities abut the site that would require an access permit from the Oregon Department of Transportation (ODOT). All access permits would be issued by the City of Hood River and/or Hood River County and obtained by the applicant prior to approval of the final plans.



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

**Response:** A Traffic Study has not been required, and there is ample capacity on May Street to accept the projected traffic increase resulting from five new dwellings (50 daily and 5 new peak hour traffic trips).

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

**Response:** A joint access exists to the benefit of the neighboring property west of the site. This driveway access will be maintained and shared with Lot 1. This approach avoids the need for a new driveway on Elan Lane on the Lot 1 frontage, which could be problematic due to its proximity to the proposed new Elan/May intersection. There will be no parking areas other than driveways and parking pads on Elan Lane that require backing onto public streets.

- E. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by the City Engineer.
1. Option 1. Access is from an existing or proposed alley or mid-block lane.
  2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A private street may only be developed in as part of a Planned Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
  4. Frontage on an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes Planned Developments and mid-block lanes).
  5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage





lots are permitted in all residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

**Response:** The proposed development will provide access to new lots via public streets. A shared access will be maintained to continue to serve the neighbor adjacent west.

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

**Response:** The proposed new public street will be a local street. The existing driveway for the neighbor to the west will continue as a shared driveway with Lot 1. Lot 1 will have adequate on-site maneuverability to ensure no backing movements onto May Street. Other than Lot 1, which will be assigned the traffic now enjoyed by the existing home on the property, no proposed lots will have access onto an arterial or collector street. No special provisions apply to the proposed development.

- G. Shared Driveways. The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).



2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

**Response:** An existing shared driveway will maintain consolidated access on to May Street at the western site frontage. All other access points are consolidated via the new local street. The existing easement for access to the adjoining property to the west will be recorded at the time of plat approval.

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

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

**Response:** The proposal is within a residential R-1 zone, where block lengths are required at 600' and block perimeters are to be planned at 1,600' maximum. Due to topographic conditions and existing development, the only practical block division is via a new future street to the west. This street is proposed on Sheet 1 to meet the provisions of Section 16.12.030 and is aligned directly west from Elan Lane to Frankton Road. The resulting block formed by Elan Lane, its future extension, Frankton and May would have a near compliant length of 650' and a standard perimeter of 1,570'.

- K. Future Street Plan (FSP) Required. Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.
1. Applicability - The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-i, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in (2) and shall be subject to review and approval under (4). The Planning



Director may reduce the amount of off-site area to be considered below 600 feet in one or more directions in the following situations:

- a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
- b. The proposed street layout is consistent with a street pattern of an existing approved Future Street Plan.

**Response:** A Future Street Plan is provided on Sheet 1 in the attached Tentative Plan Set. As stated above, the only feasible connection is via a future infill street between Elan Lane and Frankton Road. There are very limited opportunities to plan future streets in any other direction due to existing development and topographic conditions. The applicant therefore requests the Planning Director and Planning Commission limit the Future Street Planning area to 600' west of the subject site for the following specific reasons:

- North. May Street, steep topography and a drainage way make future street planning impractical.
  - East. The Willow Pond PUD is platted and being developed, which a future street plan connection to Blackberry. No future street connection opportunities remain due to existing development.
  - South. The properties between the subject and existing/future Blackberry Lane are primarily developed, and the property slopes significantly to the south. There is no reasonable alternative for a southern street extension from the project to Blackberry Lane.
2. Submittal Requirements. The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the Future Street Plan criteria. The Future Street Plan shall incorporate the following details, both on-site and off-site:
- a. The Future Street Plan shall be no larger than 11 inches x 17 inches and may include several sheets.
  - b. The topography for slopes of 15% or greater with contour intervals not more than 10 feet.
  - c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site.
  - d. Property lines and dimensions.
  - e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development.
  - f. Site access points for autos, pedestrians, bicycles.
  - g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.

**Response:** The proposed Future Street Plan demonstrates conceptual future alignments of streets extending from the site to adjacent parcels. Property lines and pathways are shown on the plan set. The requirements of this Section are met by the figures and attachments provided with this application.



3. Review Criteria. A proposed Future Street Plan shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
  - a. A future street plan shall:
    - (1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
    - (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
    - (3) Provide multi-directional access and circulation to the Street system, avoiding maze-like and discontinuous street patterns; and,
    - (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets.
    - (5) Minimize the impact to natural resources and fit the landscape.
    - (6) Provide pedestrian access and create neighborhoods.
  - b. Wherever feasible, streets, alleys, and pedestrian-bicycle access ways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ Bicycle access ways may connect on one end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).
  - c. Pedestrian access ways shall be provided as required under 16.12.030.

**Response:** Responses to Article 17 and the City of Hood River TSP are provided below. The proposed Future Street Plan is adequate to serve local traffic, and there are no further, logically extensions of other local streets available adjacent to the site. The street alignment follows contours and avoids significant trees, including a large oak tree south of the paved section at western frontage of Lot 4. Expansion of May Street, with added pavement width, planting strip and sidewalk will further contribute to area pedestrian and bicycle circulation.

- L. Fire Access and Parking Area Turnaround. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 15a feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

**Response:** All portions of proposed exterior walls of buildings are less than 150 feet from a public street or an approved fire access drive.

#### 16.12.030 Pedestrian Access and Circulation

- A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:
  1. Continuous Pathways. A pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s)



to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.

2. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
  - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 8 feet wide and located within a 15-foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
  - b. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.
  - c. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
  - d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

**Response:** The proposal is for single-family homes on individual lots, so these criteria are inapplicable per subsection "A" above.

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



(See also, Section 16.12.060 - Public Facilities Standards for public, multi-use pathway standard.)

5. Accessible routes. Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

**Response:** These criteria are inapplicable because no pathways are proposed or required.

#### 16.12.040 Landscape Conservation.

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

**Response:** The proposal allows for significant retention of the trees and shrubs shown on Sheet 2, Existing Conditions.

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

**Response:** Significant trees and shrubs will be protected outside of construction impacts and wherever possible on site.

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

**Response:** Significant trees have been surveyed and identified on Sheet 2 of the attached Plan Set.

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



**Response:** The site has been designed to protect and augment the natural landscape as much as possible. Significant trees and shrubs will be protected as required on the proposed development area where practicable considering need for development of adequate public streets, utilities and allowed land uses.

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

**Response:** Significant vegetation will be protected during construction per the requirements of this Section.

16.12.050 Street Trees

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

**Response:** Street trees from the approved list will be planted as applicable.

16.12.060 Public Facilities Standards

A. Purpose and Applicability.

**Response:** The proposed improvements comply with the requirements of this Section.

B. Transportation Standards.

1. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this Chapter, and the following standards are met:
  - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this Chapter.
  - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
  - c. New streets and drives street shall be hard-surfaced; and
  - d. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:
    - (1) A partial improvement may create a potential safety hazard to motorists or pedestrians;
    - (2) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement



associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

- (3) The improvement would be in conflict with an adopted capital improvement plan; or
- (4) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

**Response:** The proposed development has the required frontage and access to a public street for all proposed lots.

2. Modifications. A modification to the street design standards in this Section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.

**Response:** The applicant has substantially complied with all development standards. This is an infill project on a sloped site with significant trees, and as such a detailed engineering design modification is necessary to develop the site. The applicant requests the City Engineer approve of a less than 15% grade for Elan Lane for less than 200’.

3. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name “the public,” as grantee.

**Response:** The proposed public street will be created through the recording process as described above.

4. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Section 16.12.020 Vehicular Access and Circulation and/or Section 16.12.030 Pedestrian Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

**Response:** The proposed development will extend use of an access easement to allow the customary access for the neighbor adjacent west of the site.

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





**Response:** Street location, width and grade have been carefully designed to fit the site's contours, and are in proper relation to the proposed home sites. The design meets the Neighborhood Infill Option "A" standard of the TSP, which is allowed for infill streets carrying no more than 100 trips per day. The proposal would carry 50 trips per day with future opportunity for expansion to serve a potential for five additional homes. Please see Future Street Plan, Sheet 1. There is a projected maximum estimate of 10 homes or 100 daily trips, which meets the limit for an Infill Option "A" street as proposed. Traffic trip estimates are based on the Institute for Traffic Engineers (ITE) manual, which projects 10 daily trips per home. One round trip from home equates to 2 trips – one leaving and one coming home. Therefore, your average home yields 5 round trips daily (10 Average Daily Trips or ADT).

- a. Street grades shall be approved by the City Engineer in accordance with the City's design standards and subsection 14, below; and

**Response:** All grades meet City design standards, with modifications requested in subsection 2 above. See also response to subsection 14 regarding street grades, below.

- b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
  - (1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
  - (2) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

**Response:** May Street is a collector street with sufficient capacity to serve the site. There are no identified street connections for this site, however, an infill street is proposed. The TSP and Code require a Future Street Plan be produced (see Sheet 1). The applicant notes topographic constraints and existing development in justifying a request that only the area west of the site be considered for a connection. An extension of Elan Lane west to Frankton Road is proposed as a logical extension to serve future development. No further street connections are proposed or warranted.

- 6. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in as shown in the street design standards. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
  - a. Street classification in the Transportation System Plan;
  - b. Anticipated traffic generation;
  - c. On-street parking needs;
  - d. Sidewalk and bikeway requirements based on anticipated level of use; e. Requirements for placement of utilities;
  - f. Street lighting;



- g. Minimize drainage, slope, and sensitive lands impacts;
- h. Street tree location, as provided for in Section 16.12.050;
- i. Protection of significant vegetation, as provided for in Section 16.12.040;
- j. Safety and comfort for motorists, bicyclists, and pedestrians;
- k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- l. Access needs for emergency vehicles; and
- m. Transition between different street widths (i.e., existing streets and new streets), as applicable.

**Response:** The applicant projects 60 new ADT (daily traffic trips) will result at build-out of the proposed six-lot subdivision (10 existing and 50 new trips). The code and TSP allow a Neighborhood Infill Option "A" street at 32' right-of-way for local streets that will not produce more than 100 ADT. Lot 1 will use the existing shared driveway with the neighbor to the west, and there is potential for five homes to access the street extension west of the site in the future. This results in a maximum of 10 homes of 100 daily traffic trips on the Elan Lane. To address guest parking, the applicant will provide parking bump outs on the street for a total of 5 spaces, and expansion of May Street with planter strip and sidewalk, will create the potential for 2 additional on-street parking spaces, if allowed. The parcels will include ample on-site parking, exceeding the minimum 2 spaces per unit, as follows:

On-site Parking (min. 2 per lot)	On-street Parking (May Street opt'l)	On-street Parking Nodes (Elan Lane)	Total min. Parking In area
12	2	5	19

Access needs will be met for emergency vehicles via May Street and Elan Lane. All of the requirements of this section are met by this proposal.

7. Traffic Signals and Traffic Calming Features.

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

**Response:** The site is located on May Street, a collector street. The internal street is proposed a Neighborhood Infill Option "A" street. It provides ample travel way, no parking and a wide planting strip on one side. By design, this street will have very low volumes and will be shared with pedestrians. Such streets calm traffic and are not able to handle vehicles at high speeds. No further traffic calming features are proposed or needed, and there is no warrant for a traffic signal.

8. Future Street Plan and Extension of Streets.



- a. Where required by 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.

**Response:** A Future Street Plan has been provided (see attached Sheet 1, Tentative Plan Set).

- b. Streets shall be extended to the boundary lines of the parcel or future tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below:

**Response:** Elan Lane will terminate at the site's western boundary, and will be extended as a future street westerly to Frankton Road. Sheet 1 shows how five additional lots could be divided and served by this future extension to the west, as required.

- (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

**Response:** Noted.

- (2) A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

**Response:** A temporary barricade can be provided at the end of Elan Lane, as required. In keeping with this natural setting, the applicant prefers to use boulders over a traditional red and white chevron-type barricade. A reflective sign can be added to the temporary turn around as required for safety.

- (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

**Response:** This standard is met, with one primary hammerhead created at the western temporary turn around in lower Elan Lane, using a temporary hammerhead easement on Lot 4 until such time as the future street is connected to Frankton Road.

#### 9. Street Alignment and Connections.

- a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.



**Response:** One new “T” intersection is created at Elan Lane and May Street, but no conflicts with other intersections are present within 300’.

- b. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

**Response:** Local street intersections are proposed to be separated by more than 125 feet.

- c. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

**Response:** The applicant has had several conversations with City staff regarding the preference for a connection west to Frankton Road. The applicant has proposed a public infill street as shown on the Future Street Plan, Sheet 1 of the attached Plan Set. Block lengths and perimeters are greatly improved, and infill is accommodated at an appropriate neighborhood scale. In this case, the slopes north and south of the site include portions greater than 15%, and these areas are largely developed. Willow Pond is developed adjacent east of the site. Due to these topographic constraints, drainage ways and existing development, no new street connections can be achieved in any direction from the subject site, other than west as proposed. This criterion is met.

- d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

**Response:** No known existing or planned services or facilities are located near the site.

- e. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in Section 16.12.020 Vehicular Access and Circulation: The maximum block length shall not exceed:
  - (1) 400 feet length and 1,200 feet perimeter in the in the Central Business District;
  - (2) 600 feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
  - (3) Not applicable to the Industrial zone (I); and
  - (4) 800 feet length and 2,000 feet perimeter in all other zones. Exceptions to the above standards may be granted by the City Engineer when a pedestrian access way is



provided at or near mid-block, in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

**Response:** See response to Section 16.12.020 (H and K) above. Block length and perimeter cannot be met due to topography and existing development north, east and south of the site. The applicant is proposing a future connecting west to Frankton. This connection will provide a nearly standard block length of 650', and standard block perimeter of 1,570' between May, Frankton, Elan Lane and its future extension.

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

**Response:** Proposed improvements to May Street include widening, a new planter strip and sidewalk. There is no requirement for a sidewalk on the proposed Infill Option "A" street, but a wide 7' planter strip will be installed as required. This standard is met.

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

**Response:** The proposed intersection of May Street and Elan Lane is designed at a right angle.

- a. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
- b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
- c. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

**Response:** The required tangent distance exists at the intersection of right-of-way where topography allows.

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

**Response:** The applicant's frontage includes a standard width for May Street, however improvements are required and proposed to include pavement widening, planter strip and sidewalk.



- 13. Cul-de-sacs. A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:
  - a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of 42 feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
  - b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

**Response:** Elan Lane is a Neighborhood Infill Option "A" street with a future extension proposed. It is not a dead end street and a temporary tum around is proposed to handle emergency vehicles. There are no cul-de-sacs proposed within the development.

county ordinance

- 14. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
  - a. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
  - b. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

**Response:** The proposal includes a section of Elan Lane that is designed at less than a 15% grade for less than 200', which is allowed for a local street. The 100' centerline curve standard and landing standards are also met.

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

**Response:** Curb cuts and ramps are proposed at the May Street/Elan Lane intersection.

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

- 17. Development Adjoining Arterial Streets.

**Response:** The site is not adjacent to a railroad right-of-way or arterial street.



18. Alleys, Public or Private. Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
19. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

**Response:** No alleys or private streets are proposed.

20. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in the City or Urban Growth Area, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and the City Charter.
21. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
22. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

**Response:** Noted.

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

**Response:** Noted.

24. Street Light Standards. Street lights shall be installed in accordance with City standards and shielded in a downward pattern.
25. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.
  - a. Sub-base and leveling course shall be of select crushed rock;
  - b. Surface material shall be of Class C or B asphaltic concrete;
  - c. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
  - d. No lift shall be less than 1-1/2 inches in thickness.

**Response:** Requirements for street lights and street cross section will be applied, per this Section.

C. Public Use Areas.



**Response:** No public use areas are identified or proposed for the site.

**D. Sanitary Sewer and Water Service Improvements.**

1. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.
2. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
3. **Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

**Response:** Sanitary sewers and water mains exist in May Street and are proposed for lateral connections direct to Lot 1, and via Elan Lane for Lots 2 through 6. All improvements will be designed to meet City standards, as applicable.

**E. Storm Drainage.**

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

**Response:** Provisions for storm water have been provided, including connection to the existing culvert under May Street adjacent east of the site frontage. On-site measures are provided to prevent downstream impacts.

**F. Utilities.**

1. **Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:





- a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic;
  - b. The City reserves the right to approve the location of all surface mounted facilities;
  - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
  - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. Easements. Easements shall be provided for all underground utility facilities.
  3. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

**Response:** Utilities will be placed underground following the requirements of this section. Easements will be provided.

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

**Response:** Easements are provided as necessary (see Sheet 5 of attached Tentative Plan Set).

## CHAPTER 17.03 - LAND USE ZONES

### 17.03.010 Urban Low Density Residential Zone (R-1)

- A. Permitted Uses:
- B. Conditional Uses:

**Response:** The property is zoned Hood River County R-1, but is presently under an annexation application to bring the parcel into the City and under a City R-1 zoning designation. This concurrent application process is recommended by City staff, and adds efficiency by allowing the City to review the entire application under its zone and code standards directly. Accordingly, this application shows compliance with City R-1 zoning, subject to annexation approval.

C. Site Development Requirements. The minimum lot or parcel size shall be 7,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit a minimum 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.



**Response:** All of the proposed lots meet these standards as shown below:

Lot No.	Lot Area (square feet)	Public Lot Frontage
1	7,380	50'+
2	11,330	50'+
3	7,028	50'+
4	12,099	50'+
5	29,187	50'+
6	11,334	50'+

- 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 streets.
  2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
  3. Side yard/rear yard.
    - a. No structure shall be placed closer than 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.

**Response:** The setback requirements of this Section will be met.

- E. Maximum Building Height: Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

**Response:** Building height will be addressed at the time of application for building permit. The 28' maximum residential building height standard is noted.

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



**Response:** More than two parking spaces per unit will be provided with home construction.

## **CHAPTER 17.16 -SITE PLAN REVIEW**

### 17.16.010 Applicability

- A. A site plan review permit shall be required for the following circumstances:
1. New construction.
  2. Expansion, remodel, or exterior alteration of any building or other structure.
  3. Change of use.
  4. Multi-family and group residential.
  5. Removal or fill of over 5,000 cubic yards of land.

**Response:** The proposed development is for new construction, and removal/fill activities will exceed 5,000 cubic yards.

- B. Exemptions from Site Plan Review are as follows:
1. Any activity, 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 percent of the structure's total cost or fair market value or \$75,000, whichever is less, as determined by the building official.
  3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.
  4. Normal building maintenance including the repair or maintenance of structural members.
  5. All residential development, except multi-family and group residential, as provided above.

**Response:** The proposed development is a wholly residential subdivision, and is therefore exempt from Site Plan Review, per subsection 5, above.

## **III. CONCLUSION**

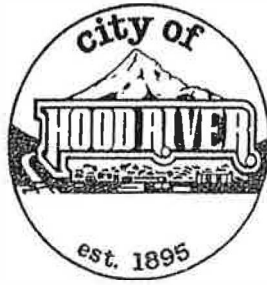
Elan Estates is proposed for annexation to the City of Hood River in order to develop a 6-lot subdivision with City water and sewer service. The plan is envisioned to be developed in character similar to the adjacent Willow Pond planned development. All applicable code sections have been addressed within this findings report, and the applicant respectfully requests the Planning Commission approve the proposed Elan Estates subdivision.



## **Attachment A**

Pre-application Notes

Neighborhood Meeting Summary



301 OAK STREET  
P.O. BOX 27  
HOOD RIVER, OREGON 97031

(541) 386-1488

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September 4, 2007

Eric Sletmoe  
Pathfinder Development Group, LLC  
P.O. Box 224  
Hood River, OR 97031

RE: Pre-application Conference Summary; 3N 10E 34A #1804

Dear Eric,

Thank you and David Keleher for meeting with me and Gary Lindemyer on August 21, 2007, to discuss the proposed annexation and 5-lot subdivision at the above-referenced property. The following comments are based upon your pre-application submittal and the discussion at the conference, and they are intended to address the potential planning and engineering requirements for the project:

PLANNING DEPARTMENT, Kevin Liburdy - (541) 387-5224 - kevin@ci.hood-river.or.us

The subject property totals approximately 2.08 acres and is currently outside of the City Limits, but inside the Urban Growth Area. The property is currently zoned Hood River County Urban Low Density Residential (U-R-1).

The proposed subdivision includes a total of five lots for single-family homes (including one existing home), a public street, installation of public and private utilities and associated site improvements. Single family homes are permitted in the County's U-R-1 zone, however, it is unlikely the proposed density can be achieved without connection to City services including sanitary sewer. Annexation is required prior to connection to City utilities. As such, our discussion focused on an application for both Annexation and Subdivision of the property.

Annexation of the subject property will be processed as a Quasi-Judicial Review in accordance with Hood River Municipal Code (HRMC) Sections 17.09.040 and 17.15.020. The Subdivision application will be processed in the same manner, as outlined in HRMC 16.08.010 (A.2). The Quasi-Judicial Review process includes a public hearing before the City of Hood River Planning Commission. Both applications can be processed concurrently but they will be assigned separate file numbers and, if the subdivision is approved, annexation must be completed prior to final plat approval.

It is the applicant's burden to demonstrate compliance with the standards and criteria of the Hood River Municipal Code including:

- 17.15 – Annexation Policy
- 17.03.010 - R-1 Zone
- 16.08 - Procedural Requirements for Land Divisions including criteria of 16.08.020 (C)
- 16.12 - General Design and Improvement Standards **94** -

**City Council Packet**

An application for the proposed development must include the following:

- Annexation application form and fee (\$2,090).
- Subdivision application form and fee (\$2,365 + \$89/lot).
- Preliminary plat info per 16.08.020 (B) including any proposed phasing.
- Future re-division plan for any proposed parcel that is more than two times the minimum lot size allowed by the underlying zone, per 16.08.020 (D).
- Grading plan with proposed street grades and a tree inventory demonstrating compliance with 16.12.040.
- Future street plan per 16.12.020 (J) (*see Public Works and Engineering comments for more information*).
- Written narrative addressing the annexation criteria of 17.15.060 and the general design and improvement standards of 16.12.

PUBLIC WORKS DEPARTMENT, Gary Lindemyer - (541) 387-5204 - glind@ci.hood-river.or.us

Public Works and Engineering comments are attached (dated August 20, 2007).

Issues discussed at the pre-application conference included:

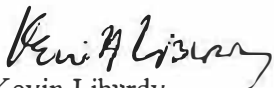
- The proposed hammerhead street design is a concern.
- Based upon the connectivity requirements of HRMC 16.12.020 (I) it may be appropriate to extend the proposed street to the site's southern or western property line in order to facilitate future extension.
- The minimum right-of-way width for Infill Option A is 32 feet. However, this standard likely will be inadequate if the street is to be extended to serve adjacent properties.
- The street plan should include stations to match the proposed street profile.

FINAL COMMENTS:

The information provided above is intended to aid in the design of the development. It is not intended to be a comprehensive list of all standards that will be applied during the application review and construction process because it is recognized that the plan may change based upon the discussion at the pre-application conference. As noted above, these comments are intended to address the potential planning and engineering requirements for the project. Staff will determine if any additional requirements apply to the project following submittal of the application.

Please call me at (541) 387-5224 if you have any questions.

Sincerely,



Kevin Liburdy  
Senior Planner

cc: Gary Lindemyer, City Public Works Dept.  
Jeff Walker, City Fire Dept.  
Dave Hyskell, City Building Dept.  
Eric Walker, Hood River County  
Rael Isacowitz, property owner

CITY OF HOOD RIVER  
PUBLIC WORKS / ENGINEERING / BUILDING DEPARTMENT

Date: August 20, 2007

Engineering Department comments for: 34A #1804 Pathfinder Development Group Inc. Pre-Application Meeting

These comments are based on the City's review of preliminary plans for a Planned Unit Development submitted by Pathfinder Development Group. They are intended to identify improvements that may be needed to provide adequate public facilities to the property for the proposed use. The applicant is encouraged to consider alternative means of providing adequate public facilities or to show how the requirement to provide adequate public facilities can be met. The reviewing body (Planning Commission or Planning Director) will establish conditions of approval to insure that adequate public facilities are provided.

The developer is responsible for providing adequate public facilities. If an application for the proposed use is submitted, the application cannot be approved unless the reviewing body determines that adequate public facilities are provided.

If an application is submitted, the following comments may become recommendations to the reviewing body to ensure that adequate public facilities for the proposed use are provided. These comments imply neither approval nor denial of any portion of the preliminary plans provided.

**General**

These comments cover planning requirements for adequate public facilities and do not include engineering specifications or other more specific requirements of the City. Other engineering and code specifications may be applicable at the time of engineered plan review or building permit application.

Annexation and withdrawal from special districts will be required as a condition of connection to City water and sanitary sewer. All annexation and withdrawal fees are the responsibility of the applicant.

All utilities shall be placed underground including power, phone, cable television and other telecommunications lines and shall be extended to the far property line of the project.

All City water, sanitary, and or storm sewer pipes and appurtenances located outside of a dedicated public right of way shall be located within a recorded easement on a form provided by the City. All easements shall meet the requirements of the City Engineering Standards.

The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.

Design and construction of public facilities shall meet the requirements of the City of Hood River Engineering Standards. A copy of the Engineering Standards is available at the City Public Works office.

A pre – submittal meeting is recommended prior to engineered design of any public facilities.

All Fees, Bonds, and Insurance shall be provided as per the City of Hood River Engineering Standards requirements.

### **Water**

City water is available for extension within the May St. right of way at the east property line of the parcel.

The applicant may be required to purchase and dedicate to the City the Ice Fountain water main from the east property line to the west property line and install an isolation valve.

All piping shall be looped, with valves on all legs of system at intersections.

Pipe sizes shall be consistent with the City's Water Master Plan.

See City of Hood River Engineering Standards Section 4.6 Potable Water Systems for design criteria.

### **Sanitary Sewer**

The City system is available for extension within the May St. right of way.

Sizing of all pipes shall meet the City's Sanitary Sewer Capital Facilities Plan (CFP)

See City of Hood River Engineering Standards Section 4.7 Sanitary Sewer Systems for design criteria.

### **Streets**

The street layout provided does not appear to meet the City's Transportation System Plan for connectivity as shown on the local street concept plan.

A future street plan meeting the requirements of HRMC Chapter 16 Section 16.12.020 paragraph J. shall be provided with the application.

May Street shall be improved to match the street section of the PUD east of the parcel. The developer may be required to saw cut and replace the existing pavement to the centerline of May St. depending on the condition of the asphalt.

The application shall provide enough detail to determine the proposed slope of all streets as well as location of all City utilities.

See City of Hood River Engineering Standards Section 4.4 Roadways for design criteria.



## **Storm Sewer**

A Storm Water Management Plan is required as per City Engineering Standards.

Sizing of all pipes shall meet the City's Stormwater Utility Capital Facilities Plan (CFP)

See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design criteria.



March 7, 2008

To: Kevin Liburdy, City of Hood River Planning Department

From: Scott Keillor, AICP

Re: Elan Estates Neighborhood Meeting Summary for Thursday, March 6, 2008 7PM

**Attendees:**

**Applicant:** Rael and Adelle Isacowitz, 3895 May St. (project site)  
**Consulting Team:** Eric Sletmoe and David Keleher, Pathfinder Development  
Shawn Summersett, Summersett Engineering  
Scott Keillor, Columbia Planning and Design  
**Neighbors:** Freda Wasson, 3901 May St. (adjacent east)  
Mike Kitts, May St. (across from Willow Ponds)

**Introduction**

Eric Sletmoe opened the meeting and self introductions were made. Eric indicated that Pathfinder has been constructing quality projects in the area since the early 1990's. In response to a question, he cited Fox Hollow and Boulder Court as similar examples. Eric passed out project sheet (letter to Cindy Walbridge dated July 9, 2008) that describes the 5 lot subdivision, which is proposed on 2.08 acres to include four 7,000 plus square foot lots and retain the Isacowitz home on one acre. He described the project as very similar to Willow Ponds, with carefully sited homes and extensive landscaping.

Scott Keillor referred to a draft site plan and aerial of the proposal and surrounding area. He indicated this proposal is for annexation to the City of Hood River in order to serve the site with sanitary sewer. The application for the subdivision in the R-1 zone would also be submitted for review. The process would include a Planning Commission and a City Council (final annexation) public hearing. He described the plan, and asked for questions or concerns.

**Comments**

Freda Wasson, neighbor adjacent east asked if the Cherry trees would be lost. Eric indicated that some of the trees lining the existing drive would be lost, but some will be saved. Scott indicated that although the annexation will surround the Wasson home, it will not directly impact or annex the neighbor. This would likely come through any redevelopment or repair requiring sanitary sewer connection in the future. Rael Isacowitz reiterated the design intent to make the site in keeping with adjacent Willow Ponds and to improve the appearance of the site. Scott indicated that the fire turn around adjacent to the Wasson home can include screening landscaping to avoid headlight glare east onto the Wasson home. There were no objections to the plan.



Mike Kitts asked where the project is in relation to his property which is north of May Street and east of the project (across from Willow Ponds). He said he has no objections to the plan. He indicated that he would be happy to see the storm water routed in the stream/draw and across the west side of his parcel as he would welcome year round flow.

The neighborhood meeting concluded at 7:45PM.

Respectfully submitted by: Scott Keillor.



## YOU ARE INVITED TO A NEIGHBORHOOD MEETING

**To Discuss:** A proposed 5-lot subdivision

**When:** 7PM, Thursday, March 6, 2008

**Where:** Pathfinder Development Office  
3345 Cascade Ave. (east of Yamaha and Stonehedge Restaurant)

**Topic:** Elan Estates  
3895 May Drive  
Map No. 3N-10E-34A tax lot 1804

Property is located on the south side of May drive  
Between Frankton Road and Nina Drive (Willow Ponds)

Property is 2.08 acres  
Zoned U-R-1 (County Low Density Residential)

Proposal: Annex property to City of Hood River  
Proposed 5-lot subdivision

Pathfinder Development Group will be holding a neighborhood meeting prior to applying for a City permit to answer any questions or concerns that you may have about this proposed development. The purpose of the meeting is to inform neighboring property owners about the nature of the proposal and to seek comments.

Please note this meeting will be an informational meeting on the preliminary development plans. These plans may be altered prior to submittal of the application to the City. Because this is a subdivision, you may also receive a notice and opportunity to comment in writing and/or attend a public hearing.

**If you have any questions, please contact:**

Eric Sletmoe, Pathfinder Development Group      541 490 9509  
Or the City Planning Department                      541 387 5210

We look forward to seeing you to present the draft plans and hear your comments.

**NEIGHBORHOOD MEETING**

**AFFIDAVIT OF MAILING**

The undersigned certified that on February 26, 2008, a Neighborhood Meeting notice was sent via first class mail to all person listed on the attached adjacent property owner list and to the City of Hood River Planning Department.



Signature

SCOTT KEILOR

Printed Name

APPLICANT NAME: Pathfinder Development Group, Inc.  
FILE NUMBER: PA conference 3N-10E-34A #1804  
PROJECT NAME: Elan Estates Subdivision  
PHONE NUMBER: 806-1535 - Scott Keilor, CPD  
490-9509 - ERZ Sletmoe, PDG

Attachment: Adjacent Property Owner Mailing List

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# MEMORANDUM

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**Date:** July 9, 2007  
**To:** Cindy Walbridge  
Planning Director  
**From:** Eric Sletmoe, General Manager  
**Project/Subject:** Elan Estates Pre-Application

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Cindy,

We are excited about the potential for a unique small infill project on the west side of Hood River. The current property is approximately 2 acres with 140 feet of May St. frontage located on the south side of May St. just east of Frankton Rd.

We propose to build a neighborhood infill street option "A" (Elan Ct.) and create 4 additional lots. Each new lot will be a minimum of 7,000 sq. ft. The existing house will be left standing on the remaining approximately 1 acre estate, accentuated by an exquisite blend of hardscapes and landscaping. Each new lot will have a private, unobtrusive pad site with a view to the north of Mt Adams, Underwood Mt. and the hills above White Salmon. The lot size, house settings, building types and landscape finishes will be compatible with the Willow Pond PUD directly to the East.

The property lies in the county adjacent to the city. Because we require additional sewer hookups, for the new lots we intend to apply for annexation for the entire 2 acres should we receive tentative approval to move forward with planning.

We look forward to attending the pre-application as we begin to move forward with this exciting and unique development in west Hood River. Please find the attached concept site plan.

### NEIGHBORHOOD MEETING APO LABEL REQUEST

APPLICANT NAME: SCOTT KYGER

FILE NUMBER: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PHONE NUMBER: 541-806-1535

DATE: 2-22-08

NOTE: Include City Planning Department in all Neighborhood meeting noticing  
 City of Hood River Planning Department  
 P.O. Box 27,  
 Hood River, OR 97031

Map	Tax Lot	Map	Tax Lot
<u>3N 10E 34A</u>		<u>3N 10E 34AC</u>	
<u># 1800-1908</u>		<u># 500-1400</u>	
<u># 1900 # 1905</u>		<u># 2500-3000</u>	
<u># 1600 # <del>1600</del></u>		_____	
<u># <del>1600</del> # 1601</u>		_____	
<u># 1602-1607</u>		_____	
<u># 2100</u>		_____	
_____		_____	
_____		_____	

PLEASE CALL WHEN READY. THANKS!!!



5031 3N10E34A0 1600  
GERDE, JON & KRISTIN  
667 ROCKY ROAD  
HOOD RIVER OR 97031

13872 3N10E34A0 1602  
MACK, TROYCE A  
PO BOX 633  
HOOD RIVER OR 97031

5033 3N10E34A0 1602  
MACK, TROYCE A  
PO BOX 633  
HOOD RIVER OR 97031

9572 3N10E34A0 1603  
WILLOW, WENDY B ET AL & MCNEVIN,  
KEVIN E  
3914 MAY STREET  
HOOD RIVER OR 97031

11421 3N10E34A0 1604  
FINE, JOHN ET UX & HARRINGTON, SUSAN  
2040 23RD AVE EAST  
SEATTLE WA 98112

11422 3N10E34A0 1605  
MACK, TROYCE A ET AL & KITTS, MICHAEL  
PO BOX 633  
HOOD RIVER OR 97031

13006 3N10E34A0 1606  
ROMERO MONICA A  
3955 PROSPECT AVE  
HOOD RIVER OR 97031

13007 3N10E34A0 1607  
GERDE JON N & KRISTIN I  
C/O KITTS MICHAEL A  
3880 MAY DR  
HOOD RIVER OR 97031

4057 3N10E34A0 1800  
WINDSOR, DAVID L & J.R.  
3980 BLACKBERRY DRIVE  
HOOD RIVER OR 97031

9502 3N10E34A0 1801  
BRYANT, BEVERLY R  
573 FRANKTON ROAD  
HOOD RIVER OR 97031

10535 3N10E34A0 1802  
TANAKA, FRED & FELLA M.  
3905 MAY DR  
HOOD RIVER OR 97031

10680 3N10E34A0 1803  
ADAMS GLEN D & MARILYN JO  
605 FRANKTON RD  
HOOD RIVER OR 97031

11149 3N10E34A0 1804  
ELAN HOLDINGS, LLC  
3895 MAY  
HOOD RIVER OR 97031

11150 3N10E34A0 1805  
WARD, DOUGLAS ET AL & STEPHENS,  
LAURIE  
3960 BLACKBERRY DR  
HOOD RIVER OR 97031

11345 3N10E34A0 1806  
SMITH, BOB G ET AL & SHANNON, TAMARA  
3940 BLACKBERRY DR  
HOOD RIVER OR 97031

11346 3N10E34A0 1807  
MARTIN JAMES EDWARD & JOYCE MARVEL  
TRS  
830 FRANKTON  
HOOD RIVER OR 97031

12465 3N10E34A0 1808  
BRYANT, TERRY R & TERI L  
3931 MAY DRIVE  
HOOD RIVER OR 97031

4437 3N10E34A0 1900  
LUTZ, CHARLES A  
8028 SE TAYLOR  
PORTLAND OR 97215

4218 3N10E34A0 1901  
YOUNKINS, HUGH C & RUBY M  
691 FRANKTON ROAD  
HOOD RIVER OR 97031

10501 3N10E34A0 1902  
HOOD RIVER COUNTY  
601 STATE ST.  
HOOD RIVER OR 97031

5377 3N10E34A0 1903  
AKIYAMA, FLORENCE  
2420 BELMONT  
HOOD RIVER OR 97031

9652 3N10E34A0 1904  
KREHBIEL, RODNEY A ET AL & NORTH,  
THERESA  
693 FRANKTON RD  
HOOD RIVER OR 97031

9973 3N10E34A0 1905  
SHINPAUGH, CHRISTOPHER J  
3931 BLACKBERRY DRIVE  
HOOD RIVER OR 97031

7450 3N10E34A0 2100  
BARONE HOLDINGS, L.L.C.  
PO BOX 1570  
HOOD RIVER OR 97031

12952 3N10E34AC 500  
BARONE HOLDINGS, L.L.C.  
PO BOX 1570  
HOOD RIVER OR 97031

12953 3N10E34AC 600  
BARONE HOLDINGS, L.L.C.  
PO BOX 1570  
HOOD RIVER OR 97031

12954 3N10E34AC 700  
SCHUPPE, ROBERT H & BARBARA TRS  
530 NINA LANE  
HOOD RIVER OR 97031

12955 3N10E34AC 800  
TRACHTENBERG, CARL E ET AL  
3901 MAY ST.  
HOOD RIVER OR 97031

9302 3N10E34AC 900  
TRACHTENBERG, CARL E ET AL & WASSON,  
F.  
3901 MAY ST.  
HOOD RIVER OR 97031

12955 3N10E34AC 1000  
VAN VOAST, MARK & LESLIE  
1106 SHERMAN AVE  
HOOD RIVER OR 97031



Easy Peel Labels  
Use Avery® TEMPLATE 5960™



aper



See instruction Sheet  
for Easy Peel Feature



 **EVERY**® 5960™

12956 3N10E34AC 1100  
SMITH DK & JEAN E  
52<sup>nd</sup> 4TH  
HOOD RIVER OR 97031

12957 3N10E34AC 1200  
SPIGAL, RACHEL E  
549 NINA LANE  
HOOD RIVER OR 97031

12958 3N10E34AC 1300  
MISSION CONSTRUCTION INC  
554 NINA LN  
HOOD RIVER OR 97031

12959 3N10E34AC 1400  
MITCHELL, KRISTIE L  
684 PARSONS RD  
HOOD RIVER OR 97031

13142 3N10E34AC 2500  
VAN VOAST, MARK S & LESLIE  
1106 SHERMAN AVE  
HOOD RIVER OR 97031

13143 3N10E34AC 2600  
RICHMOND SHEILA FORD TR  
701 JUNE ST  
HOOD RIVER OR 97031

13144 3N10E34AC 2700  
FORD RICHMOND, SHEILA  
701 JUNE STREET  
HOOD RIVER OR 97031

13145 3N10E34AC 2800  
DUNN EDWIN JOHNSON & LAURA MICHELE  
1805 COLUMBIA ST  
HOOD RIVER OR 97031

13146 3N10E34AC 2900  
BRESHEARS, ROBERT & KATHERINE  
PO BOX 1566  
HOOD RIVER OR 97031

13147 3N10E34AC 3000  
KELLY, JOHN V & DEOBRAH Z  
420 W 2ND PLACE  
THE DALLES OR 97058

**NEIGHBORHOOD MEETING  
ATTENDANCE ROSTER**

APPLICANT NAME: PATHFINDER DEVELOPMENT  
 FILE NUMBER: \_\_\_\_\_  
 PROJECT NAME: ELAN ESTATES  
 PHONE NUMBER: 541-490-1747  
 DATE: MARCH 8, 2008

**PLEASE PRINT LEGIBLY**

Name (Print)	Address	Phone #
Shawn Summersett	6305 Miller Rd, MA-Hood Parkdale	352-9313
SCOTT KEILOR	885 Methodist Rd, HR	806-1535
Frida WASSON	3901 MAY ST, HR	490-3928
RAEL ISACOWITZ	3895 MAY ST, HR	386-5161
Adelle Isaacowitz	3895 May St. HR	386-5161
Eric Sletmoe	2419 Montello	490-9509
DAVID KELEHER	407 9th ST	400-2018
MIKE KITTS		



## **Attachment B**

Tentative Plan Set

**ELAN HOLDINGS, LLC**

**3N10E 34A #1804**

**SITE**



**LOCATION 109-MAT**  
City of Council Parcel

**FILE # 2008-11**

**ATTACHMENT "B"**  
FUT # 2008-11

## Ice Fountain® Water District

1185 Tucker Road  
Hood River, Oregon 97031-9998  
[ifwater@hrecn.net](mailto:ifwater@hrecn.net) e-mail  
(541) 386-4299 Phone  
(541) 386-7228 Fax

*April 23, 2008*

Mr. Robert Francis  
City of Hood River

Mr. Francis:

Re: Isacowitz annexation – May Street

Bob, thank you and Dave Bick for meeting with me on May St. regarding the Isacowitz annexation. As agreed upon, Ice Fountain will sell the remaining 508 feet of 8" main line to the City of Hood River. This section of pipe, from the west valve at the intersection of May St. and Nina Ln. west 508 ft. to the inline valve located on Bryant's east property line will allow the City to serve the Isacowitz property and the property located at 3901 May St., which was not included in the Pasquale annexation. The total cost to the City of Hood River is **\$18,809.15**. Please see the attached updated cost sheet.

Mark Beam



District Manager  
Ice Fountain Water District

Ice Fountain Water District  
Annexation Calculation  
23-Apr-08

Annexed Annual Revenue	785.90
Annual District Revenue	830,000.00

DEBT SERVICE FOR YEAR

York Hill	41,697.00	5.02	39.45	5	197.25
Oak Grove	32,595.00	4.22	33.16	4	132.64
GO Bond	312,000.00	37.6	295.49	10	<u>2,954.90</u>
<b>TOTALS</b>	<b>386,292.00</b>	<b>46.84</b>			<u><b>3,284.79</b></u>

<u>LOST REVENUE</u>	417.80	53.16%		3	<u>1,253.40</u>
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Infrastructure Cutoff & cap existing 4"	351 ft. 8" pipe@ \$38/Ft. 2000				13,338.00 2,000.00
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Depreciation	less depreciation \$266.76/Yr.			4	-1067.04
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Debt Service	3,284.79
Lost Revenue	1,253.40
Infrastructure	14,270.96

<b>GRAND TOTAL</b>	<b><u>18,809.15</u></b>
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Isacowitz/ May St.

ICE FOUNTAIN WATER DISTRICT  
Customer Transaction Summary

**Customer Information**

ACCT. NO : 010160801  
ISACOWITZ ADELLE  
3895 MAY DRIVE  
HOOD RIVER, OR 97031-

**Location Information**

SERVICE ID : 010160800  
3895 MAY DRIVE  
HOOD RIVER, OR 97301-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
04/01/2007	Charge	04/01/2007	1290	9000	0.00	64.80	64.80
04/09/2007	Payment				64.80	-64.80	0.00
06/01/2007	Charge	06/01/2007	1304	14000	0.00	77.70	77.70
06/08/2007	Payment				77.70	-77.70	0.00
08/01/2007	Charge	08/01/2007	1325	21000	0.00	95.76	95.76
08/03/2007	Payment				95.76	-95.76	0.00
10/01/2007	Charge	10/01/2007	1328	3000	0.00	57.06	57.06
10/05/2007	Payment				57.06	-57.06	0.00
12/01/2007	Charge	12/01/2007	1336	8000	0.00	62.22	62.22
12/04/2007	Payment				62.22	-62.22	0.00
02/01/2008	Charge	02/01/2008	1344	8000	0.00	65.08	65.08
02/05/2008	Payment				65.08	-65.08	0.00
04/01/2008	Charge	04/01/2008	1352	8000	0.00	65.08	65.08

422.62

ICE FOUNTAIN WATER DISTRICT  
Customer Transaction Summary

**Customer Information**

ACCT. NO : 010161000  
TRACHTENBERG FREDA WASSON  
3901 MAY DRIVE  
HOOD RIVER, OR 97031-

**Location Information**

SERVICE ID : 010161000  
3901 MAY DRIVE  
HOOD RIVER, OR 97031-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
04/01/2007	Charge	04/01/2007	1253	2000	0.00	57.06	57.06
04/13/2007	Payment				57.06	-57.06	0.00
06/01/2007	Charge	06/01/2007	1265	12000	0.00	72.54	72.54
06/29/2007	Payment				72.54	-72.54	0.00
08/01/2007	Charge	08/01/2007	1272	7000	0.00	59.64	59.64
08/28/2007	Payment				59.64	-59.64	0.00
10/01/2007	Charge	10/01/2007	1278	6000	0.00	57.06	57.06
10/29/2007	Payment				57.06	-57.06	0.00
12/01/2007	Charge	12/01/2007	1284	6000	0.00	57.06	57.06
12/24/2007	Payment				57.06	-57.06	0.00
02/01/2008	Charge	02/01/2008	1290	6000	0.00	59.92	59.92
02/26/2008	Payment				59.92	-59.92	0.00
04/01/2008	Charge	04/01/2008	1296	6000	0.00	59.92	59.92

363.28



**Kevin Liburdy**

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**From:** Rick Brock [rick@fidhr.org]  
**Sent:** Wednesday, April 23, 2008 2:02 PM  
**To:** Kevin Liburdy  
**Subject:** Isacowitz Annexation #2008-11

Mr. Liburdy,  
Tax lot 1804 has 1.50 water right acres. Farmers Irrigation District will continue to serve water into annexed properties.

Thank you,

Rick Brock  
Water Right Specialist  
Farmers Irrigation District  
Ph. 541-387-5263  
Fax 541-386-9103  
rick@fidhr.org

CITY OF HOOD RIVER  
PUBLIC WORKS / ENGINEERING / BUILDING DEPARTMENT

Date: May 7, 2008

Engineering Department comments for: 34A #1804 Isacowitz Subdivision

**General**

These comments cover planning requirements for adequate public facilities and do not include engineering specifications or other more specific requirements of the City. Other engineering and code specifications may be applicable at the time of engineered plan review or building permit application.

Annexation and withdrawal from special districts is required as a condition of connection to City water and sanitary sewer. All annexation and withdrawal fees are the responsibility of the applicant.

All utilities shall be placed underground including power, phone, cable television and other telecommunications lines and shall be extended to the far property line of the project.

All City water, sanitary, and or storm sewer pipes and appurtenances located outside of a dedicated public right of way shall be located within a recorded easement on a form provided by the City. All easements shall meet the requirements of the City Engineering Standards.

The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.

Design and construction of public facilities shall meet the requirements of the City of Hood River Engineering Standards. A copy of the Engineering Standards is available at the City Public Works office.

A pre – submittal meeting is recommended prior to engineered design of any public facilities.

All Fees, Bonds, and Insurance shall be provided as per the City of Hood River Engineering Standards requirements.

**Water**

City water is available for extension within the May St. right of way at the east property line of the parcel.

The applicant shall purchase and dedicate to the City the Ice Fountain water main along the May Street frontage from the east to the west property lines and install an isolation valve at the connection to the Ice Fountain system.

The City water system shall be extended to the west property line within the proposed street right of way.

All piping shall be looped, with valves on all legs of system at intersections.

Pipe sizes shall be consistent with the City's Water Master Plan.

See City of Hood River Engineering Standards Section 4.6 Potable Water Systems for design criteria.

### **Sanitary Sewer**

The City system is available for extension within the May St. right of way.

Unless a design exception is approved through the engineered design review process, the system shall be extended to the west property line within the proposed street right of way.

Sizing of all pipes shall meet the City's Sanitary Sewer Capital Facilities Plan (CFP)

See City of Hood River Engineering Standards Section 4.7 Sanitary Sewer Systems for design criteria.

### **Streets**

May Street shall be improved to match the street section of the PUD east of the parcel. The developer shall saw cut and replace the existing pavement to the centerline of May Street.

The proposed street does not meet any existing City street standard. Because the street is intended to provide future connectivity with Frankton, use of an Infill standard is precluded.

If on street parking is proposed, the interior street shall be built to the Urban Local Residential Option "C" standard. If option "D" is proposed, no on street parking will be permitted.

A design exception allowing a sidewalk on only one side and reduced right of way may be available through the engineered design review process.

See City of Hood River Engineering Standards Section 4.4 Roadways for design criteria.

### **Storm Sewer**

A Storm Water Management Plan is required as per City Engineering Standards and shall be submitted with the engineered design.

Sizing of all pipes shall meet the City's Stormwater Utility Capital Facilities Plan (CFP)

See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design criteria.

May 07, 2008

Kevin Liburdy, Senior Planner  
City Planning Department  
301 Oak Street  
Hood River, Or 97031

Re: File # 2008-11

RECEIVED

MAY 08 2008

PLANNING DEPARTMENT

Kevin,

I just wanted take this opportunity to address a couple of issues that I feel, as an adjacent property owner, should be part of the consideration for the proposed six lot subdivision. The areas around this development are historically known for both subsurface and surface water run-off issues.


Based on the topography of the proposed development, the increase in paved areas, and the likelihood of below surface springs or drainage, certain assurances should be made to the adjacent property owners that this development will not create adverse conditions for their yards and homes.

The adjacent development (Willow Ponds) and the homes that have been constructed have spent a great deal of effort and expense to insure that both ground and surface water are not an issue for the residents. This has included special drainage systems, grading, landscaping, plantings, creek beds, rockery and wetlands.

The proposed development also shows lot 6 sharing a common property line with several already developed parcels. Lot 6 proposes taking up much of its street frontage with a 5' parking easement. One concern is this may possibly force the access drive for lot 6 to run parallel with the adjacent properties. The added impervious surface could result in additional run off for those properties.

I appreciate the opportunity to express these concerns and I trust both you and the developers will come up with satisfactory solutions to help protect our investments.

Sincerely,



Mark Van Voast  
536 Nina Lane  
Hood River, Or. 97031

May 9, 2008

City of Hood River  
City Planning Department  
Kevin Liburdy, Senior Planner

**RECEIVED**  
**MAY 09 2008**  
**PLANNING DEPARTMENT**

Regarding: File No. 2008-11

We are disappointed by the proposal for a high density subdivision across the street from us but do not oppose it as long as it meets the zoning requirements defined by the city. However, we are concerned about run off and drainage. Currently there is no culvert under the shared driveway. The lack of positive drainage on the South West side of the drive creates a huge pond of water during normal rain events. We would like to see a culvert under the driveway and positive drainage to the west associated with any new home sites.

Thank you for your consideration.

Wendy Willow and Kevin McNevin

3914 May Street

Request for Comment: Elan Estates Subdivision

May 12, 2008

**Jeff Walker, Fire Code Official (541) 386-3939 ext 12 (jeffw@ci.hood-river.or.us)**

These comments are intended to give you an idea as to the potential fire code requirements for the proposed use on the property. Additional requirements may be determined to apply once the City receives and reviews a completed application

The following requirements of the Oregon Fire Code (OFC), 2007 edition, shall be met prior to occupancy of the building (the applicable section of the IFC is listed in parentheses).

**Opening Burning (307)** Open burning is prohibited in the City of Hood River. Combustible Waste material, trash and rubbish shall not be burned. Accumulations of such material shall be removed from the site as often as necessary to minimize the hazards.

**Premises Identification (505.1)** New and existing buildings shall have approved address numbers and/or letters shall be provided in such a position as to be plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum width of 0.5 inches.

**Fire Lane Curbs/Signs (Appendix D 103.6.)** Required fire apparatus access lanes minimum 28 feet. Less than 28 feet shall be identified by painting the curbs red with white letters stating "No Parking Fire Lane" that are a minimum of 4 inches in height. In lieu of painted curbs, approved signage may be installed at intervals not greater than 25 feet apart. See Fire Marshal for additional information.

I. Road standards minimum of 28 feet will allow parking on both sides.

**Aerial Fire Apparatus Access Roads (Appendix D 105)** Buildings or portions of buildings or facilities exceeding **30 feet in height** above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

**D105.2 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

Exception: Installation NFPA 13R sprinkler system

**Fire Apparatus Access (503.1.1)** Fire apparatus roads shall be provided in accordance with Section 503 and 503.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building of facility.

-119-

City Council Packet

ATTACHMENT "H"

FILE #2008-11

**503.2.2 Authority.** The fire code official shall have the authority to modify the dimensions specified in Section 503.1.1

(503.2) Fire apparatus access roads shall be maintained free of obstructions at all times. If an access road is required, the minimum clear width shall be 20 feet. The surface must be drivable in any weather condition and the grade cannot be greater than 12 percent. A clear height of 13 feet 6 inches shall be maintained at all times. If the access road is 150 feet or longer, an approved turn-around shall be provided. See the Fire Marshal for specific information. (see attachment Appendix D)

**Exception:** 1. The building is equipped throughout with an approved automatic sprinkler system.  
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection is provided

**Personnel Access (504)** An approved access walkway shall be installed leading from the fire access road to the exterior openings.

**Water Supply (508)** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

**Appendix B105** Buildings shall meet the fire-flow requirements.

**B105.1 One- and two-family dwellings.** The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min). Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table B105.1 stating minimum flow of 1,500 gallons per minute.

**Exception:** A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

#### **Appendix C: Fire Hydrant Locations and Distribution**

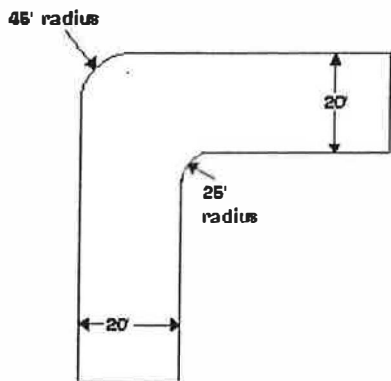
**C102.1 Fire hydrant locations.** Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

**C103.1 Fire hydrants available.** The minimum number of fire hydrants available to a building shall not be less than 250 feet. Because of the size of the complex, additional hydrants may be necessary to achieve proper spacing along the access road. In this particular case, the number of hydrants, not the spacing, drives the layout in this particular site.

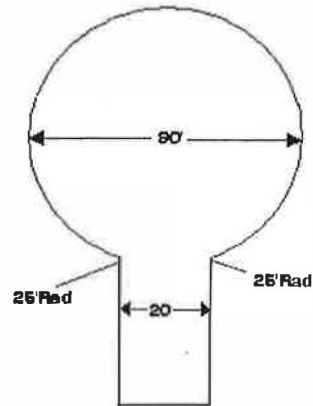
**Combustible Vegetation International Urban-Wildland Interface Code (Appendix II-A, Section 16)** An effective firebreak shall be maintained. This shall be done by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of the building.

**EXCEPTION** --single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided that they do not provide a means of rapid fire transmission to the structure, can be planted in the area. See the Fire Marshal regarding this extra defensible space.

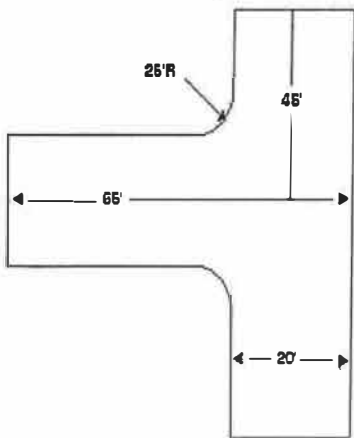
**DEAD END, TURNING RADIUS AND NO PARKING SIGN DIAGRAMS**  
**APPENDIX D**



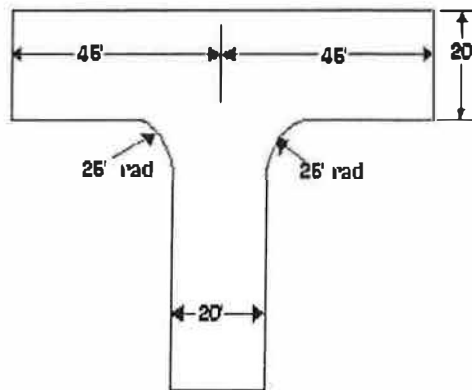
Corner



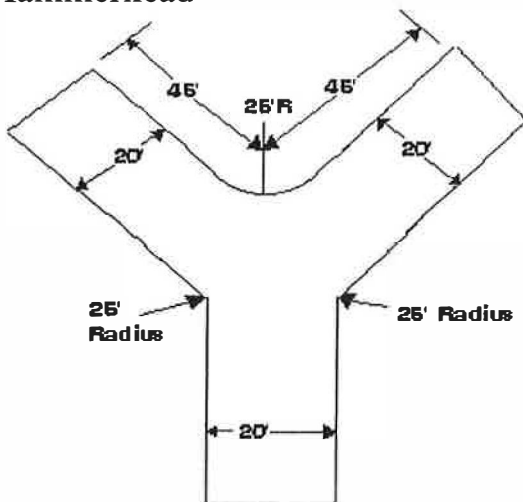
Cul-de-Sac



Hammerhead



Alternate Hammer Head



Y-Turn around



CITY OF HOOD RIVER  
PUBLIC WORKS / ENGINEERING / BUILDING DEPARTMENT

Date: May 12, 2008

Engineering Department comments for: 34A #1804 Isacowitz Annexation

17.15.060 Evaluation Criteria – Undeveloped Land. Prior to approving a proposed annexation of undeveloped land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**The City's existing sanitary sewer system is adequate to serve the parcel. Upon development of the parcel the developer will be required to purchase the existing Ice Fountain water main along the May Street frontage and dedicate it to the City. There will be no negative impact on the existing City systems.**

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;
6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;
7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;
8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
9. The annexation conforms to the Comprehensive Plan.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

**The existing sanitary sewer system was designed to provide adequate services for development of the parcel. Upon development of the parcel the developer will be required to purchase the existing Ice Fountain water main along the May Street**

**frontage and dedicate it to the City as well as construct half street improvements to May Street to bring it up to the City's Urban Collector standard.**

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

**The developer will pay all costs associated with withdrawing the parcel from the special districts as well as providing adequate public facilities upon development.**

RECEIVED

FROM THE DESK OF  
BOB SMITH

MAY 13 2008

May 8, 2008

PLANNING DEPARTMENT

Last fall, Rael purchased his property and during the first week after he moved in, cut down an extraordinary amount of large trees, making his house visible when it was not before. He stated at the time this was only to bring more light into his yard. Now we learn his intent was to prepare his lot for annexation approval and development, and avoid getting permits for later removing those trees.

In addition to cutting trees, Rael also re-contoured his property, and built an un-reinforced 8-foot rubble retaining wall on our rear property line without notifying the building department. This was clearly done to prepare the rear corner of his lot for building sites.

I would like to talk about compatibility and intention, apart from compliance with the actual letter of law and city ordinance. Our neighborhood consists of four neighbors with homes placed in the **MIDDLE** of medium-sized lots, sharing an open space in their rear yards. In none of the cases were these houses originally sited with future development in mind. If they were, none of the houses would have been *placed in their lots' centers*. This can easily be seen with a visual inspection; this is what has created the look and feel of our little community, and is the reason we were all attracted to buying these properties in the first place.

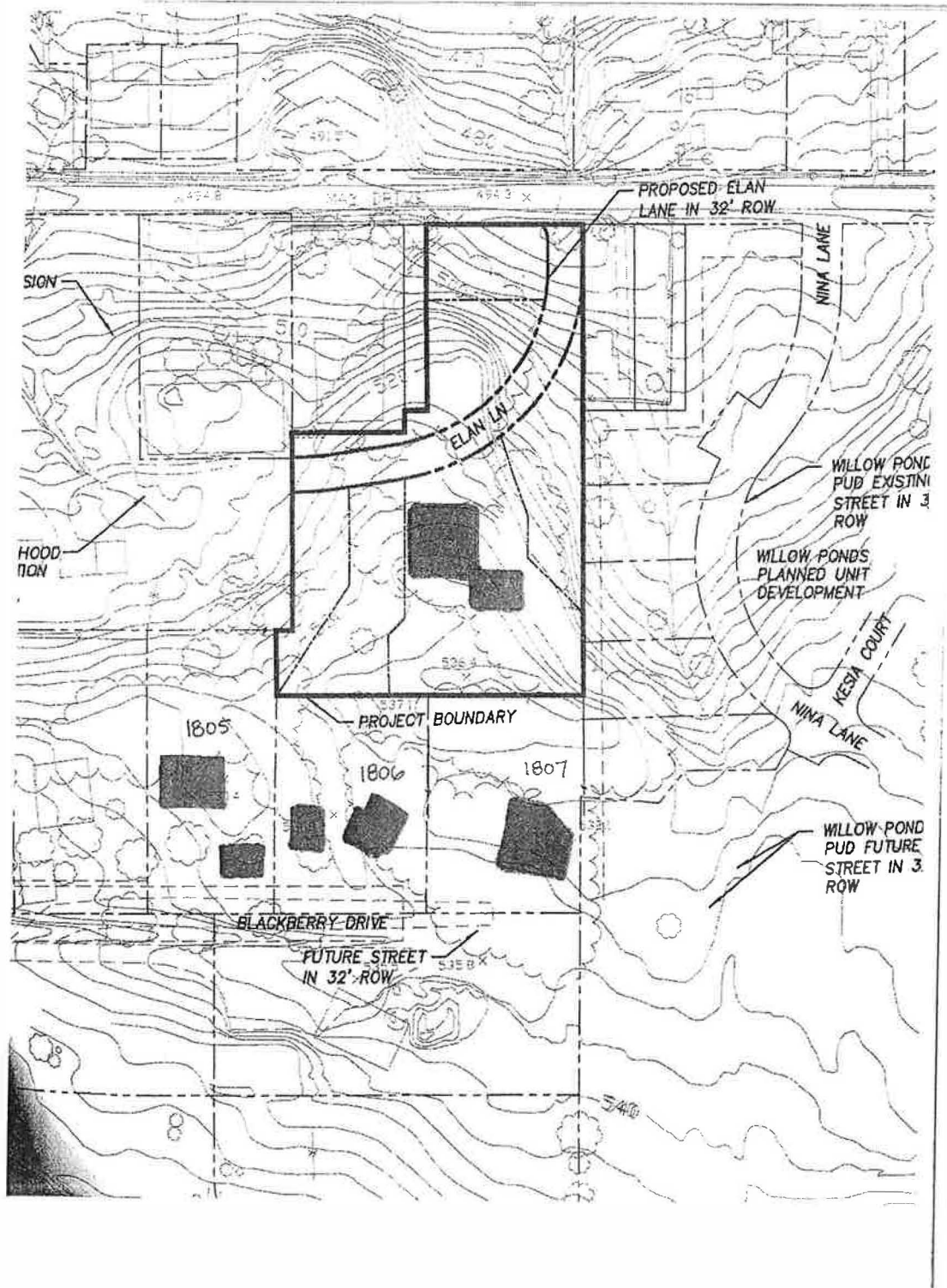
Now when the prior owners of Rael's house, John and Dede Garcia, decided to sell, they realized the "six-lot-rule" would be a help in selling. And when Rael decided to buy the house, this was clearly one reason he used to justify the purchase. So rather than living in a neighborhood developed for higher density in a logical and consistent-use manner, we all have become victims of greed on the part of the previous and present owners. In my opinion, Rael is also a victim, because once two houses are squeezed into the back corner of his property, his house's function will also be greatly reduced. I doubt this will be an issue for him, as it would logically follow that he will be moving, once he's make the sale of his developed lots.

I strongly urge the committee to consider the following:

- Come visually inspect the rear of his property from our yards. Rael's site plan may look well thought-out and professional, but the actual site dictates a different solution, one without houses in the small rear corner of his yard.
- Recognize that six houses are not appropriate for his lot, especially with his house sited on the rear/center of his lot. See the attached site map with the existing houses drawn in.
- Allow additional housing sites fronting May Street only, where street access is appropriate, and the slope of the hill does not put new buildings in the way of mountain views. Please deny the two additional house sites in that *forced* rear corner of his lot.
- Require that any additional building not interrupt the view of Mt Adams from lots 1805, 1806, and 1807. A view easement would be appropriate.
- Because of the massive amount of logging he did, require large screening trees to be planted.

Sincerely,

Bob Smith



To: City Planning Department  
P.O. Box 27  
Hood River, OR. 97031

**RECEIVED**

From: Tamara Shannon  
3940 Blackberry Drive  
Hood River, OR. 97031

**MAY 13 2008**

**PLANNING DEPARTMENT**

Date: 5/5/8

Subject: File # 2008-11 Elan Estates 3895 May Drive Map # 3N-10E-34A Tax lot 1804 –  
A proposed 5 –lot subdivision

I was very upset to find out that our new neighbors, the Isacowitz, not only cut down a huge amount of trees in their yard shortly after moving into the subject property, around September of 2006, but now they want to sub divide it into FIVE lots as well. There is probably not much I can do, say or otherwise convince the City of Hood River planning department to decline the request to annex the 2.08 acre parcel for the same parcel featuring a public street, installation of utilities and construction of associated site improvements. In lieu of that, I request the following mitigation measures to offset the harm the Isacowitz have already done, and propose to do to the character of the existing neighborhood.

**Establish a view easement of Mt. Adams from Tax Lot 1806.** When we first purchased our house in May of 2004, the house that the Garcia's owned, tax lot 1804, could not be seen from our house or from anywhere on our yard. There was a thick screening of Douglas firs, Oaks, Oregon ash, ponderosa pine, some cherries and other native (and non native) trees and shrubs. It provided habitat for quail, pheasants, squirrels and other animals in the neighborhood. It also provided screening between the houses and gave a woody feel to the neighborhood. Shortly after the Isacowitz moved in, there was the sound of saws and chippers running for about 2 weeks, cutting down numerous\* trees in the front and back yards and pruning trees high up off the ground. That was when I introduced myself to our new neighbors and talked to Rail about what he was doing. I suggested that he live there for a while and just do a little trimming at a time and see how he liked it because you can't stand these big trees back up. You can't even grow lower limbs back on a tree once you have limbed them up. He obviously had his own plan in mind and there wasn't much I could do to influence his landscape preferences. (I am a forester and told him about trees and wildlife habitat, etc.) To be brief and to the point, I see now that he had a different agenda in mind, to develop the property for a sub division, which he did not share with me. When the chips and sawdust had settled, we realized that now did we not only have a view of their house, garage, back door light, but we also gained a partial view of Mt. Adams. This was of little consolation to me, being a forester and lover of trees, and privacy. So, that is my first request, since we lost our privacy and forest habitat, I would like to at least retain rights to the view of Mt. Adams.

**Combine proposed lots # 3 & 4; locate the houses towards the street side of the lot.** These lots are an awkward shape to build on. The map does not show the building site for these lots. The houses for those lots should be near the street access instead of being jammed in. If

the city is interested in keeping residences compact, the same effect could be achieved by putting a duplex in there near the proposed road. I also have concerns for the “retaining wall” that Rail had built in that corner.

**Restore screening and wildlife habitat between the lots (with the exception of the view easement).** One of the things that attracted us to the neighborhood was the quality of the subdivisions in the adjacent areas. Stone gate to the west is beautiful with open areas and a wildlife preserve, the streets are not on a geometric grid and each house is unique and placed on the lot in a well thought out manner, as is Willow Pond to the east, what exists now, and what is planned. I regret that blackberry wasn’t developed in the same way, with more thought given to topography, wetlands and wildlife, but I wasn’t here when it was plotted out. My point being that we should learn from mistakes and follow good examples of subdivisions.

As a reference, I am including some before and after pictures for comparison, and including a few to the northwest where lots 3 & 4 would come together.

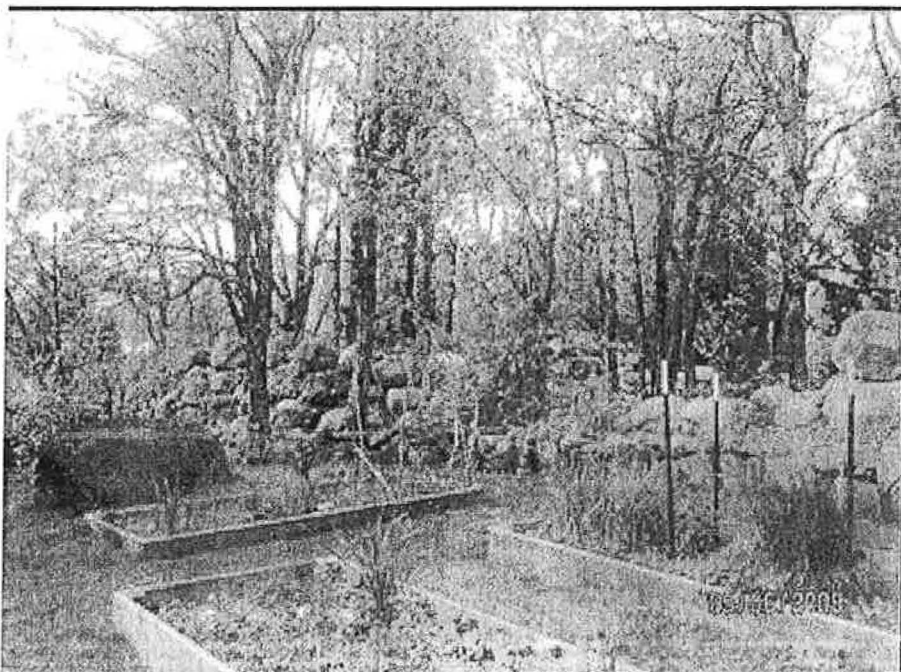
By the way, the letter we got about the 3/6/8 meeting proposed a 5 lot sub-division and this 4/29/8 letter proposes a six-lot subdivision. Which is correct?

My contact information is: email [eaglet7@earthlink.net](mailto:eaglet7@earthlink.net) or [tshannon@fs.fed.us](mailto:tshannon@fs.fed.us), and phone weekdays 541-352-6002 x 690. Thank you for keeping me posted on this matter.

Sincerely,

*/s/ Támara E. Shannon*

\* I don’t know exactly how many trees were cut down. I know that there were some large ponderosa pines cut in the front of his house and a large, maybe 20” diameter, Pine cut just to the west of his house. The photos show what was there before and what remains. One could have done a stump study, but so much ground was moved around (and imported) that I am sure that I would have a hard time quantifying how many and what size tree were removed. As stated earlier, I couldn’t even see Rail’s house before the cutting started so I wasn’t familiar with individual trees except for the pines and a cherry tree, Oregon ash, oaks and Douglas fir.

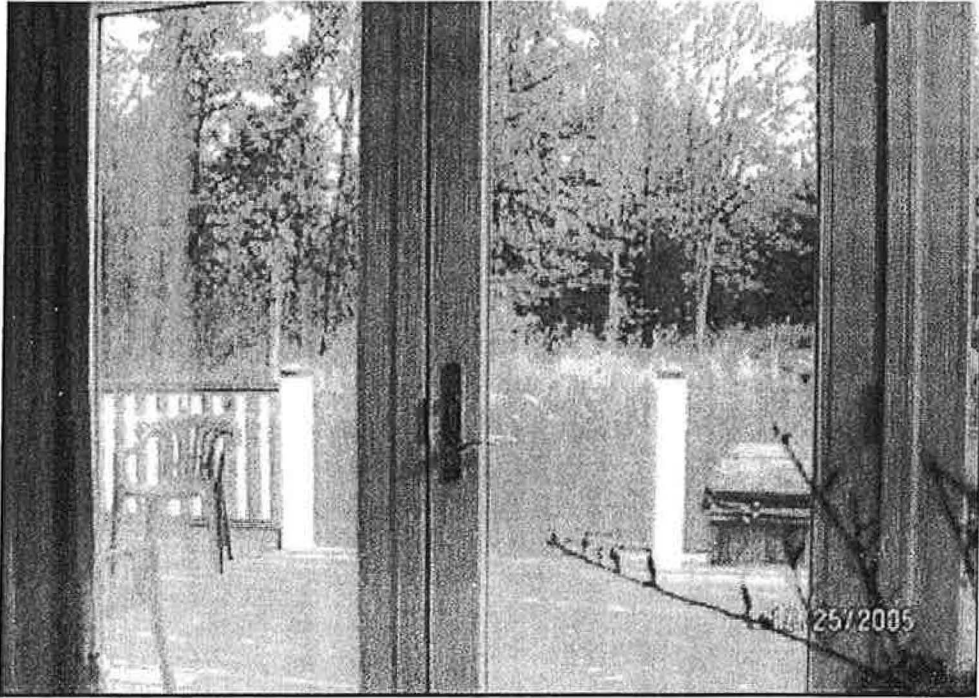


Before and after view of the SW corner of Tax lot 1804 looking NW from Tax lot 1806.

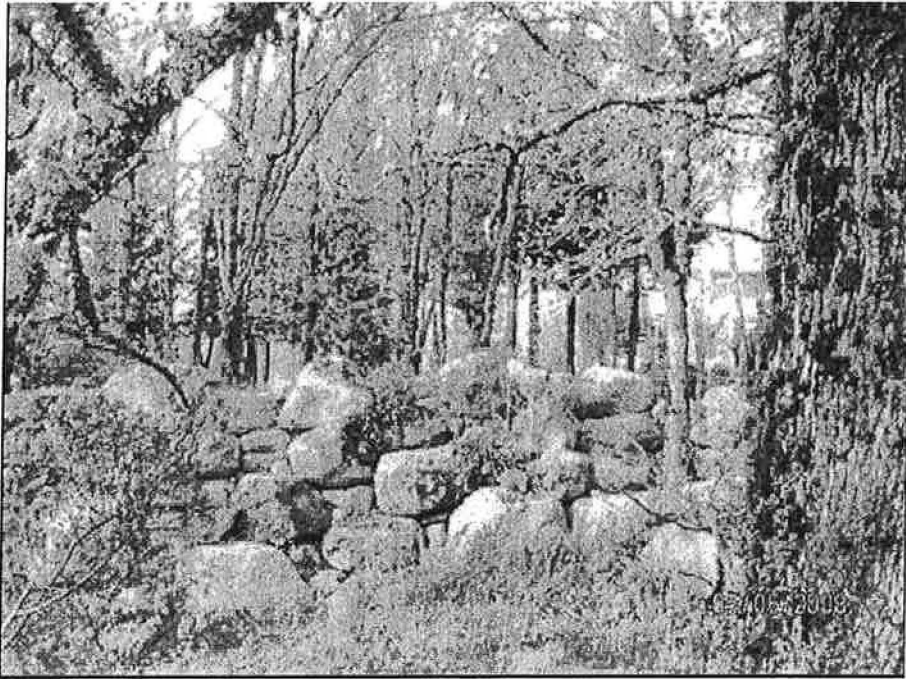


Before and after view of the South of Tax lot 1804 looking north from Tax lot 1806.





Before and after view of Tax lot 1804 looking North from Tax lot 1806. Many oaks have been cut and Douglas Firs limbed up approximately 15 feet.



This is the corner that contains lot 3 & 4. I am concerned about the retaining wall and about houses being jammed into the lots, out of character with the surrounding neighborhood.



This is the view easement I am requesting as a mitigation measure for the upcoming subdivision that no houses and large trees are allowed to block the view that has been created by past cutting.

**Kevin Liburdy**

---

**From:** Laurie Stephens [laurie\_stephens2002@yahoo.com]  
**Sent:** Sunday, May 18, 2008 9:11 PM  
**To:** Kevin Liburdy  
**Cc:** dougw@gorge.net  
**Subject:** just in case

**RECEIVED**

**MAY 19 2008**

**PLANNING DEPARTMENT**

Hi Kevin,

I am sending my letter here in the body of the email in case you have trouble with the attachment I sent earlier. I've been getting complaints lately that my attachments won't open. Again, please forward to the otehr commissioners. Here you go..

Laurie

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5/15/08

Hood River City Planning Dept.  
PO Box 27  
Hood River, OR 97031

Dear Planning Commissioners,  
This letter is regarding the annexation and subdivision application by Pathfinder Development and Rael Isacowitz for property 3N 10E 34A Tax Lot #1804. Please note that, for the purposes of this application, I am recusing myself from the position of Planning Commissioner since I own property adjacent to that of the applicant.

My neighbors to the east, Tamara Shannon and Bob Smith, have adequately addressed the history of the applicant's property with respect to the clearing of mature trees, extensive grading, and construction of 8-10 foot rock/dirt walls bordering our properties that were not engineered or permitted. I believe Mr. Isacowitz intended to subdivide and build on his property from the very beginning, and chose to remove the trees and grade the land prior to submitting his application so that he could essentially do as he pleased. As a result, we now have a very clear view of his property, his home, and the future homes he intends to build on lots 3 and 4. To show a good faith gesture towards his neighbors, I request that Mr. Isacowitz situate homes on lots 3 and 4 as far to the north as possible, and to re-plant evergreens along the border of his property to replace some of those that he removed, thereby restoring some privacy to our properties.

I trust the Commissioners will review this application thoroughly, and hold Mr. Isacowitz to the highest possible standards.

Sincerely,

Laurie Stephens  
3960 Blackberry Dr  
Hood River, OR 97031

CITY OF HOOD RIVER  
PUBLIC WORKS / ENGINEERING / BUILDING DEPARTMENT

INTEROFFICE MEMORANDUM

DT: May 19, 2008  
TO: Kevin Liburdy/Planning Commission  
FR: Gary Lindemyer  
RE: Elan Estates Subdivision – Design Exceptions

**RECEIVED**

**MAY 19 2008**

**PLANNING DEPARTMENT**

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After meeting with the developer and project engineer in regards to design exceptions for the proposed subdivision, City Engineering has the following comments to add to the staff report.

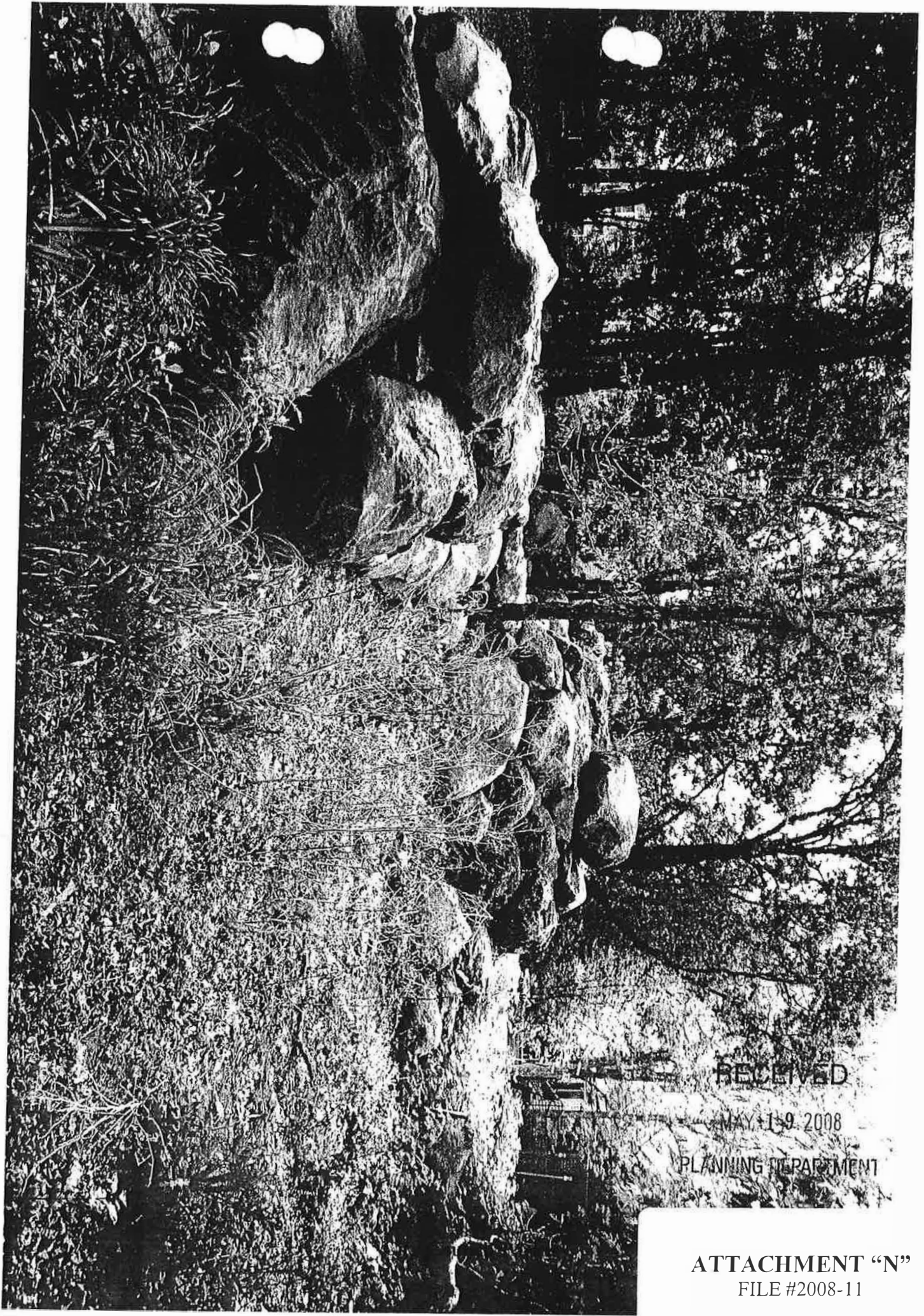
Due to the likely limited traffic generated by the development, a modified Urban Local Residential Option “C” may be a more appropriate standard for the proposed interior street.

If approved, the recommended street section would be City standard curb & gutter on both sides of the street, a 5’ wide sidewalk and 6’ side planter strip on one side, and a 27’ wide paved section face of cur to face of curb, and a minimum 5’ wide Public Utility Easement (PUE) on both sides of the street beyond the right of way. This standard may be adequate for connectivity with Frankton, provides parking on one side of the street, and yet is narrow enough to keep the “neighborhood” street feel. The details of sidewalk/planter strip placement should be addressed at the pre-submittal meeting with City Engineering and the project Engineer.

The developer raised the question of the need to replace the existing pavement within the May Street right of way. City Engineering proposes to address this concern in the following manner: At the preconstruction meeting the condition of the asphalt will be noted, with pictures, and during construction, the City Inspector will monitor the surface condition with the Project Engineer. If the street condition warrants, the developer will replace the asphalt as required. The City Engineer shall have the final authority to require replacement of the asphalt.

The last item is whether or not the sanitary sewer should be extended to the west property line of the parcel as is the common requirement for development. This request can also be evaluated at the pre-submittal meeting.

The City Engineering Department is willing to discuss all of these items, as well as any other alternatives that will provide adequate public facilities as part of design exception process.



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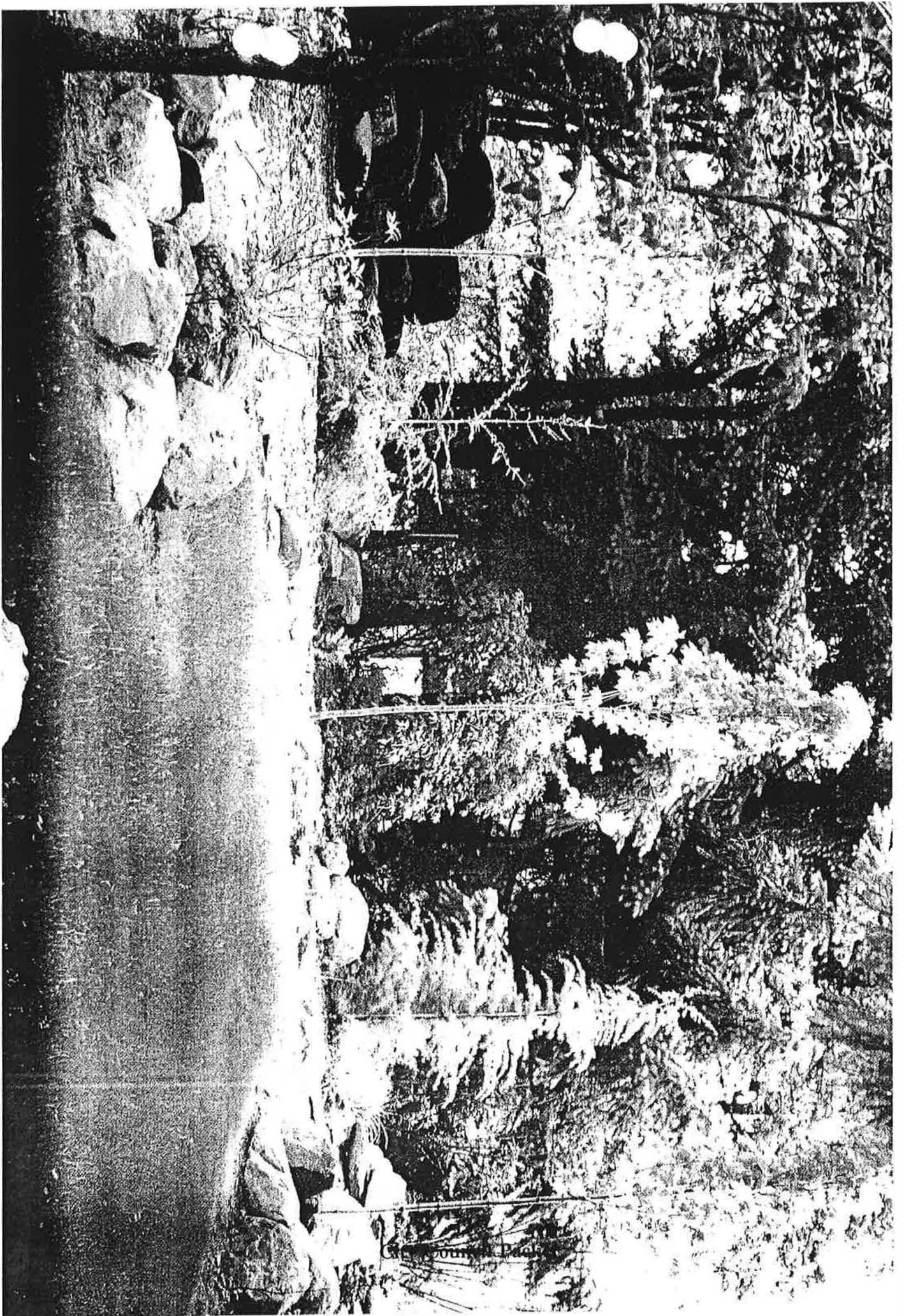
MAY 19 2008

PLANNING DEPARTMENT

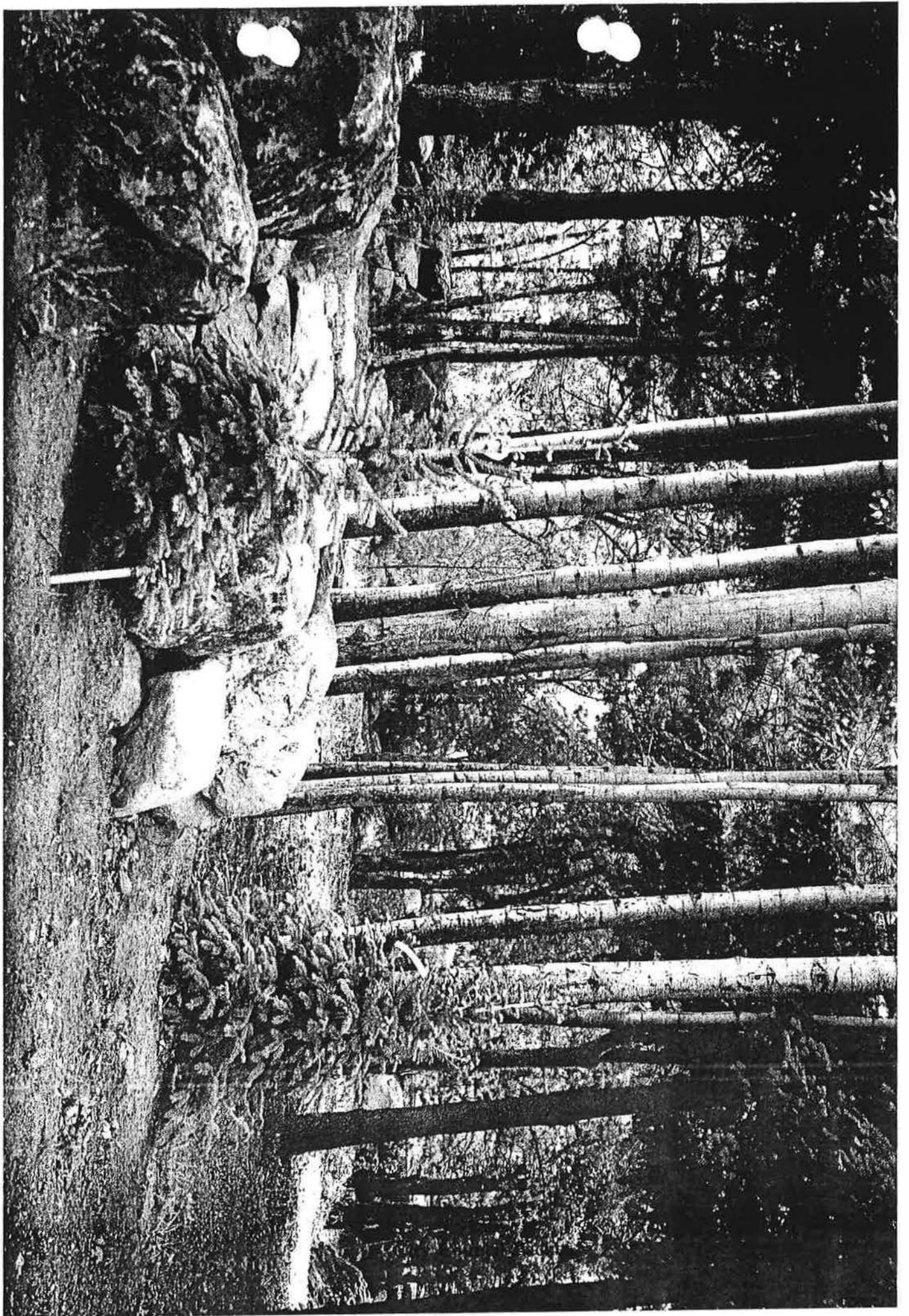
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FILE #2008-11

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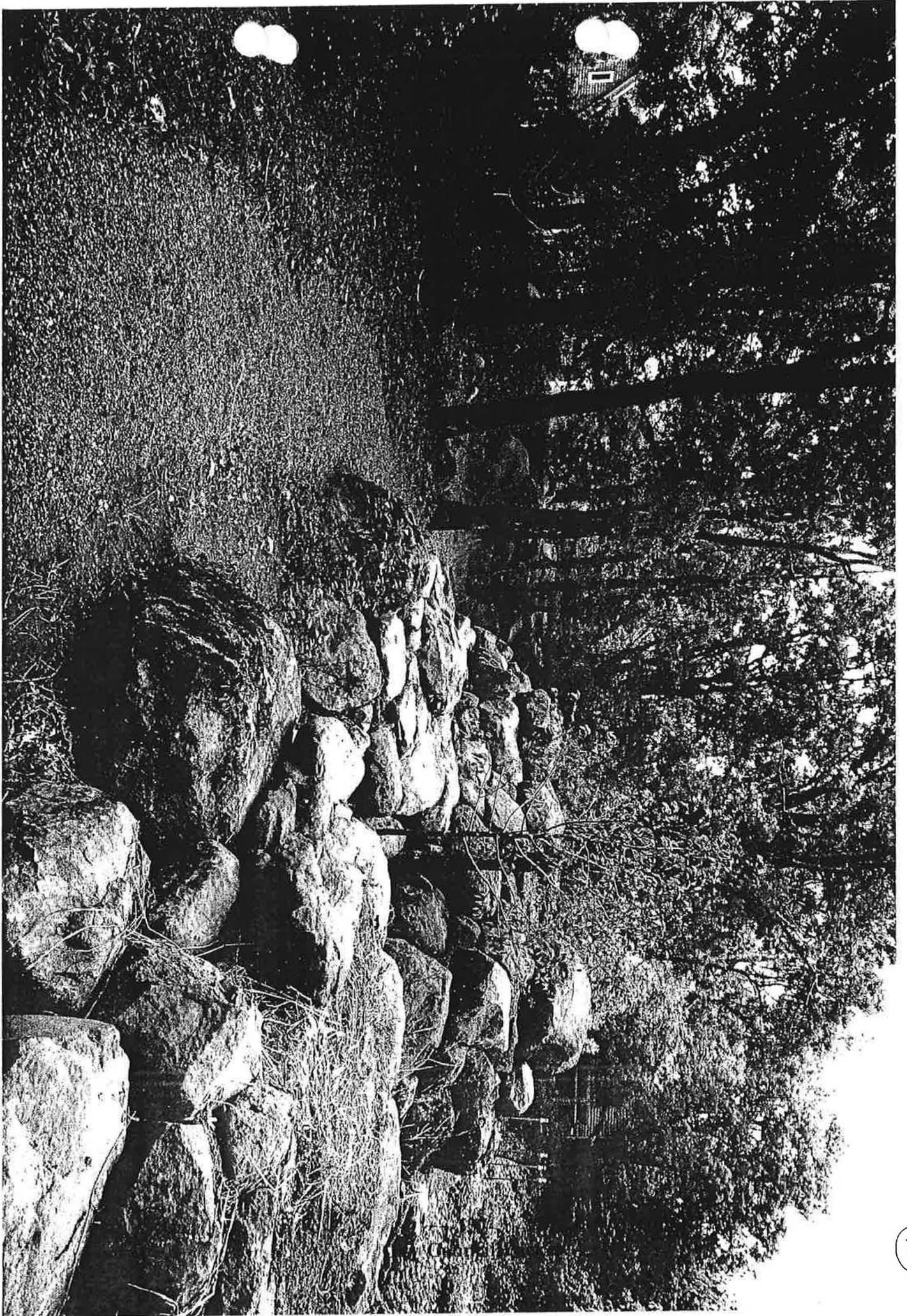
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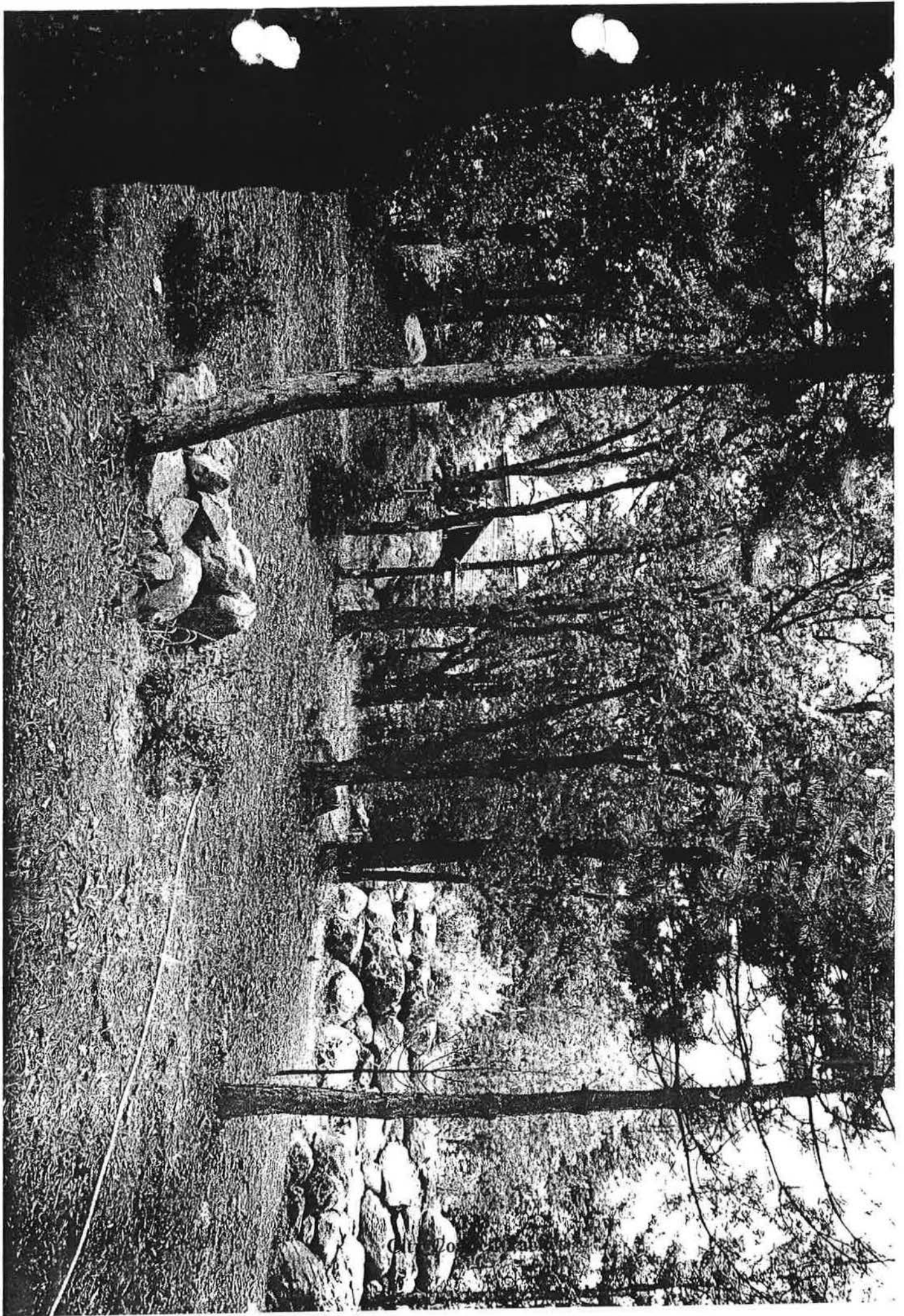
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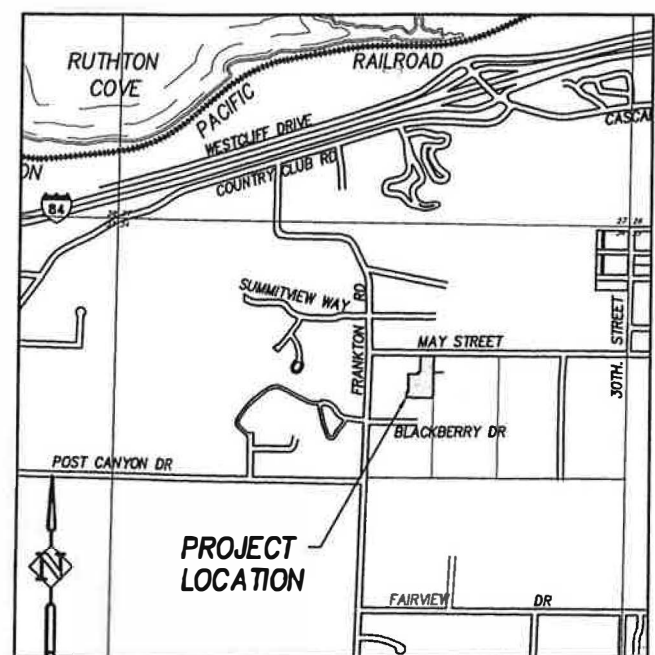




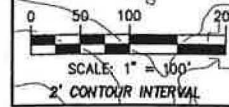
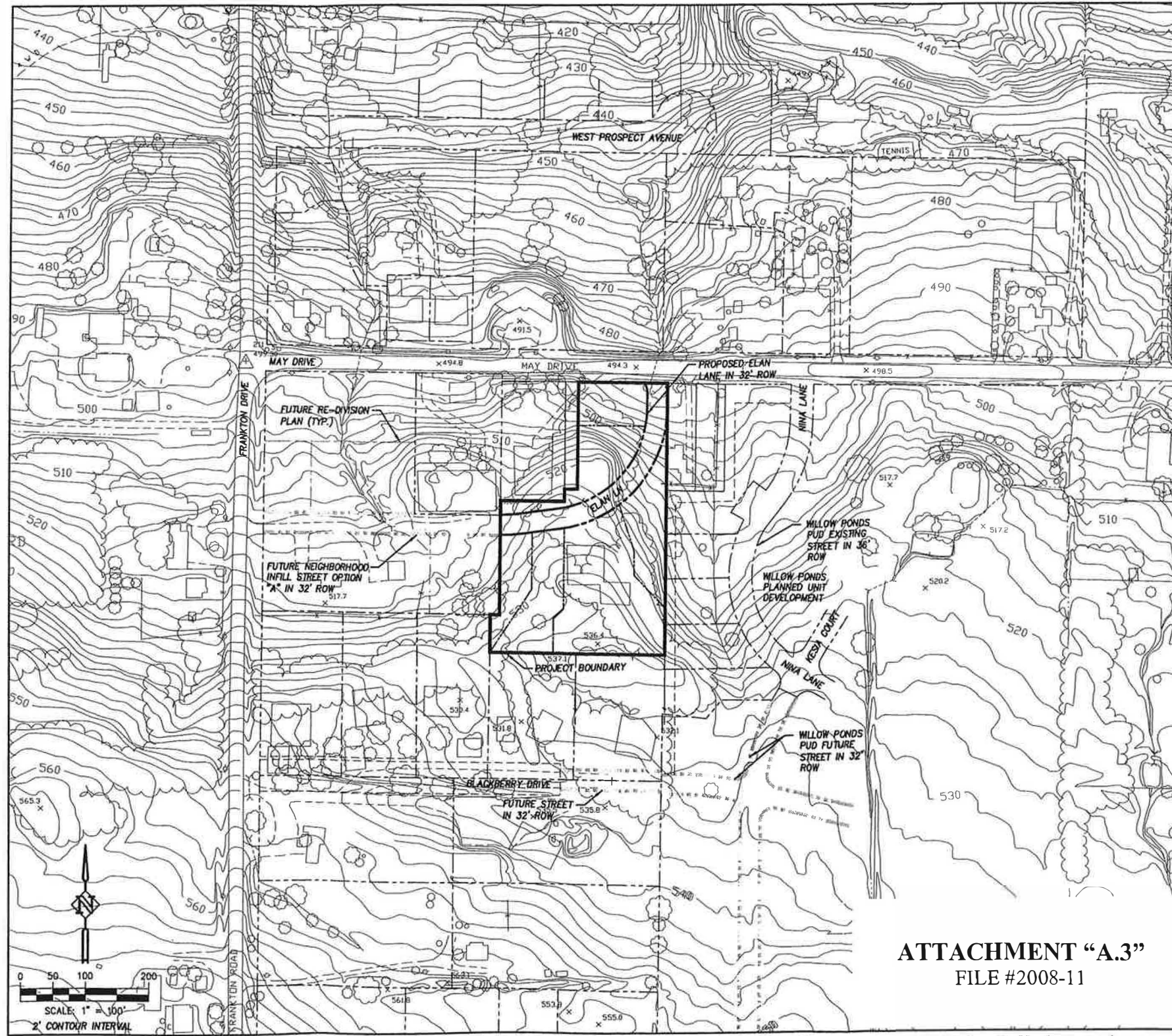
# ELAN ESTATES SUBDIVISION

T03N R10E S34A TL1804 - 2.08AC

HOOD RIVER COUNTY, OREGON



VICINITY MAP  
NTS



ATTACHMENT "A.3"  
FILE #2008-11

FUTURE STREET AND RE-DIVISION PLAN

**SHEET INDEX**

SHEET NO.	TITLE
1	COVER
2	EXISTING CONDITIONS
3	PRELIMINARY PLAT
4	STREET/GRADING/DRAINAGE PLAN
5	UTILITY PLAN

**SERVICE UTILITY PROVIDERS:**

**POWER:**  
PACIFIC POWER CO.  
1290 TUCKER ROAD  
HOOD RIVER, OR 97031

CONTACT: RICK CROY  
PH: (541)308-2008

**TELEPHONE:**  
SPRINT TELEPHONE CO.  
902 WASCO ST.  
HOOD RIVER, OR 97031

CONTACT: MIKE DICKS  
PH: (541)387-9263

**TELEVISION:**  
CHARTER COMMUNICATIONS INC.  
409 UNION ST.  
THE DALLES, OR 97058

CONTACT: DAN WALLACE OR  
SEAN DONOHOO  
PH: 1-866-731-5420

**GAS:**  
NW NATURAL  
309 E. 2ND ST.  
THE DALLES, OR 97058

CONTACT: MINDI THAYER OR  
TONYA BRUMLEY  
PH: (541)296-2229  
(x8632 OR x8610)

**WATER:**  
ICE FOUNTAIN WATER DISTRICT  
1185 TUCKER RD.  
HOOD RIVER, OR 97031

CONTACT: MARK BEAM  
PH: (541)386-4299

**IRRIGATION:**  
FARMER'S IRRIGATION DISTRICT  
1985 COUNTRY CLUB RD.  
HOOD RIVER, OR 97031

CONTACT: RICK BROCK  
PH: (541)387-5263

**SANITARY/STORM SEWER:**  
CITY OF HOOD RIVER PUBLIC WORKS  
P.O. BOX 27  
HOOD RIVER, OR 97031

CONTACT: DAVE BICK, P.E.  
PH: (541)386-2383

**OWNER:**  
ELAN HOLDINGS, LLC  
RAEL AND ADELLE ISACOWITZ  
3895 MAY DRIVE  
HOOD RIVER, OR 97031  
PH: (541) 386-5161

**APPLICANT:**  
PATHFINDER DEVELOPMENT GROUP  
P.O. BOX 224  
HOOD RIVER, OR 97031  
CONTACT: ERIC SLETMOE  
PH: (541) 490-9509

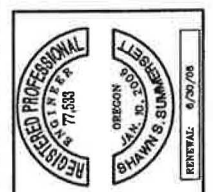
**ENGINEER:**  
SUMMERSETT CIVIL ENGINEERING  
6305 MILLER ROAD  
MOUNT HOOD PARKDALE, OR 97041  
CONTACT: SHAWN SUMMERSETT, PE  
PH: (541) 352-9313

**PLANNER:**  
COLUMBIA PLANNING AND DESIGN  
885 METHODIST ROAD  
HOOD RIVER, OR 97031  
CONTACT: SCOTT KEILLOR, AICP  
PH: (541) 806-1535

**SURVEYOR:**  
TERRA SURVEYING  
PO BOX 617  
1406 - 12TH STREET, STE 100  
HOOD RIVER, OR 97031  
CONTACT: ERIK CARLSON, PLS  
PH: (541) 386-4531

COVER  
ELAN ESTATES SUBDIVISION  
HOOD RIVER COUNTY, OREGON

SUMMERSETT CIVIL  
ENGINEERING  
6305 Miller Road  
Mount Hood Parkdale, OR 97041-9722  
(541) 352-9313



DESIGNED:	SSS	DATE:	March 24, 2008
DRAWN:	SSS		
CHECKED:	SSS		

REVISIONS	DATE	NO.	DESCRIPTION

SHEET NO.	1	OF	5
JOB NO.	03N10E34A1804		

FOUND 5/8" IRON ROD @ 1/16th CORNER IN MON. BOX

**LOCATION OF SURVEY:**  
 TAX LOT 1804 OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, HOOD RIVER COUNTY, OREGON.

**NARRATIVE:**  
 THE PURPOSE OF THIS SURVEY WAS TO PROVIDE TOPOGRAPHIC DETAIL FOR TAX LOT 1804 PER CLIENT REQUEST.  
 LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED.  
 TOPOGRAPHIC DETAIL PROVIDED AT A 1' CONTOUR INTERVAL.  
 THE TOPOGRAPHIC SURVEY WAS COMPLETED ON ONLY A PORTION OF THE CLIENT PROPERTY, AS PER CLIENTS REQUEST.

**REFERENCES:**  
 HOOD RIVER COUNTY SURVEY #94059  
 HOOD RIVER COUNTY SURVEY #96044  
 HOOD RIVER COUNTY SURVEY #93039  
 HOOD RIVER COUNTY SURVEY #85055  
 HOOD RIVER COUNTY SURVEY #2001019  
 HOOD RIVER COUNTY SURVEY #7239  
 HOOD RIVER COUNTY SURVEY #92031  
 HOOD RIVER COUNTY SURVEY #2007017  
 HOOD RIVER COUNTY SURVEY #90088  
 HOOD RIVER COUNTY SURVEY #2003066

1/2" IRON ROD FOUND LS #932  
 5/8" IRON ROD FOUND LS #932  
 N 89°03'52" W 97.95

5/8" IRON ROD FOUND LS #932  
 S 00°27'34" W 181.49  
 S 00°33'18" W 59.99

1/2" IRON ROD FOUND LS #1028  
 S 00°33'18" W 59.99  
 89°03'11" E 114.98

1/2" IRON ROD FOUND LS #1028  
 S 00°33'18" W 59.99  
 89°03'11" E 114.98

TERRA CONTROL HTF  
 N: 744028.850  
 E: 7933058.204  
 ELEV = 536.21

- LEGEND:**
- FOUND MONUMENT OF RECORD
  - CALCULATED, NOT FOUND OR SET
  - ( ) DEED OR PLAT CALL
  - ⊕ TERRA CONTROL POINT
  - ⊖ ELECTRICAL METER
  - ⊕ POWER LINE ANCHOR
  - ⊕ IRRIGATION PUMP
  - ⊕ IRRIGATION WATER VALVE
  - ⊕ IRRIGATION SPRINKLER HEAD
  - ⊕ SANITARY MANHOLE
  - ⊕ MAILBOX
  - DECIDUOUS TREE
  - ⊕ CONIFEROUS TREE
  - HOLLY TREE
  - SPOT ELEVATION

JOB NO. 02N10E34A1804  
 SHEET NO. 2 OF 5

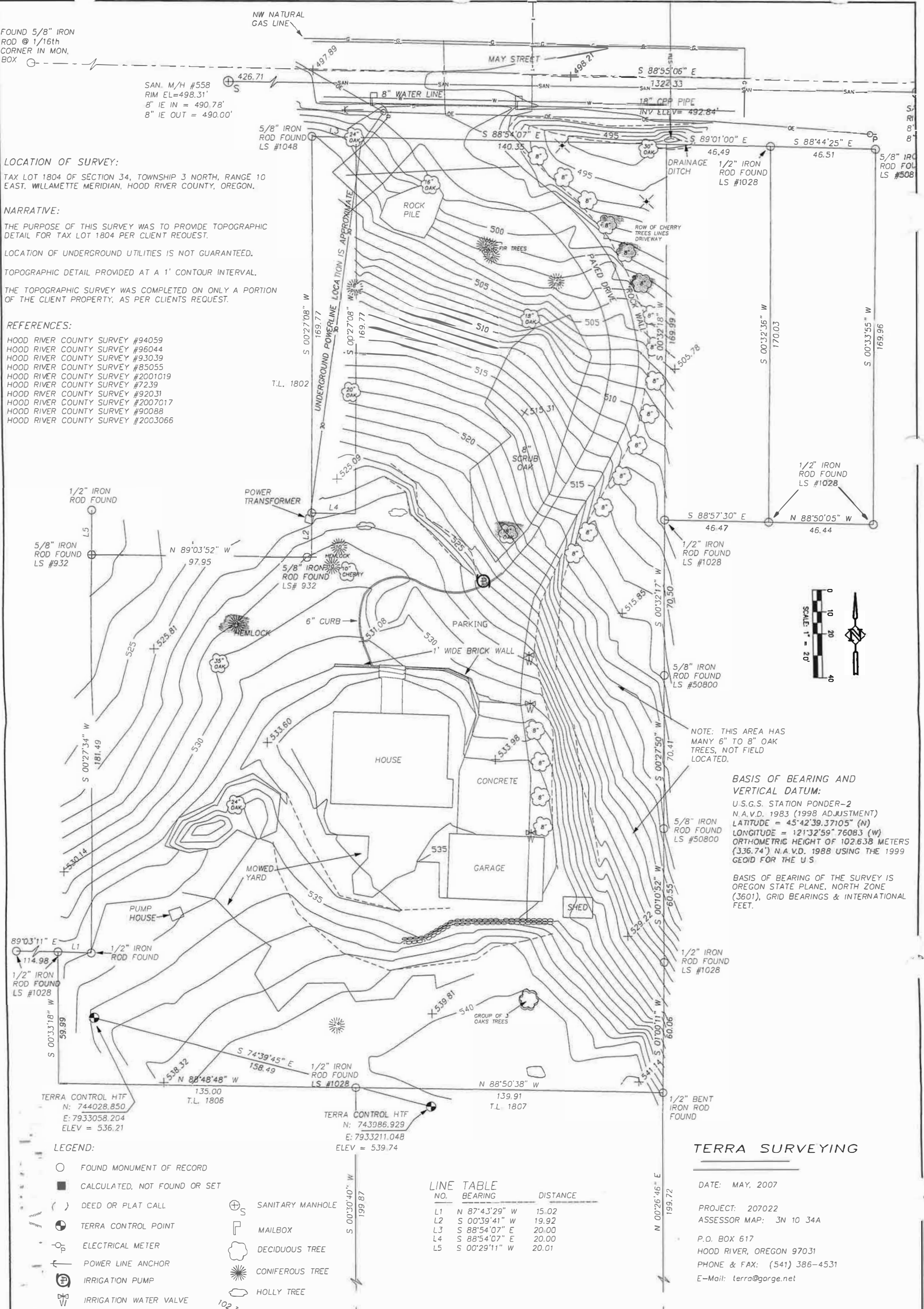
DATE	NO.	DESCRIPTION
REVISIONS		

DESIGNED: SSS  
 DRAWN: SSS  
 CHECKED: SSS  
 DATE: March 24, 2008

REGISTERED PROFESSIONAL ENGINEER  
 OREGON  
 EXPIRES 12/31/2008  
 SHAWN B. SUMMERSETT  
 RENEWAL: 6/30/08

**SUMMERSETT CIVIL ENGINEERING**  
 6305 Miller Road  
 Mount Hood Parkdale, OR 97041-8722  
 (541) 352-9313

**EXISTING CONDITIONS  
 ELAN ESTATES SUBDIVISION  
 HOOD RIVER COUNTY, OREGON**



NOTE: THIS AREA HAS MANY 6" TO 8" OAK TREES, NOT FIELD LOCATED.

**BASIS OF BEARING AND VERTICAL DATUM:**  
 U.S.G.S. STATION PONDER-2  
 N.A.V.D. 1983 (1998 ADJUSTMENT)  
 LATITUDE = 45°42'39.37105" (N)  
 LONGITUDE = 121°32'59" 76083 (W)  
 ORTHOMETRIC HEIGHT OF 102.638 METERS (336.74') N.A.V.D. 1988 USING THE 1999 GEOID FOR THE U.S.

**BASIS OF BEARING OF THE SURVEY IS OREGON STATE PLANE, NORTH ZONE (3601), GRID BEARINGS & INTERNATIONAL FEET.**

**TERRA SURVEYING**

DATE: MAY, 2007

PROJECT: 207022  
 ASSESSOR MAP: 3N 10 34A

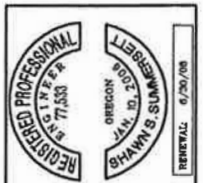
P.O. BOX 617  
 HOOD RIVER, OREGON 97031  
 PHONE & FAX: (541) 386-4531  
 E-Mail: terra@gorge.net

**LINE TABLE**

NO.	BEARING	DISTANCE
L1	N 87°43'29" W	15.02
L2	S 00°39'41" W	19.92
L3	S 88°54'07" E	20.00
L4	S 88°54'07" E	20.00
L5	S 00°29'11" W	20.01

PRELIMINARY PLAT  
**ELAN ESTATES SUBDIVISION**  
 HOOD RIVER COUNTY, OREGON

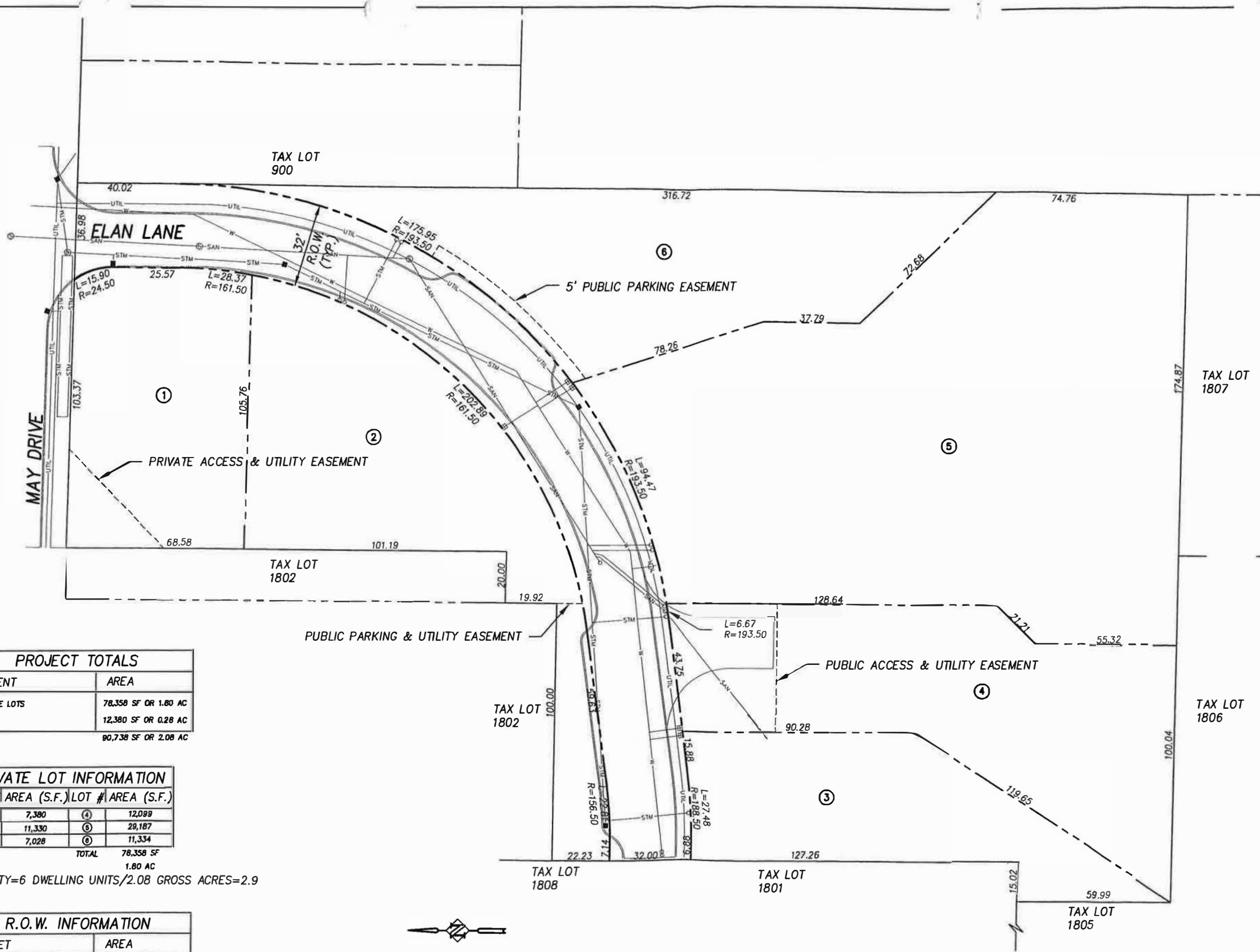
SUMMERSETT CIVIL  
 ENGINEERING  
 6305 Miller Road  
 Mount Hood Parkdale, OR 97041-8722  
 (541) 352-9313



DESIGNED: SSS  
 DRAWN: SSS  
 CHECKED: SSS  
 DATE: March 24, 2008

DATE	NO.	DESCRIPTION

SHEET NO. **3** OF **5**  
 JOB NO. 03N10E34A1804

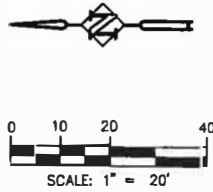


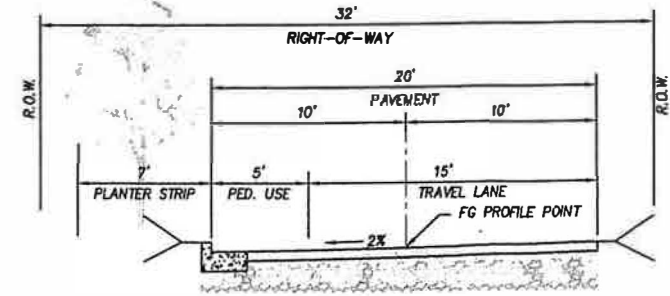
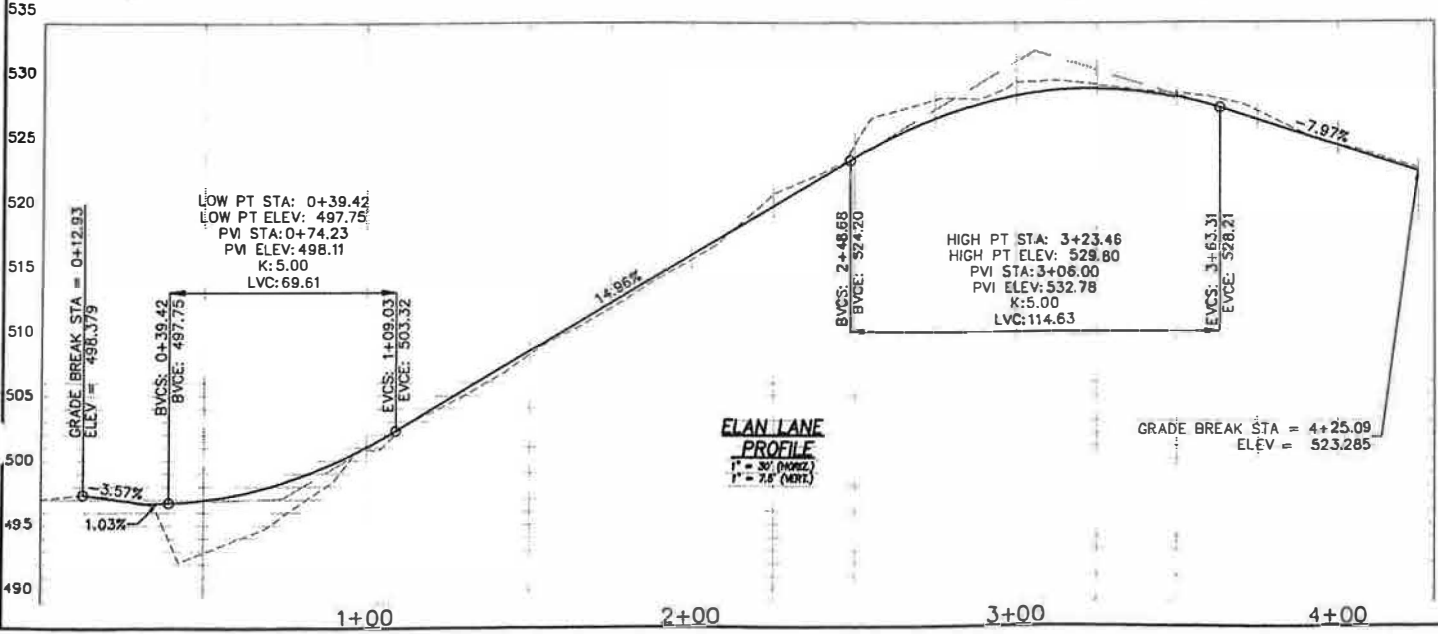
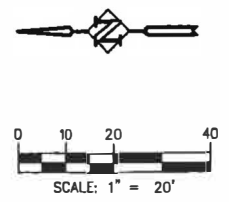
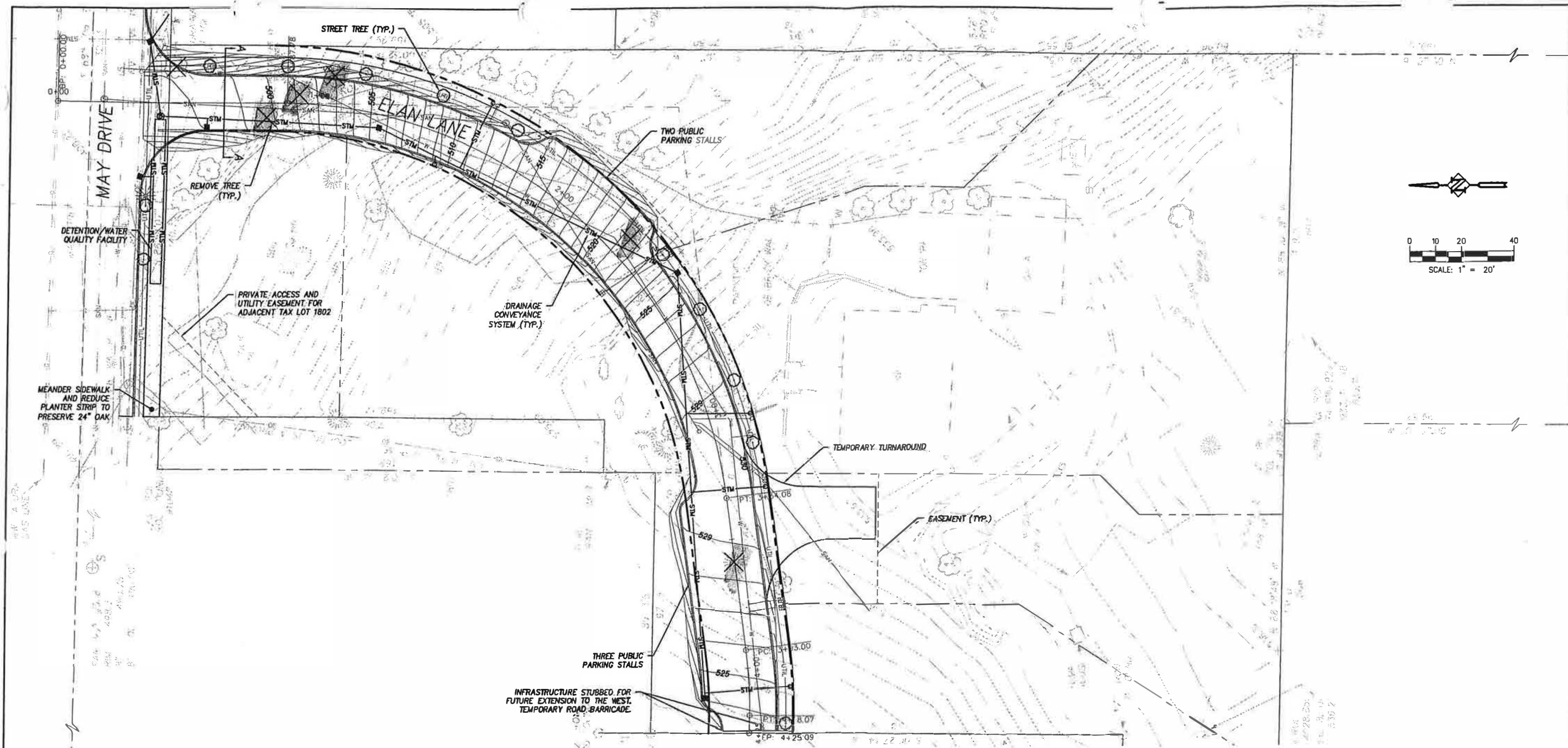
PROJECT TOTALS	
ELEMENT	AREA
PRIVATE LOTS	78,358 SF OR 1.80 AC
R.O.W.	12,380 SF OR 0.28 AC
<b>TOTAL</b>	<b>90,738 SF OR 2.08 AC</b>

PRIVATE LOT INFORMATION			
LOT #	AREA (S.F.)	LOT #	AREA (S.F.)
①	7,380	④	12,099
②	11,330	⑥	29,187
③	7,028	⑥	11,334
<b>TOTAL</b>		<b>78,358 SF</b>	
		<b>1.80 AC</b>	

DENSITY=6 DWELLING UNITS/2.08 GROSS ACRES=2.9

R.O.W. INFORMATION	
STREET	AREA
ELAN LANE	12,380 SF OR 0.28 AC
<b>TOTAL</b>	<b>12,380 SF OR 0.28 AC</b>

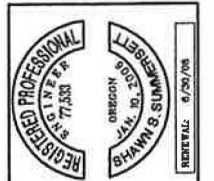




**TYPICAL SECTION A-A**  
 PUBLIC ROAD  
 NEIGHBORHOOD INFILL STREET OPTION "A"  
 (LESS THAN 100 VEHICLES PER DAY)  
 N.T.S.

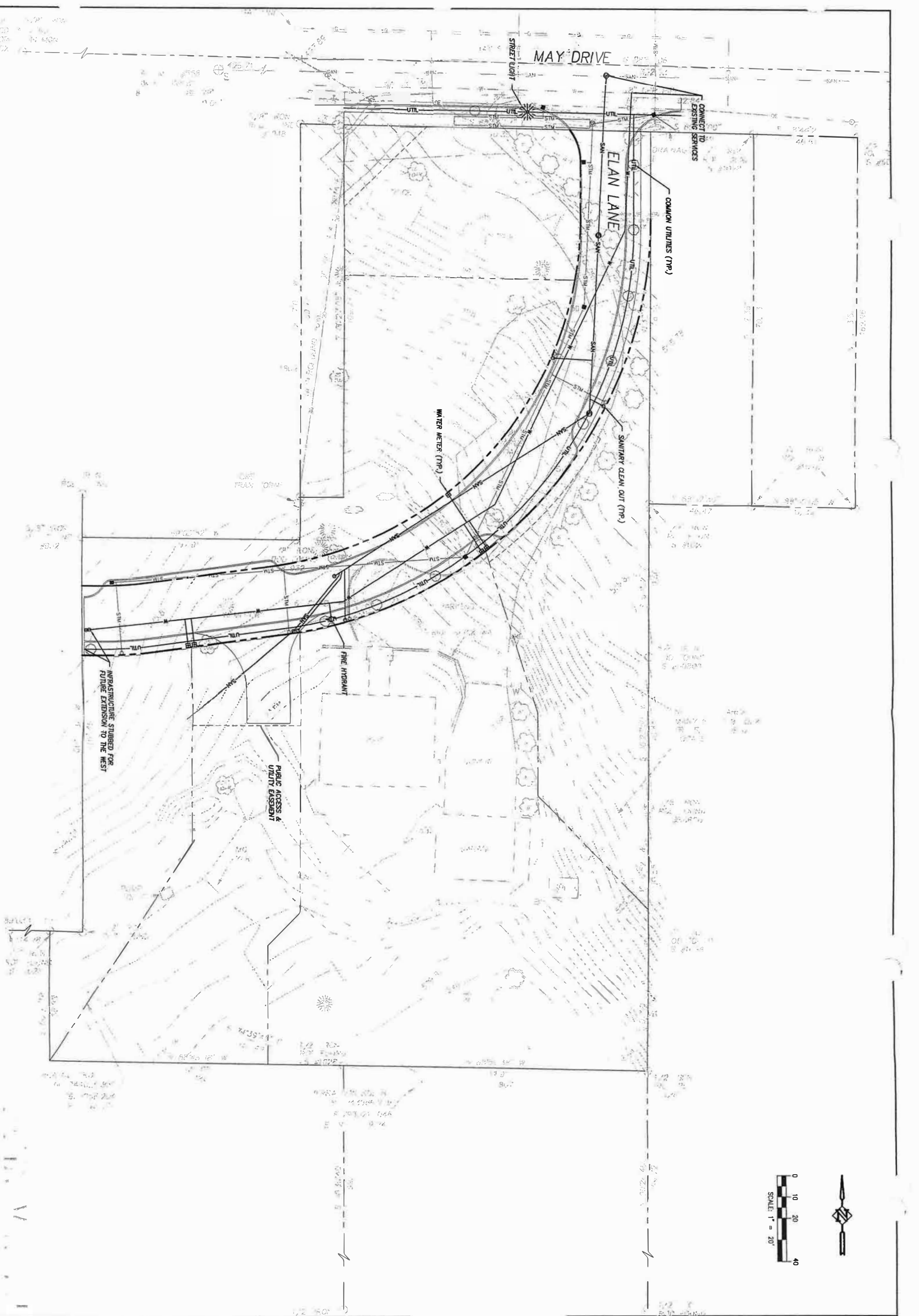
**STREET/GRADING/DRAINAGE PLAN**  
**ELAN ESTATES SUBDIVISION**  
 HOOD RIVER COUNTY, OREGON

**SUMMERSETT CIVIL ENGINEERING**  
 6305 Miller Road  
 Mount Hood Parkdale, OR 97041-4722  
 (541) 352-9313



DESIGNED:	SSS
DRAWN:	SSS
CHECKED:	SSS
DATE:	March 24, 2008

NO.	DATE	DESCRIPTION



JOB NO. 03N10E34A1804  
 SHEET NO. 5 OF 5

DATE	NO.	DESCRIPTION
REVISIONS		

DESIGNED: SSS  
 DRAWN: SSS  
 CHECKED: SSS  
 DATE: March 24, 2008



**SUMMERSETT CIVIL ENGINEERING**  
 6305 Miller Road  
 Mount Hood Parkdale, OR 97041-8722  
 (541) 352-9313

**UTILITY PLAN**  
**ELAN ESTATES SUBDIVISION**  
 HOOD RIVER COUNTY, OREGON