

ORDINANCE NO. 2076

An ordinance proclaiming annexation of certain contiguous territory located within the City's Urban Growth Boundary and withdrawing the same territory from the Westside Rural Fire Protection District (Stenberg Bros, LLC)

WHEREAS, Stenberg Bros, LLC (the "Applicant"), the owner of certain property (3N10E34BD Tax Lot 900) which is contiguous to the City limits and located in the Urban Growth Area, applied for annexation to the City; and

WHEREAS, the City Council adopted policy in Resolution 2016-25 that requires annexation prior to receiving City sewer services; and

WHEREAS, as part of the annexation proposal, the Applicant included a segment of public right-of-way for Frankton Road adjacent to the Applicant's parcel, and the property proposed for annexation (the "Annexation Territory") is legally described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, the Annexation Territory is located in Hood River County, Oregon within the acknowledged Urban Growth Area of the City of Hood River and is contiguous with the existing boundary of the City of Hood River; and

WHEREAS, pursuant to HRMC Chapter 12.09 and Resolution 2016-25, the City requires consent to annex in exchange for receiving City water or sewer service, which also requires that such properties be contiguous with the existing City boundary; and

WHEREAS, the Applicant seeks annexation of the Annexation Territory using the so-called Triple Majority method in ORS 222.170 to meet the requirements for annexation under this statute; and

WHEREAS, the Annexation Territory is located within the service territories of Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District, and ORS Chapter 222 provides for the withdrawal of land from these districts upon annexation to a city that provides the same services; and

WHEREAS, notice of a public hearing before the Planning Commission on the annexation request and withdrawal from the Westside Rural Fire Protection District was provided as required by HRMC 17.09 and ORS Chapter 222; and

WHEREAS, the Planning Commission convened its duly-noticed public hearing on the annexation and withdrawal request on April 17, 2023, requested all manner of public testimony and written comment on the proposal, and voted to approve certain development on the site and to recommend approval of the Annexation request to the City Council, subject to conditions of approval, in a written decision signed May 4, 2023 (Planning Department File No. 2022-66); and

WHEREAS, the Applicant shall execute a contractually binding annexation agreement detailing the Applicant's commitment to comply with the conditions of approval

of the Planning Commission's written decision dated May 4, 2023, attached hereto as Exhibit B of this Ordinance, and this Ordinance shall not become final or effective until the Applicant executes such an annexation agreement and it is recorded; and

WHEREAS, notice of a public hearing before the City Council on the annexation request and withdrawal from the Westside Rural Fire Protection District was provided as required by HRMC 17.09 and ORS Chapter 222; and

WHEREAS, the City Council convened its duly-noticed public hearing on the annexation and withdrawal request on May 22, 2023, reviewed the record compiled before the Planning Commission and the Commission's recommendation, and accepted all manner of public testimony and written comment on the proposal, after which the Council voted that the Annexation Territory should be annexed and should be withdrawn only from the Westside Rural Fire Protection District; and

WHEREAS, the Council concluded that the Annexation Territory should remain within and be served by the Ice Fountain Water District and Farmers Irrigation District upon annexation until further notice and Council action; and

WHEREAS, the City has the authority, within constitutional and statutory limits, to set the property tax rates at which annexed territories shall be taxed and to apply City land use designations and regulations to all lands within its corporate boundaries.

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

Section 1. Incorporation of Recitals. The foregoing recitals are hereby adopted by the Council and incorporated herein in support of this Ordinance.

Section 2. Annexation of Territory Approved. The real property (the Annexation Territory) described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby annexed into and shall become part of the City of Hood River, Hood River County, Oregon. In support of this decision, the Council specifically adopts as its own the Planning Commission's recommended Findings of Fact and Conclusions of Law, signed May 4, 2023 (Planning Department File No. 2022-66), including conditions of approval attached hereto as Exhibit B.

Section 3. Withdrawal of Territory. The real property (the Annexation Territory) described in Exhibit A is hereby withdrawn from the service territory of the Westside Rural Fire Protection District. The Annexation Territory shall remain within and be served by the Ice Fountain Water District and Farmers Irrigation District upon annexation and shall not be withdrawn from these service districts until further notice and Council action.

Section 4. City Zoning. The Annexation Territory shall receive the City of Hood River zoning designation Urban Low Density Residential (R-1) pursuant to the City's acknowledged Comprehensive Plan and adopted land use regulations.

Section 5. Proportionate share of debt obligation. The Annexation Territory shall be subject to its proportionate share of debt for public obligations and shall be subject to real property tax assessment in the same manner as all other land within the City's corporate boundaries.

Section 6. Severability. If any portion of this ordinance is found to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance.

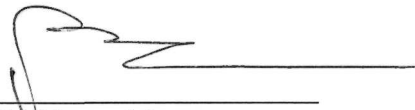
Section 7. Transmittal. Pursuant to ORS 222.177, the City Recorder shall:

1. File a certified true copy of this Ordinance with the Oregon Secretary of State and the Hood River County Assessor.
2. File with the Oregon Secretary of State a copy of all statements of landowner consent to this annexation.

Section 8. Effective Date: This ordinance and the annexation it declares shall be effective upon filing with the Secretary of State's Office in accordance with ORS 222.180.

Read for the First Time: May 22, 2023.

Read for the Second Time and approved: June 12, 2023.



Paul Blackburn, Mayor

ATTEST:



Jennifer Gray, City Recorder

Legal Description for Total Annexation Area

A tract of land in the Northwest $\frac{1}{4}$ of Section 34, Township 3 North, Range 10 East of the Willamette Meridian, Hood River County, Oregon, more particularly described as follows:

Commencing at the initial point, which is monumented by brass cap in a monument case, said point being the Center of said Section 34, Township 3 North, Range 10 East;

Thence Northerly, along the North-South center section line of said Section 34 North $00^{\circ}32'46''$ East, a distance of 214.71 feet, more or less to the intersection of said North-South center section line and the North line of Parcel 1 of Partition Plat 2006-15P, CS No. 2018-016 and the True Point of Beginning;

thence North $88^{\circ}55'49''$ West, a distance of 30.00 feet, more or less to a point on the North line of said Parcel 1 of Partition Plat 2006-15P, CS No. 2018-016, Hood River County Records;

thence along said line North $88^{\circ}55'49''$ West, a distance of 165.96 feet, more or less to the Northwest corner of said Parcel 1;

thence along said line North $88^{\circ}55'49''$ West, a distance of 39.22 feet, more or less to an angle point for Parcel 2 of said Partition Plat 2006-15P and a Set Red Plastic Cap on $\frac{5}{8}''$ rebar;

thence Northerly, along the East line of said Parcel 2 North $00^{\circ}31'31''$ East, a distance of 60.10 feet, more or less to the Southeast corner of Stonegate East Planned Unit Development, CS No. 1997-041, Hood River County Records;

thence along the East line of said Stonegate East Planned Unit Development North $00^{\circ}37'32''$ East, a distance of 10.00 feet, more or less to a Found Yellow Plastic cap on a $\frac{5}{8}''$ rebar;

thence continuing along said East line North $00^{\circ}37'32''$ East, a distance of 160.02 feet, more or less to an angle point for said Stonegate East Planned Unit Development;

thence continuing along the line of said Stonegate East Planned Unit Development South $88^{\circ}57'01''$ East, a distance of 66.13 feet, more or less to a Found Yellow Plastic cap on a $\frac{5}{8}''$ rebar;

thence continuing along the line of said Stonegate East Planned Unit Development South $88^{\circ}57'01''$ East, a distance of 55.84 feet, more or less to a Found Yellow Plastic cap on a $\frac{5}{8}''$ rebar;

thence continuing along the line of said Stonegate East Planned Unit Development South $88^{\circ}57'01''$ East, a distance of 82.99 feet, more or less to the most South and East corner of said Stonegate East Planned Unit Development and a Set Red Plastic Cap on a $\frac{5}{8}''$ rebar;

thence South $88^{\circ}57'01''$ East, a distance of 50.70 feet, more or less to a point on the West line of the Subdivision Plat of Sunburst Valley, CS No. 2016-041, Hood River County Records;

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thence Southerly, along said West line South 00°09'39" West, a distance of 114.01 feet, more or less to the intersection of said line and the South Right-of-Way of Carr Drive;

Thence along said South Right-of-Way South 88°56'18" East, a distance of 8.54, more or less to a point 30.00' offset East and parallel with the North-South center section line;

thence Southerly, along said offset line South 00°32'46" West, a distance of 116.21 feet, more or less;

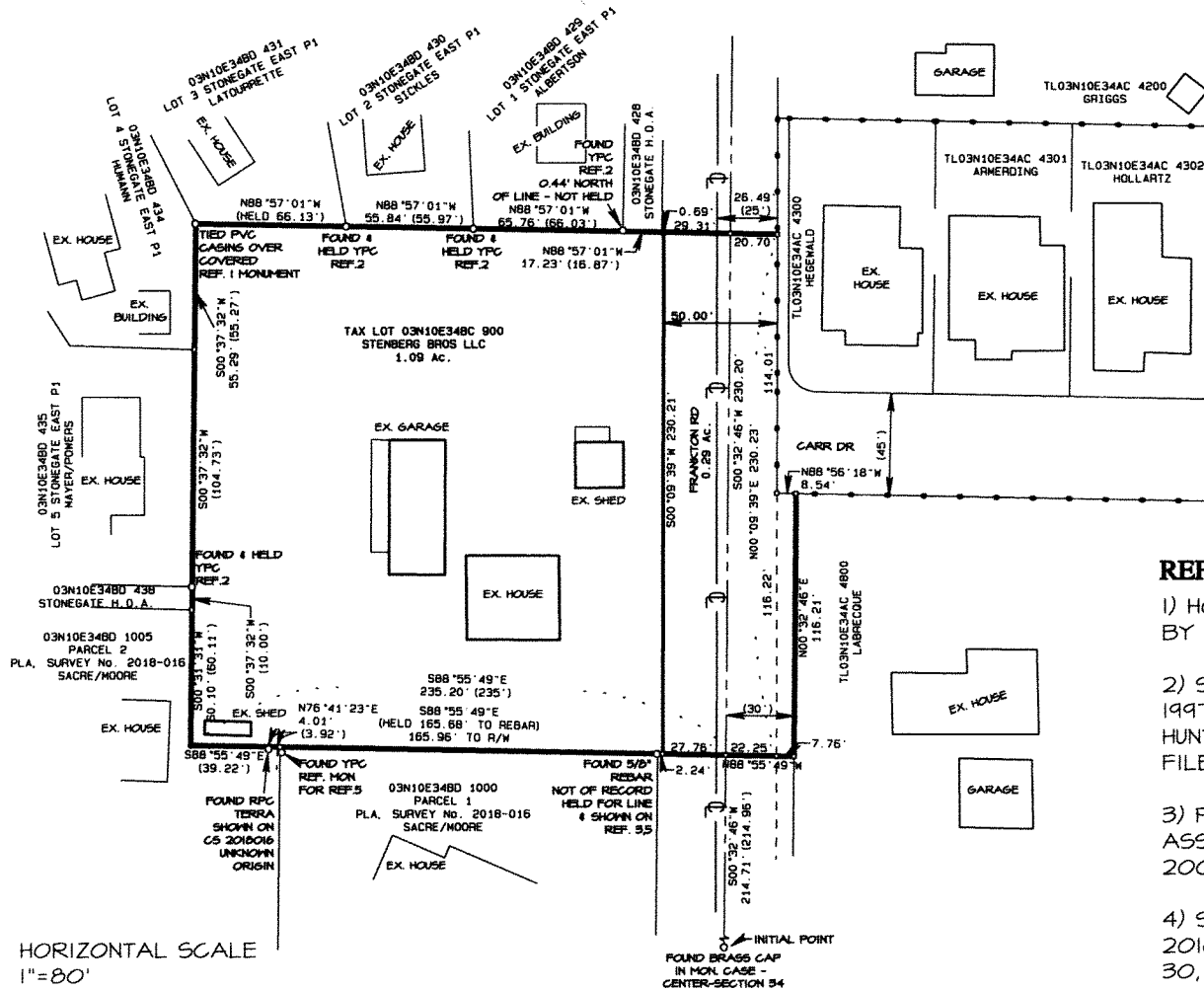
thence North 88°55'49" West, a distance of 30.00 feet, more or less to the Point of Beginning.

Containing 1.38 Acres, more or less.

ANNEXATION LEGAL DESCRIPTION EXHIBIT

TAX LOT 03N10E34BC 900

TRACT OF LAND LOCATED IN THE SE1/4 OF THE NW1/4
OF SECTION 34, TOWNSHIP 3N, RANGE 10E, W.M.
HOOD RIVER COUNTY, OREGON



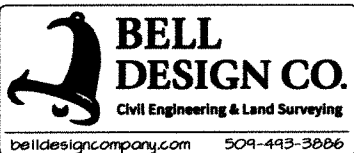
LEGEND

- PROPOSED ANNEXATION
- CITY LIMITS OF HOOD RIVER
- YELLOW PLASTIC CAP
- RED PLASTIC CAP

REFERENCES

- 1) HOOD RIVER COUNTY SURVEY CS 1979081 BY DANNY CRON, FOR DALE YOUNG, FILED SEPT. 4, 1979
- 2) STONEGATE EAST PHASE ONE P.U.D., CS 1997041, BY WYEAST SURVEYS, FOR JEFF HUNTER & STONEGATE HOMEOWNERS ASSOCIATION, FILED AUG. 13, 1997
- 3) PARTITION PLAT, CS 2006048, BY KLEIN AND ASSOCIATES, FOR JEFF SACRE, FILED JUNE 1, 2006
- 4) SUNBURST VALLEY SUBDIVISION PLAT, CS 2016041, FOR MICHAEL KETLER, FILED JUNE 30, 2016
- 5) PROPERTY LINE ADJUSTMENT, CS 2018016, FOR JEFF SACRE, FILED APRIL 6, 2018

HORIZONTAL SCALE
1"=80'



belldesigncompany.com 509-443-3886

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located; and installation of “No Parking” signage on Frankton Road and Post Canyon Drive. Questions also were raised about the consistency of the proposal with Middle Housing Development Standards for building orientation and provision of bicycle parking. During the hearing, the applicant submitted preliminary renderings of townhouses for Middle Housing Development on Parcel 2 (added to Attachment “A.4”).

After closing the hearing and deliberating, in addition to the conditions of approval recommended by staff, the Planning Commission recommended the following actions in association with the Middle Housing Development on Parcel 2: 1) site development should take into consideration fill material placed on the site by a previous property owner including potential contaminants in soils, soil stability, and effects of fill material on the stormwater management plan; 2) the City Engineer should be included in determining feasibility of retaining trees on the site following preparation of a report by a certified arborist at the developer’s expense; 3) the developer should consider providing additional off-street parking on the site to serve residents and guests of the Middle Housing Development; 4) the City and County Public Works and Engineering Departments should consider reducing the speed limit on Frankton Road, installing a crosswalk on Frankton Road at the Carr Drive intersection, and installing “No Parking” signage on Frankton Road and Post Canyon Drive, at the developer’s expense; 5) **prior to issuance of building permits, Middle Housing Development must demonstrate conformance with the development standards of HRMC 17.25.070 including for building orientation and main entry/front porch locations on Lots 1 and 2.**

The Commission approved the three-parcel Minor Partition and the Middle Housing Development for six townhouses on Parcel 2, and forwarded a recommendation of approval of the Annexation to the City Council, subject to findings detailed above and the conditions of approval detailed below.

IV. CONDITIONS OF APPROVAL: Based on the foregoing findings, the applicant’s proposal, the preliminary partition plats for the Minor Partition and Middle Housing Development, and related plans and all representations and statements made by the applicant or any authorized representatives, this application is **approved subject to the following conditions of approval.** This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the “developer”) shall comply with all applicable code provisions, laws and standards and the following conditions. **The following conditions shall be interpreted and implemented consistently with the foregoing findings:**

Annexation

1. The applicant shall execute a contractually binding annexation agreement before the City Council approves the ordinance annexing the land that is the subject of this annexation application (i.e., prior to second reading of the ordinance). The annexation agreement will be prepared by the City and will detail requirements for right-of-way dedication and public and private improvements consistent with the foregoing findings and conditions of approval listed below.
2. The applicant shall be responsible for compensation due to Westside Fire District for withdrawal of the 1.38-acre annexation territory from the District. The estimated amount is \$1,532.33 based on the parcel’s 2022 assessed value. The final amount due to the District may increase, and will be affected by the timing of completion of the annexation process and assessed value of the property at that time.

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Minor Partition

3. Approval of the three-parcel Minor Partition is contingent upon completion of annexation of the subject property, currently known as 3N10E34BD Tax Lot 900.
4. Prior to final plat for the Minor Partition, the applicant shall demonstrate that Parcels 1 and 3 are a minimum of 7,000-square feet in area.
5. Prior to final plat, the applicant shall demonstrate that development on Parcel 1 is consistent with the maximum lot coverage standards of HRMC 17.04.120.
6. Prior to final plat approval, the applicant shall demonstrate that any existing structures on the site that are retained meet or exceed the setback standards of HRMC 17.03.010(D) as measured from new property lines.
7. Prior to final plat, the applicant shall demonstrate conformance with the parking regulations of HRMC 17.03.010(F) for the existing dwelling unit on Parcel 1.
8. The final plat for the three-parcel Minor Partition shall be submitted within two years of the date of approval of the annexation, in accordance with the requirements of HRMC 16.08.030 including provision of a preliminary title report and payment of a final plat review fee.
9. The final plat for the Minor Partition shall depict the location, width and purpose of all proposed and existing easements, including references to the recorded easements. Utility easements shall be depicted on the plat in conformance with city standards for any public or franchise utilities located on the site.
10. The final plat for the Minor Partition shall be reviewed and approved by the City prior to recording with the County, and shall be filed and recorded in conformance with HRMC 16.08.040.
11. No public or private improvements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued.

Engineering Department Requirements

12. Prior to issuance of a Construction Site Permit, the applicant and the applicant's certified arborist shall coordinate with the City Engineer during engineering of site improvements and the grading plan, to retain Significant Trees on the site where practicable, as determined by the City Engineer.
13. Based on testimony received, the Planning Commission *recommends* the City Engineer reviews applicant's plans and supporting materials take into consideration fill material placed on the site by a previous property owner including for soil stability, potential contaminants in soils from open burning that occurred on the site in the past, and effects of fill material on the stormwater management plan.

14. Prior to final plat approval, unless granted a design exception(s) by the City Engineer, the applicant shall demonstrate conformance with the requirements of the City Engineering Department detailed in Attachment "C" including:
 - a. The City will assess System Development Charges (SDC) for water, stormwater, sanitary sewer, and transportation at time of permit issuance when land use changes. SDC fees can be found on the City's website for the current fiscal year.
 - b. The applicant shall provide right-of-way and improvements meeting City standards, as determined by the City Engineer, for Frankton Road and the new cul-de-sac to serve the development.
 - c. The applicant will be required to construct half street improvements along Frankton Rd. as required in the TSP that include, starting from the crown/painted centerline, 11' paved travel lane, 6' paved bike lane, 0.5' curb, 6' wide planting strip, 6' wide concrete sidewalk, and a 0.5' buffer between back of sidewalk and the right-of-way. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary.
 - d. The minimum full-street section for the public cul-de-sac shall include a 28-foot paved road, 0.5-foot curb, 5-foot planting strips, and 5-foot separated sidewalks. The intersection of Frankton and the cul-de-sac will require a minimum of 25' radii for both right-of-way and curb returns. ADA compliant ramps per HRES are required at the NW corner of the intersection of Frankton Road and the cul-de-sac to line up with the existing ADA ramp at the NE corner of the intersection. An ADA ramp shall also be constructed on the south side of the cul-de-sac to allow crossing of the new street. A turnaround on the proposed cul-de-sac shall meet all fire department requirements, as well as allow other service vehicles a place to turn around safely off of Frankton Rd.
 - e. Driveway approaches shall be designed per the HRES and the design of the approach wings shall be detailed with grades and elevations. The approaches shall meet ADA compliance. One (1) curb cut on the new cul-de-sac, with maximum approach width per HRMC 13.28.030, will be allowed for each of the three parcels established by the Minor Partition to serve all development on the site. Shared access and utility easements must be recorded to provide access and utilities in the cul-de-sac.
 - f. In order to comply with Americans with Disabilities Act (ADA) regulations, the City has adopted a policy dictating that sidewalks, including intervening driveway approaches, be completed in full by the developer. Federal law prohibits partially completed sidewalks. Damage incurred during the course of construction must be repaired prior to final acceptance.
 - g. The Traffic Assessment Letter (TAL) states that, based on the Intersection Sight Distance Triangles provided in Appendix D, adequate sight distance will be available at the proposed intersection of Carr Court and Frankton Road as long as the sight distance triangles are properly maintained. Prior approval of a Construction Site/Right-of-Way permit, and in association with engineering design for the project, the applicant must demonstrate how sight distance triangles will be properly maintained (see Appendix D of the 10/27/2022 Traffic Assessment Letter). Further, based on testimony received, the Planning Commission *recommends* the City and County Public Works and Engineering Departments consider reducing the speed limit on Frankton Road, installing a crosswalk on Frankton Road at the Carr Drive intersection, evaluating sight distance of public street intersections and private driveway intersections on Frankton Road, and installing "No Parking" signage on Frankton Road and Post Canyon Drive, at the developer's expense.
 - h. 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. If a retaining wall is needed for this development, it shall be located outside of the right-of-way.
- i. The applicant shall provide public utilities as outlined in the HRES sufficient for this development and as required by the City Engineer. Individual private services/laterals for water, sanitary sewer, and storm shall be provided to every future lot in advance, but not more than is actually needed. The City has a two year no cut moratorium on newly paved public streets. Existing public utilities are mapped in the City's GIS system, which can be found at the following link: <https://cityofhoodriver.gov/maps-and-gis/>.
 - j. County stormwater, a twenty-four-inch (24") concrete main, exists approximately 5-feet west of the existing western edge of the Frankton Rd. right-of-way. A small open channel exists along the western property line. Any proposed stormwater runoff directed to the existing open channel shall not exceed the pre-developed peak runoff rates that currently flow to the open channel. It appears approximately one third of the site currently runs off into the open channel.
 - k. The site is adding more than 3,000 SF of impervious area: a stormwater management plan as described in the HRES will be required for this development. Provide water quality and quantity treatment for new and reconstructed impervious areas. Pre-development conditions for redevelopment will be fair, forest ground cover type per HRES 8.5.A. See HRES Chapter 8 for stormwater standards. Public stormwater treatment in Frankton Rd shall be in the form of stormwater planter(s) in the planting strip. Public mechanical treatment will not be allowed. The city prefers the use of Low Impact Development (LID) stormwater facilities to be located on individual lots as private facilities to address stormwater quality and quantity requirements. Based on testimony received, the Planning Commission *recommends* the stormwater management plan account for fill material placed on the site by a previous property owner, including for potential contaminants in soils and soil stability.
 - l. Water (8") is available from the Ice Fountain Water District on the west side of Frankton Rd. The applicant shall extend the water main to serve the new lots and be designed and constructed to comply with the Hood River Engineering Standards (HRES) and the requirements of Ice Fountain Water District.
 - m. Fire hydrants shall be spaced such that they are no more than 250' from the proposed structures and shall meet the HRES.
 - n. Public sanitary sewer, eight-inch (8") PVC, is available in Frankton Rd. A public sanitary sewer main will need to be extended into the proposed cul-de-sac to serve the new lots and will be required to be designed and constructed to comply with the HRES. Additional connections or service upsizing will require SDC fees.
 - o. Streetlights shall be provided at all intersections, meet the maximum spacing of 300' from existing streetlights, and meet the HRES. A streetlight shall be required at the intersection of Frankton Road, as well as near the hammerhead turnaround on the cul-de-sac. Streetlight spacing, shielding, and intensity shall comply with the City of Hood River's standards. The applicant shall coordinate purchase and installation of streetlights with the Public Works Department and Pacific Power.
 - p. All onsite overhead 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.
 - q. The cost of any new signs (e.g., traffic) required for the proposed development shall be the responsibility of the developer.

- r. Prior to any site work a Construction Site Permit is required. Any proposed design exception to the HRES shall be discussed with the City Engineer prior to the plan submittal, followed by a written request explaining why the exception should be approved at the time of plan submittal.
- s. Site Development Engineer's Cost Estimate shall be submitted prior to review of the engineering plans. An engineering review fee shall be paid in full prior to review. The fee is 2% of the approved Site Development Engineer's Cost Estimate based on the items listed in HRES section 4.2B and is separate from the Building Department Engineering Review Fee. After approval of the engineering site plans any significant changes in the scope of the project will require updates to the engineer's cost estimate. Changes that increase the work to be performed will require additional fees to be paid. See the HRES for more information.
- t. 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.
- u. A representative of the design engineer, referred to as the Resident Engineer, shall be on site nearly every day throughout the construction of public/right of way (ROW) improvements in order to perform the duties of the Resident Engineer as described in the HRES. No exceptions will be made to this requirement, including allowing the Contractor to perform the RE's duties.

Fire Department Requirements

- 15. Prior to issuance of the Construction Site/ROW permit, the applicant shall perform a hydrant fire flow test and demonstrate adequate fire flow and duration exists (1500 gpm two hours 20 psi at hydrant).
- 16. Prior to final plat approval, the applicant shall demonstrate conformance with the requirements of the Fire Chief for fire flow, including as needed to support any required fire protection systems. The applicant also shall demonstrate conformance with requirements for fire access and turnarounds including provision of adequate radii at the intersection of the permanent turn-around and the cul-de-sac, and marking the turn-around with "no parking" signage as required by the City.
- 17. The applicant shall propose and obtain approval from the City Engineer for a method of maintaining the permanent vehicular turn-around on Parcel 3, including enforcement of no-parking requirements if deemed necessary by the City Engineer or Fire Chief.
- 18. Prior to building permit issuance, conformance with the requirements of the Building Official and Fire Chief including for the Wildland-Urban Interface (WUI) area will be required.

Farmers Irrigation District Requirements

- 19. Prior to final plat approval, the applicant shall submit evidence confirming the requirements of Farmers Irrigation District have been met.

Middle Housing Development

20. Approval of the six-lot Middle Housing Development subdivision on Parcel 2 is contingent upon completion of annexation of the subject property, currently known as 3N10E34BD Tax Lot 900, and completion of the three-parcel Minor Partition. Based on testimony received, the Planning Commission *recommends* the developer should consider providing additional off-street parking on the site to serve residents and guests of Middle Housing Development on the site.
21. The final plat for the six-lot Middle Housing Development subdivision, shall be submitted within two years of the date of approval of the annexation, in accordance with the requirements of HRMC 16.08.030 including provision of a preliminary title report and payment of a final plat review fee.
22. The final plat for the Middle Housing Development shall depict the location, width and purpose of all proposed and existing easements, including references to the recorded easements. Utility easements shall be depicted on the plat in conformance with city standards for any public or franchise utilities located on the site.
23. The final plat for the Middle Housing Development on Parcel 2 shall be reviewed and approved by the City prior to recording with the County. The final plat shall be filed and recorded in conformance with HRMC 16.08.040.
24. Prior to issuance of building permits for Middle Housing Development on Parcel 2, the applicant shall demonstrate conformance with the following:
 - a) A minimum 10-foot setback/buffer yard shall be provided along the western and southern boundaries of Parcel 2 of the three-parcel Minor Partition;
 - b) Deed restrictions shall be recorded required notifying future owners of the size restrictions for the dwelling units (maximum of 800-square feet each unit, plus 300-square-foot attached garage for each unit);
 - c) Plan details shall be submitted ensuring compliance with architectural requirements, and that roof eaves encroach no more than 15 inches into required setback/buffer yards, and any air conditioning units in setback/buffer yard areas will not be more than four feet tall;
 - d) A landscaping plan shall be submitted consistent with the findings herein that verifies the area in square feet of landscaping on each lot (totaling not less than 40%), and that includes a minimum of 52 five-gallon shrubs along the site's western and southern boundaries, and a minimum of 22 five-gallon shrubs along the site's eastern and northern boundaries (excluding the public street buffer area) among other required/approved plantings.
 - e) A set of conditions, covenants and restrictions (CC&Rs) shall be submitted and recorded, and referenced on the Middle Housing Subdivision plat, consistent with HRMC 17.25.060(E).
 - f) Middle Housing Development plans must demonstrate conformance with the development standards of HRMC 17.25.070 including for building orientation and main entry/front porch locations on Lots 1 and 2.

General Requirements

25. Prior to final plat approval, a Public Street Tree Planting and Maintenance fee is required for 17 street trees consistent with Resolution 2022-11 and any subsequent update to the City's fee schedule. The number of required street trees may be reduced upon submittal of evidence

to the City Engineer for each existing tree that is generally consistent with requirements for street trees (HRMC 16.12.050) and will be retained, as well as to avoid conflicts with installation of utilities as determined by the City Engineer, as well as recommendations from the applicants' traffic engineer for maintaining adequate site distance (see Traffic Assessment Letter).

26. The applicants/property owners are 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.
27. Prior to issuance of a building permit, plans for mailboxes shall be approved by the United States Postal Service.
28. Prior to building permit issuance payment of System Development Charges will be required. The City will assess System Development Charges (SDC) for water, stormwater, sanitary sewer, and transportation at time of permit issuance when land use changes. A Parks SDC also will be collected for the Hood River Valley Parks & Recreation District, and a Construction Excise Tax will be collected for the City and for the Hood River County School District.

V. DECISION: Chair Frost moved, and Commissioner Mitchell seconded a motion to forward a recommendation of approval of the Annexation to the City Council, and to approve the Minor Partition and the Middle Housing Development on Parcel 2 based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 4 - 0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the _____ day of May, 2023.



Mark Frost, Chair

ATTEST:

Kevin Liburdy, Senior Planner