



PUBLIC MEETING: Port Special Commission Meeting

DATE: Tuesday **June 6, 2023, 4 PM**

LOCATION: <https://us02web.zoom.us/j/85806615790>

AGENDA

- 1)** Commission meeting called to order
 - a.** Roll Call
 - b.** Modifications, Additions and Changes to the Agenda
 - c.** Declarations of Potential Conflicts of Interest
- 2)** Business Action Items
 - a.** Consider Potential Purchase of Property on Harvey Road
- 3)** Executive Session under ORS.192.660(2)(e) Real Property Negotiations
- 4)** Adjournment

Client Full

Residential

6/5/2023 11:19AM

\$249,000 1 bd | 0 / 1 ba | 1890 sqftStatus: **Active**

List Date: 5/31/2023

DOM: 5

Acres: 1

MLS#: 23328797

Year Built: 1962 / FIXER

513 SW HARVEY RD Cascade Locks, OR 97014

Unit #:

Condo Loc:

XST/Dir: From Wa Na Pa St, go SE on Venture St, turn RIGHT on SE Moody, which turns into Harvey. Follow signs

Property Details:

Property Type: Detached

Area: 361

Style: Cottage

Zoning: RR 2.5

County: Hood River

Seller Disclosure: Disclosure

Nhood/Bldg:

Waterfront:

CC&Rs: N

Legal: SEC 13 TWN 02N RNG

Lot Desc: Gentle Sloping, Level,

07E

Trees, Wooded

Warranty:

Lot Size: 1 to 2.99 Acres

55+ w/Affidavit Y/N: N

Lot Dimensions:

Open House:

View: Territorial, Trees/Woods

Body Water:

Tax ID: 6800

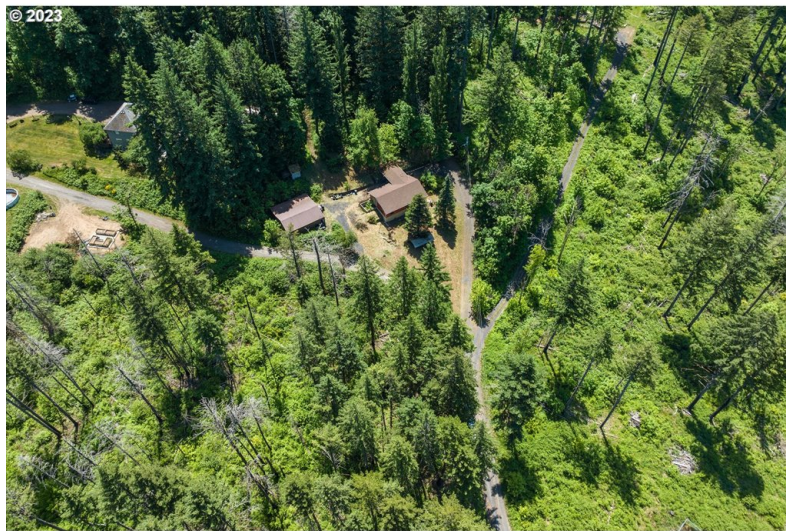
Upcoming Open House:

Schools:

Elementary: Cascade Locks

Middle: Hood River

High: Hood River Vall



1 Acre in Cascade Locks, sited amongst the forest, and just up the road from the Pacific Crest Trail Head. Value is in the land, the two large shops and the utilities that are on the property. House is a shell of a structure, so either bring your creative ideas and expertise to finish, or consider building new (please do your due diligence with the appropriate planning/building departments). Square footage is data from the county. Located near the end of the road, with hiking right out your door, and just minutes to Cascade Locks, The Bridge of the Gods, The Columbia River and all that The Gorge has to offer! Buyers must have an agent present to view the property, so please call an agent before viewing. There is no working bathroom. ****CASH ONLY.****

Residence Information:

Upper SQFT: 0

SQFT Source: County

Levels: 2

Green Certification:

Main SQFT: 714

Total Up/Main: 714

Roof: Composition

Energy Efficiency:

Lower SQFT: 1176

Fireplaces:

Parking: Driveway, RV

Exterior: T-111 Siding

Additional SQFT:

Garage: 1 / Attached, Carport,

Access/Parking

RV Description:

Unreinforced Masonry Building:

Foundation:

Basement: Full Basement,

Unfinished

Road Surface: Gravel

Approximate Room Sizes and Descriptions:

Living:

L

Primary Bedroom:

M

Baths - Full/Part

Upper Level: 0/0

Main Level: 0/0

Lower Level: 0/1

Total Baths: 0/1

Features and Utilities:

Kitchen:
Interior: High Ceilings
Exterior: Second Garage, RV Parking, Workshop, Yard
Accessibility:
Security:
Internet:
Windows:
Cool: Heat: None Fuel: Electricity
Water: Well Sewer: Septic Tank Hot Water:

Financial:

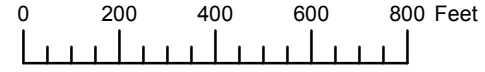
Property Tax/Yr: \$2,985.67 / 2022
HOA: N
Association Amenities:
Terms Considered: Cash
Rent, If Rented: Dues:
Short Sale: N
Other Dues:
Bank Owned/Real Estate Owned: N

Comparable Information:

Original Price: \$249,000

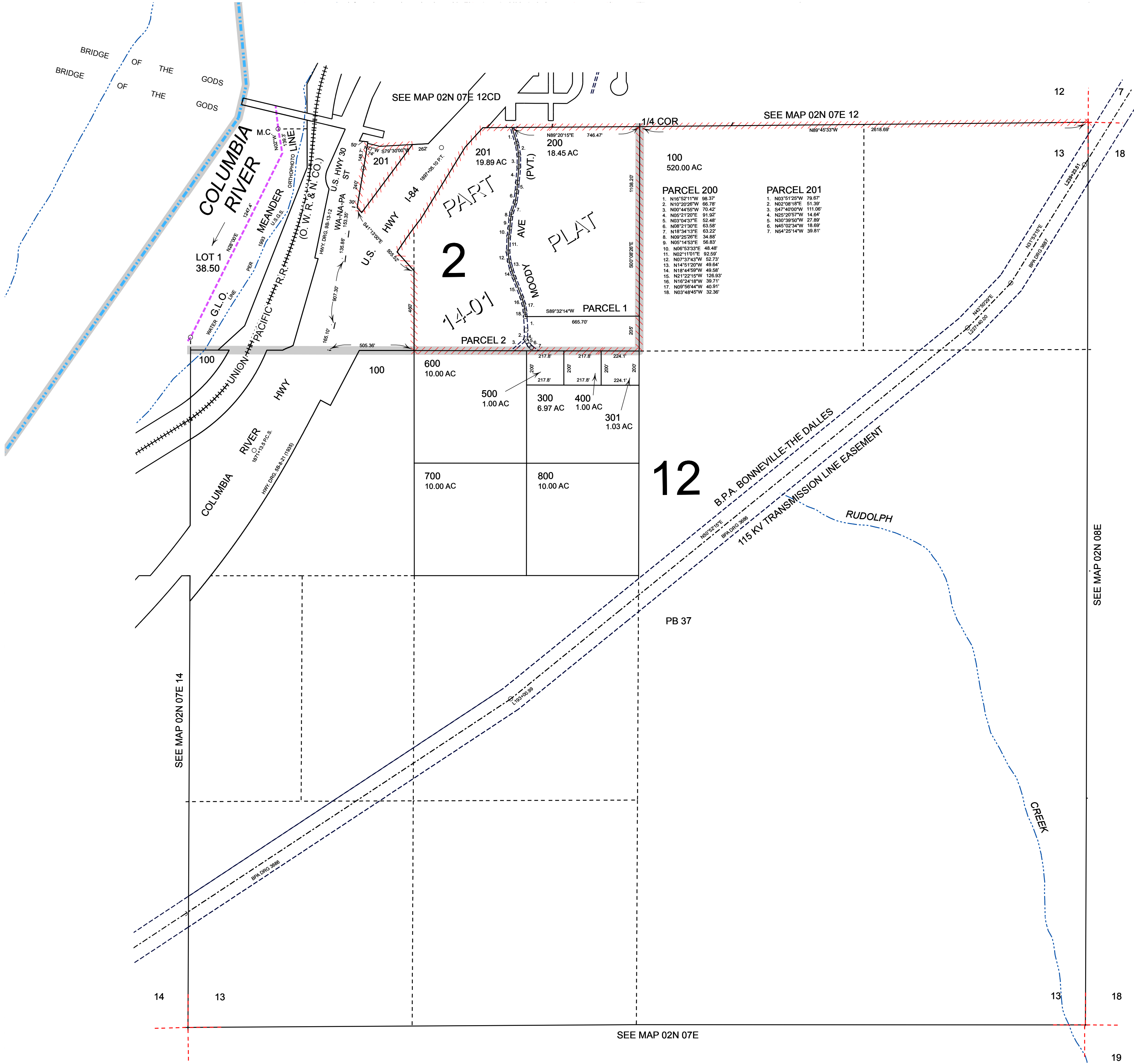
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SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SECTION 13 T.2N. R.7E. W.M.
HOOD RIVER COUNTY
1" = 400'

02N07E13
CASCADE LOCKS



Revised: MA
05/12/2014

CASCADE LOCKS
02N07E13

**ARTICLE V
DEVELOPMENT REVIEW**

Chapter 8-6.148

SITE PLAN AND DESIGN REVIEW

Sections

8-6.148.010	Purpose
8-6.148.020	Applicability of Provisions
8-6.148.030	Administration
8-6.148.040	Submittal Requirements
8-6.148.050	Site Conditions
8-6.148.060	Site Plan
8-6.148.070	Grading Plan
8-6.148.080	Architectural Drawings
8-6.148.090	Landscape Plans
8-6.148.100	Sign Plan
8-6.148.110	Approval Standards
8-6.148.120	Exceptions to Provisions
8-6.148.130	Agreement and Security
8-6.148.140	Maintenance

8-6.148.010 Purpose

- A. The purpose of the site plan and design review provisions is to establish process and standards for the review of development proposals to assist in conserving and enhancing the appearance of the city, and to assist in promoting functional, safe and innovative site development, and to implement the Downtown Plan...
- B. It is in the public interest that this chapter be applied to:
 - 1. Eliminate undue burdens on public facilities; and
 - 2. Assure that scale, layout and design are compatible with the surrounding environment and the character of the surrounding neighborhood or area.
 - 3. Implement the “Cascade Locks Downtown Plan and Strategy – 2003.”
- C. The intent is to assure that:
 - 1. There is compatibility between adjoining uses;
 - 2. Privacy is maximized;
 - 3. Private and common outdoor space is provided;
 - 4. Vehicular, pedestrian, and bicycle access and circulation are safe and convenient;
 - 5. Parking areas are made attractive and safe;
 - 6. The site is well drained;
 - 7. The needs of the handicapped are met;
 - 8. Adequate landscaping is provided to assure visual quality; and

9. Crime prevention and public safety factors are considered.
10. Downtown development is consistent with the intent and provisions of the “Cascade Locks Downtown Plan and Strategy – 2003.”

8-6.148.020 Applicability of Provisions

Site plan review shall be applicable to all new developments and major modifications of existing developments. In addition, Design Review shall be applicable to all new development in the D (Downtown) zone and the C (Commercial) and RC (Resort Commercial) zones in the Downtown area, except it they shall not apply to:

- A. Single-family detached dwellings or manufactured homes on individual lots.
- B. A duplex, not being reviewed as part of any other development.
- C. Home occupations as defined in this title.
- D. Family day care (Family Care) as defined in this title.
- E. Residential home as defined in this title.
- F. A minor modification of an existing development which does not cause or create:
 1. An increase in dwelling unit density or increase in lot coverage for residential development;
 2. A change in the ratio or number of different types of dwelling units;
 3. A need for 2 or more additional on-site parking in accordance with this title;
 4. An increase in the height of the building(s) by more than 20 percent;
 5. A change in the type and location of accessways and parking areas where off-site traffic would be affected;
 6. An increase in vehicular traffic to and from the site of more than 20 vehicles per day as determined by using the International Transportation Engineer's (ITE's) Manual or a professional traffic engineer;
 7. An increase in the floor area of a residential use of more than 1,000 square feet;
 8. An increase in the floor area of nonresidential uses by more than 10 percent, excluding expansions under 5,000 square feet;
 9. A reduction in project amenities below the minimum established by this title or by more than 10 percent where specified in the approved site plan including:
 - a. Recreational facilities;
 - b. Screening and buffer areas; and/or
 - c. Landscaping and open space.
 10. A modification of the conditions imposed at the time of site plan or design review or conditional use approval.

- G. Alterations which cause or create one or more of the impacts listed in Section 8-6.148.020 F. shall be considered as a major modification.
- H. A temporary retail and service activity in a commercial zoning district shall be permitted without site plan review or conditional use approval provided it does not operate for more than 4 months in any calendar year.

8-6.148.030 Administration

- A. A Site Plan Review requiring an architectural analysis for the Downtown Zone shall be completed by the Architectural Review Committee (ARC) as set forth in 8-6.20.070 (a) through (d).
- B. Design and Site Plan Review applications and major modifications to existing development shall be administered and reviewed as a Planning Commission review in accordance with Article II, Procedures of this title.
- C. Minor modifications, as described in subsection 8-6.148.020 F. above, shall be administered and reviewed as a City Administrator decision in accordance with Article II, Procedures, of this title.
- D. Permits to construct a single family residence or duplex shall be administered and reviewed as an Administrative decision in accordance with Article II, Procedures, of this title.

**[SECTION 8-6.148.030 ADMINISTRATION AMENDED BY ORDINANCE NO. 422,
ADOPTED BY THE CITY COUNCIL ON MARCH 25, 2013.]**

8-6.148.040 Submittal Requirements

- A. In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit each of the following:
 - 1. A site plan, with the number of copies to be determined at the preapplication conference, and necessary data or narrative which explains how the development conforms to the standards using the following format:
 - a. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - b. The site plan shall be drawn using an engineering scale; and
 - c. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals 1 inch.
 - 2. The site plan, data and narrative shall include the following:
 - a. An existing site conditions analysis as described in Section 8-6.148.050;
 - b. A site plan, as detailed in Section 8-6.148.060; and
 - c. A grading plan as detailed in Section 8-6.148.070.
 - 3. Architectural elevations of all structures as detailed in Section 8-6.148.080.
 - 4. A landscape plan as detailed in Section 8-6.148.090.

5. A sign plan as detailed in Section 8-6.148.100 (optional).
- B. The Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.148.050 Site Conditions

The site analysis drawings shall include:

- A. A vicinity map showing streets and access points, pedestrian and bicycle pathways, and utility locations.
- B. The site size and its dimensions.
- C. Topography (base maps available at City Hall).
- D. The location of drainage patterns and drainage courses.
- E. The location of natural hazard areas including:
 1. The 100-year flood plain (Chapter 8-6.120);
 2. Areas of potential geologic hazard (Chapter 8-6.124);
 3. Areas having a severe soil erosion potential;
 4. Areas having severe weak foundation soils; and
 5. Airport protection areas (Chapter 8-6.132).
- F. The location of wetland and riparian areas (Chapter 8-6.128) including those shown on the National Wetland Inventory Maps (available at City Hall):
 1. Wildlife habitats;
 2. Wetlands; and
 3. Riparian areas.
- G. The location of other significant natural features including, but not limited to:
 1. Rock outcroppings;
 2. Steep slopes over 25% (4:1);
 3. Trees or groupings of trees with 6 inches diameter or greater measured 4 feet from ground level; or
 4. Streams, springs, or drainage ways.
- H. The location of existing structures on the site and proposed use of those structures.

8-6.148.060 Site Plan

The proposed site plan shall be at the same scale as the site analysis and shall include the following information:

- A. The proposed site and surrounding properties.
- B. The location, dimensions and names of all:
 - 1. Existing and platted streets and other public ways and easements on the site and on adjoining properties; and
 - 2. Proposed streets or other public ways and easements on the site.
- C. The location and dimensions of:
 - 1. Entrances and exits on the site;
 - 2. Parking and circulation areas;
 - 3. Loading and service areas;
 - 4. Pedestrian and bicycle circulation;
 - 5. Outdoor common areas; and
 - 6. Above ground utilities.
- D. The location, dimensions, setback distances, and orientation of all:
 - 1. Existing structures, improvements on the site or which are located on adjacent property within 25 feet of the site; and
 - 2. Proposed structures, improvements, and utilities on the site.
- E. The location of all areas to be landscaped.
- F. The location and type of outdoor lighting.

8-6.148.070 Grading Plan

If applicable, the site plan shall include a grading plan at the same scale as the site analysis drawings and shall contain the following information:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals.
- B. A statement from a registered engineer supported by factual data substantiating:
 - 1. The validity of the slope stabilization proposals;
 - 2. That any increase in intensity of the runoff caused by development will be facilitated on the site and the intensity of runoff leaving the site in its developed state shall not exceed that in its undeveloped state. The statement shall include as a minimum a storm frequency of occurrence of ten years or greater, depending upon evaluation of potential for damage when a storm of higher frequency occurs;

3. When on-site detention of an increased volume of water caused by development is not feasible or acceptable, a plan which identifies and which mitigates any off-site adverse effects resulting from increased runoff shall be prepared by a registered civil engineer; and
 4. Proper erosion control techniques to be used during construction.
- C. The Oregon Department of Transportation requires a permit for drainage connections to state facilities and review of potential impacts of a 25-year storm event.

8-6.148.080 Architectural Drawings

The application shall include:

- A. Floor plans indicating the square footage of all structures proposed for use on-site; and
- B. Typical elevation and section drawings of each structure with at least one of the drawings in color showing all the proposed colors for the structure or structures.
- C. A color palette of all colors to be used on the exterior of all structures.

8-6.148.090 Landscape/Streetscape Plans

- A. The landscape and streetscape plan shall be drawn at the same scale as the site analysis plan, or a larger scale if necessary, and shall indicate:
 1. Proposed irrigation method if applicable;
 2. Location and height of fences, buffers, and screening;
 3. Location of terraces, decks, shelters, play areas, and common open spaces; and
 4. Location, type, size and species of existing and proposed plant materials.
 5. Within the D zone, and the C and RC zones in the Downtown area, plans will also be submitted for all furniture, fixtures, and structures not attached to the main building indicating location and design.
- B. The landscape plan shall include a narrative which addresses:
 1. Soil conditions; and
 2. Erosion control measures that will be used.

8-6.148.100 Sign Plan

Sign drawings may be submitted in accordance with Chapter 8-6.144 of this title. Signs which are not reviewed as part of site plan review shall be subject to an administrative review by the City Administrator as provided in Article II, Procedures of this title.

8-6.148.110 Approval Standards

The Planning Commission shall receive an Architectural Review Committee recommendation on a specific site design for all proposed developments in the Downtown Zone. The Planning Commission shall approve, approve with conditions or deny an application based on findings of fact with respect to the approval standards of this section.

- A. The applicable provisions of this title are:
1. Accessory structures - Chapter 8-6.164;
 2. Additional yard and setback requirements - Section 8-6.44.060;
 3. Base zone requirements - Chapters 8-6.44 through 8-6.96;
 4. Building height exceptions - Section 8-6.44.060;
 5. Circulation and access - Chapter 8-6.112;
 6. Landscaping and screening - Chapter 8-6.104;
 7. Parking and loading - Chapter 8-6.108;
 8. Public facility and service requirements;
 9. Flood Plain Overlay Zone - Chapter 8-6.120;
 10. Geologic Hazard Overlay Zone - Chapter 8-6.124;
 11. Airport Protection Overlay Zone - Chapter 8-6.132
 12. Downtown Design Overlay Zone - Chapter 8-6.136;
 13. Signs - Chapter 8-6.144;
 14. Vision clearance - Chapter 8-6.116;
 15. Wetland and Riparian Areas - Chapter 8-6.128; and
 16. Manufactured and Mobile Homes - Chapter 8-6.100.
 17. The Design Standard sections of the D, C, and RC zones.
 18. Traffic Impact Analysis – Chapter 8-6.145
- B. Relationship of the Natural and Physical Environment
1. Buildings shall be:
 - a. Located to preserve existing trees, topography, and natural drainage to the degree possible;
 - b. Located in areas not subject to ground slumping or sliding; and
 2. Trees having a 6-inch diameter or greater diameter, 4 feet from the base, shall be preserved or replaced by new plantings.
- C. Exterior Elevations
1. Along the vertical face of single-family attached and multifamily structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
 - a. Recesses (decks, patios, entrances, floor area, etc.), of minimum depth of eight feet;

- b. Extensions (decks, patios, entrances, floor area, etc.), of minimum depth of 8 feet, a maximum length of an overhang shall be 25 feet; or
- c. Offsets or breaks in roof elevations of 3 or more feet in height.

D. Buffering, Screening and Compatibility between Abutting or Neighboring Uses

In addition to the Landscaping and Beautification standards in Chapter 8-6.104, the approval authority may require additional buffering or screening between different types of land uses (for example, between single-family and multifamily residential, or residential and commercial) which are abutting or within 250 feet of the subject property. Additional buffering or screening may be required to address compatibility issues presented by such things as service areas, storage areas, parking lots, exterior lighting, and mechanical devices on rooftops (e.g., air cooling and heating systems). The following factors shall be considered to determine the design of the buffer:

- 1. The purpose of the buffer, for example to decrease noise levels, absorb air pollution and odors, filter dust, or provide a visual barrier;
- 2. The width and height of the buffer required to achieve its intended purpose;
- 3. The directions from which buffering is needed;
- 4. The required density of the buffering; and
- 5. Whether the viewer is stationary or mobile.

E. Privacy and Noise

- 1. Structures which include residential dwelling units shall provide private outdoor areas that are screened from adjoining units;

F. Private Outdoor Areas - Residential Uses

- 1. In addition to the requirements of Subsection 8-6.148.110 D. 2, each ground level residential living unit shall have an outdoor private area (patio, terrace, porch), and shall be at least 48 square feet in size with a minimum width dimension of 4 feet and: Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.

G. Shared Outdoor Recreation Areas - Residential Uses

- 1. In addition to the requirements of Subsections 8-6.148.110 E. and F., outdoor recreation space shall be provided in multi-family or manufactured/mobile home park residential development for the shared or common use of all residents in the following amounts:
 - a. Studio size up to and including two-bedroom units, 200 hundred square feet per unit; and
 - b. Three or more bedroom units, 300 square feet per unit.
- 2. The required recreation space may be provided using one or more of the following options:
 - a. It may be all outdoor space;

- b. It may be part outdoor space and part indoor space, for example, an outdoor tennis court, and indoor recreation room;
- c. It may be all public or common space;
- d. It may be part common space and part private, for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; or
- e. Where balconies are added to units, the balconies shall not be less than 48 square feet.

H. Demarcation of Public, Semipublic and Private Spaces - Crime Prevention

- 1. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semipublic areas and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, in order to provide for crime prevention and to establish maintenance responsibility; and
- 2. These areas may be defined by:
 - a. A deck, patio, low wall, hedge, or draping vine;
 - b. A trellis or arbor;
 - c. A change in the texture of the path material;
 - e. Signs; or
 - f. Landscaping.
- 3. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic.
- 4. Light fixtures shall be provided in parking lots, stairs, ramps, and abrupt grade changes.

I. Landscaping

- 1. All landscaping shall be designed in accordance with the requirements set forth in this title.
- 2. Residential Zones. In addition to the open space and recreation area requirements of subsections 8-6.148.110 E. and F., a minimum of 25 percent of the gross area including parking, loading and service areas shall be landscaped.
- 3. CR, RC, LI, P, and OS Zones. A minimum of 15 percent of the site area shall be landscaped.
- 4. HI Zone. A minimum of 10 percent of the site area shall be landscaped.
- 5. C Zone. A minimum of 5 percent of the site area shall be landscaped. There shall be no minimum requirement.
- 6. D Zone. A minimum of 5 percent of the site area shall be landscaped.
- 7. Parking, Loading or Service Areas.

- a. A parking, loading or service area which abuts a street shall be set back from the right-of-way line by a landscaped strip at least 10 feet in width and the landscaped area shall: comply with the provisions of Chapter 8-6.104, Landscaping.
- b. A parking, loading or service area which abuts a property line shall be separated from the property line by a landscaped area that complies with the provisions of Chapter 8-6.104, Landscaping.

J. Drainage

All drainage plans shall be designed to comply with city public facilities standards and Oregon Department of Transportation requirements.

K. Natural Features

Evidence of compliance with applicable state and federal protection and notification requirements regarding wetlands, riparian areas, and wildlife habitat.

L. Mail Boxes

Mail boxes are prohibited in public road right-of-way.

[SECTION 8-6.148.110 AMENDED BY ORDINANCE NO. 408, ADOPTED BY THE CITY COUNCIL ON NOVEMBER 8, 2010]

[SECTION 8-6.148.030 ADMINISTRATION AMENDED BY ORDINANCE NO. 422, ADOPTED BY THE CITY COUNCIL ON MARCH 25, 2013.]

8-6.148.120 Exceptions to Provisions

The Planning Commission may grant an exception to the dimensional building setback or yard requirements of the applicable zone based on findings that the approval will result in the following:

- A. A reduction of a required setback which is not greater than 15 percent; and
- B. Promotion of a more efficient use of the site or preservation of unique site conditions or features such as wetlands, flood plains, steep slopes, or mature trees.
- C. The Planning Commission, as part of the site design review process, may allow modification to the site design requirements in the Downtown, Commercial, or Commercial/Residential Zones when both of the following criteria are satisfied:
 - a. The modification is necessary to provide design flexibility where:
 - 1. Conditions unique to the site require such modification; or,
 - b. Parcel shape or configuration precludes compliance with provisions; or,
 - b. Modification of the standards in this Section shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the applicable zone's design provisions.

8-6.148.130 Agreement and Security

The developer and property owner shall, as a condition of approval, execute a development agreement for any public improvements required by site plan review. The agreement shall be on a form approved by the city attorney. The property owner may be required to file with the city a performance bond or other security as approved by the city attorney to assure full performance of the required improvements. The bond shall be for the estimated cost of the improvements plus 10 percent. The bond shall remain in effect until the public improvements are accepted by the city. Landscaping shall be installed prior to issuance of an occupancy permit unless the City Administrator determines that a delay in planting is justified to promote the maintenance of the landscaping. In this case, security equal to the cost of landscaping, as determined by the City Administrator, must be filed with the city assuring installation of landscaping within six months after occupancy.

8-6.148.140 Maintenance

All on-site improvements shall be the ongoing responsibility of the property owner or occupant. Should landscaping materials die after installation, it shall be the ongoing responsibility of the property owner to provide replacement plantings to maintain the intent of the approved landscape plan. All other facilities, including parking areas, walks, signage and other improvements shall be maintained in good serviceable quality so that the quality appearance of the site is maintained at all times.

[SECTION 8-6.148 GENERAL PROVISIONS AMENDED BY ORDINANCE NO. 363, ADOPTED BY THE CITY COUNCIL ON JANUARY 12, 2004]

Chapter 8-6.152

CONDITIONAL USES

Sections

8-6.152.010	Purpose
8-6.152.020	Applicability of Provisions
8-6.152.030	Administration
8-6.152.040	Submittal Requirements
8-6.152.050	General Approval Standards
8-6.152.060	Approval Standards for Specific Uses
8-6.152.070	Conditions of Approval
8-6.152.080	Exceptions to Provisions
8-6.152.090	Agreement and Security
8-6.152.100	Maintenance

8-6.152.010 Purpose

- A. A conditional use review is intended to evaluate land uses which are generally regarded as being appropriate provided that the potential negative impacts of the use are properly mitigated.
- B. In permitting such uses, it shall be determined that the use at the particular location is desirable to the public convenience and welfare and not detrimental or injurious to the public health, peace or safety or to the character of the surrounding properties.
- C. It is in the public interest that this chapter be applied to:
 1. Eliminate undue burdens on public facilities; and
 2. Assure that scale, layout and design of a proposed conditional use are compatible with the environment and the character of the surrounding neighborhood or area.
- D. The intent is to assure that:
 1. There is compatibility between adjoining uses;
 2. Privacy is maximized;
 3. Private and common outdoor space is provided;
 4. Vehicular, pedestrian, and bicycle access and circulation is safe and convenient;
 5. Parking areas are made attractive and safe;
 6. The site is well drained;
 7. The needs of the handicapped are met;
 8. Adequate landscaping is provided to assure visual quality; and
 9. Crime prevention and public safety factors are considered.

8-6.152.020 Applicability of Provisions

- A. The provisions of this chapter shall apply to all conditional uses listed in this title. It shall also apply to a proposed major modification of an existing development using the criteria described in Section 8-6.148.020 F. of this title.
- B. Minor modifications of an existing conditional use, using criteria described in Section 8-6.148.020 F., shall not be subject to the provisions of this chapter.
- C. In the case of a use existing prior to the effective date of this title, and classified in this title as a conditional use, any change in the use or in lot area or an alteration of structure shall conform with the requirements of this chapter for conditional uses.

8-6.152.030 Administration

- A. Conditional use applications and major modifications of existing conditional uses shall be administered and reviewed as a Planning Commission decision in accordance with Article II, Procedures of this title.
- B. Minor modifications of an existing conditional use shall be administered and reviewed as a City Administrator decision in accordance with Article II, Procedures of this title.

8-6.152.040 Submittal Requirements

- A. The submittal for a Conditional Use shall be the same as the requirements for Site Plan Review applications in Sections 8-6.148.050 through 8-6.148.100 of this title.
- B. The Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.152.050 General Approval Standards

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use or major modification of an existing conditional use based on findings of fact with respect to each of the following criteria:

- A. The site size and dimensions provide adequate area for the needs of the proposed use;
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- C. All required public facilities have adequate capacity to serve the proposal;
- D. The applicable requirements of the zoning district are met except as modified by this chapter;
- E. The applicable criteria set forth in Section 8-6.148.110 and Section 8-6.152.060 are met; and
- F. The applicable criteria in Section 8-6.152.060 are satisfied.

8-6.152.060 Approval Standards for Specific Uses

Additional approval criteria for specific conditional uses are indicated below. They shall be satisfied in addition to Section 8-6.152.050 and the standards of the applicable zoning district.

A. Bed and Breakfast Facilities

1. Minimum lot area of 8,000 square feet.
2. Noise buffering for adjoining residential property for outside activity areas.
3. Sufficient on-site and off-site access and parking to accommodate the anticipated number of guests without creating adverse impacts for neighboring properties.

B. Community Services

1. If the use is in a residential zone, its location will not by itself or in combination with other nearby conditional uses, decrease the desirability of the area for the retention of existing housing or the development of new housing.
2. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
3. Buildings over the required height of the base zone shall have an additional building setback of 1 foot for every foot over the building height standard.
4. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts.
5. Safe and convenient pedestrian and bicyclist access shall be provided to the site.

C. Family Care - day care group home and adult day care

1. Minimum lot area of 8,000 square feet.
2. Noise buffering for adjoining residential property for outside activity areas.
3. Sufficient on-site and off-site access and parking to accommodate the anticipated number of employees, clients, and visitors without creating adverse impacts for neighboring properties.

D. Hospital

1. If the use is in a residential zone, its location will not by itself or in combination with other nearby conditional uses, decrease the desirability of the area for the retention of existing housing or the development of new housing.
2. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
3. Buildings over the required height of the base zone shall have an additional building setback of 1 foot for every foot over the building height standard.
4. Nearby properties shall be buffered from potential noise impacts related to activities occurring on the site.

5. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian and bicyclist safety.
6. Any ambulance service provided by the hospital shall have direct access to a collector or arterial street.

E. Industrial Services, Heavy

1. Outdoor storage areas for vehicles or equipment shall be screened with fences, walls, evergreen landscaping, or similar method.
2. Nearby properties shall be protected from potential impacts from noise, fumes, odors, dust, or glare related to activities occurring on the site, including inside the building(s).
3. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian and bicyclist safety.
4. All storage or use of flammable or hazardous substances proposed on the site have been approved by the Fire Chief and/or other appropriate regulatory agencies.

F. Marinas

1. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian and bicyclist safety.
2. Business hours shall be limited between 8 a.m. and 10 p.m. for any incidental commercial uses, such as boat fuel sales, unless the approval authority finds that the proposed use can successfully satisfy the applicable criteria in this chapter with extended hours. If extended hours are approved, they shall be specified by the approval authority.
3. Nearby properties shall be buffered from potential noise, lighting, and other impacts related to activities occurring on the site.
4. The marina has or shall obtain all necessary development permits from state and federal agencies and the Columbia River Gorge Commission.

G. Parks and Open Space

1. Active recreation areas, such as playgrounds, tennis courts, basketball courts, and baseball diamonds, and off-street parking lots shall be located a minimum of 50 feet from any adjoining residential properties.
2. Nearby residential properties shall be buffered from potential noise impacts related to activities occurring on the site.

3. Safe vehicular, bicycle, and pedestrian access shall be available to the site.
4. A plan for adequate maintenance of the park shall be developed.

H. Public Facilities

1. If the use is in a residential zone, its location will not by itself or in combination with other nearby conditional uses, decrease the desirability of the area for the retention of existing housing or the development of new housing.
2. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
3. Nearby residential properties shall be buffered from potential noise impacts related to activities occurring on the site.
4. Facilities that will generate significant traffic volumes, shall have direct access to a collector or arterial street. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties. The approval authority may grant an exemption to these requirements when access is limited by City, Hood River County, or Oregon Department of Transportation requirements. However, access must be approved by the Fire Chief.

I. Quick Vehicle Servicing

1. All cleaning, repair, and maintenance work shall be conducted indoors.
2. Outdoor storage areas for vehicles or equipment shall be screened with fences, walls, evergreen landscaping, or similar method.
3. Nearby properties shall be buffered from potential noise impacts related to activities occurring on the site, including inside the building(s).
4. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include street capacity and level of service, access to collector or arterial streets, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian and bicyclist safety.

J. Recreational Vehicle Campground

1. Activity areas, such as playgrounds, tennis courts, basketball courts, and baseball diamonds, rest rooms, concession facilities, and off-street parking lots shall be located a minimum of 50 feet from any adjoining residential properties.
2. Nearby residential properties shall be buffered from potential noise impacts related to activities occurring on the site.
3. Facilities that will generate significant traffic volumes, shall have direct access to a collector or arterial street. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties. The approval authority may grant an exemption to these requirements when access is limited by City, Hood River County, or Oregon Department of Transportation requirements. However, access must be approved by the Fire Chief.

K. Religious Assembly

1. If the use is in a residential zone, its location will not by itself or in combination with other nearby conditional uses, decrease the desirability of the area for the retention of existing housing or the development of new housing.
2. Buildings over the required height of the base zone shall have an additional building setback of 1 foot for every foot over the building height standard.
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
4. The use shall have direct access to a collector or arterial street. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties. The approval authority may grant an exemption to these requirements when access is limited by City, Hood River County, or Oregon Department of Transportation requirements. However, access must be approved by the Fire Chief.

L. Residential Facility

1. Minimum lot area of 8,000 square feet.
2. Noise buffering for adjoining residential property for outside activity areas.
3. Sufficient on-site and off-site access and parking to accommodate the anticipated number of employees, clients, and visitors without creating adverse impacts for neighboring properties.

M. Retail Sales and Service (conducted outdoors)

1. Uses in non-commercial zones shall have activity areas, such as building entrances, parking lots, and loading areas located a minimum of 100 feet from the nearest residential property.
2. Nearby properties shall be buffered from potential noise impacts related to activities occurring on the site.
3. Business hours shall be limited between 8 a.m. and 10 p.m. in the CR zone unless the approval authority finds that the proposed use can successfully satisfy the applicable criteria in this chapter with extended hours. If extended hours are approved, they shall be specified by the approval authority.

N. Retail Sales and Service (drive-through facilities/entertainment or personal service oriented)

1. Nearby properties shall be buffered from potential noise, lighting, and other impacts related to activities occurring on the site. Special attention shall be given to outdoor speakers and vehicles.
2. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts.

3. Drive-through facilities shall be designed to provide safe and convenient pedestrian and bicyclist access.
4. Business hours shall be limited between 8 a.m. and 10 p.m. in the CR zone unless the approval authority finds that the proposed use can successfully satisfy the applicable criteria in this chapter with extended hours. If extended hours are approved, they shall be specified by the approval authority.

O. Retail Sales and Service (Public Zone)

1. Nearby properties shall be buffered from potential noise, lighting, and other impacts related to activities occurring on the site.
2. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts.
3. Drive-through facilities shall not be permitted.
4. Business hours shall be limited between 8 a.m. and 10 p.m. unless the approval authority finds that the proposed use can successfully satisfy the applicable criteria in this chapter with extended hours. If extended hours are approved, they shall be specified by the approval authority.

P. Schools

1. Buildings over the required height of the base zone shall have an additional building setback of 1 foot for every foot over the building height standard.
2. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
3. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian and bicyclist safety.
4. Schools shall be designed to provide safe and convenient pedestrian and bicyclist access.
5. Facilities shall be provided to accommodate student drop-off and pick-up by automobiles and buses so that public streets are not adversely affected.

Q. Surface Mining

1. Nearby properties shall be buffered from potential noise, dust, fumes, and other impacts related to activities occurring on the site. Special attention shall be given to excavation areas, processing facilities, parking, truck circulation, and hours of operation.
2. The transportation system is capable of safely supporting the proposed use in addition to the existing and planned uses in the area. Evaluation factors include, but are not limited to, street capacity and level of service, access to collector or arterial streets, the structural ability of existing streets to accommodate the anticipated truck traffic, access requirements, and neighborhood impacts.

R. Utilities

1. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.
2. Potential noise and lighting impacts on neighboring residential properties shall be addressed with special attention being given to vehicles, parking, mechanical equipment, and activity areas.
3. Buildings over the required height of the base zone shall have an additional building setback of 1 foot for every foot over the building height standard.
4. Utilities intended for public access, such as transit stops or park and ride facilities, shall provide safe and convenient pedestrian and bicyclist access.

8-6.152.070 Conditions of Approval

In permitting a new conditional use or a major modification of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified in this title, additional conditions which the commission considers necessary to protect the best interests of the surrounding area or the city as a whole. The conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location or number of vehicle access points;
- D. Increasing the street width and/or providing additional traffic controls to mitigate transportation impacts;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location, or lighting of signs;
- G. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designating sites for open space; and
- I. Limiting hours of business operation.

8-6.152.080 Exceptions to Provisions

The Planning Commission may grant an exception to the dimensional building setback or yard requirements in an applicable zone based on findings that the approval will result in the following:

- A. A reduction of a required setback which is not greater than 15 percent;
- B. Promotion of a more efficient use of the site; and
- C. Preservation of unique site conditions or features such as wetlands, flood plains, steep slopes, or mature trees.

8-6.152.090 Agreement and Security

The developer and property owner shall, as a condition of approval, execute a development agreement for any public improvements required by the conditional use approval. The agreement shall be on a form approved by the city attorney. The property owner may be required to file with the city a performance bond or other security as approved by the city Attorney to assure full performance of the required improvements. The bond shall be for the estimated cost of the improvements plus 10 percent. The bond shall remain in effect until the public improvements are accepted by the city. Landscaping shall be installed prior to issuance of an occupancy permit unless the City Administrator determines that a delay in planting is justified to promote the maintenance of the landscaping. In this case, security equal to the cost of landscaping, as determined by the City Administrator, must be filed with the city assuring installation of landscaping within six months after occupancy.

8-6.152.100 Maintenance

All on-site improvements shall be the ongoing responsibility of the property owner or occupant. Should landscaping materials die after installation, it shall be the ongoing responsibility of the property owner to provide replacement plantings to maintain the intent of the approved landscape plan. All other facilities, including parking areas, walks, signage and other improvements shall be maintained in good serviceable quality so that the quality appearance of the site is maintained at all times.

Chapter 8-6.156

NONCONFORMING SITUATIONS

Sections

- 8-6.156.010 Purpose
- 8-6.156.020 Administration
- 8-6.156.030 Types of Nonconforming Situations
- 8-6.156.040 Regulations that Apply to All Nonconforming Situations
- 8-6.156.050 Specific Provisions for Nonconforming Situations

8-6.156.010 Purpose

Nonconforming uses and development are created when the application of a specific zoning district to a site changes, or a regulation in this title changes. As a result of such changes, existing uses or development may no longer be allowed. The intent of these amendments is not to force all nonconforming situations to be immediately brought into compliance. Instead, the intent is to guide future uses and development in a new direction consistent with city policy.

This chapter provides a method to limit modifications to nonconforming situations while allowing their continuation in a manner that is not unnecessarily burdensome to the property or business owner.

8-6.156.020 Administration

- A. The Administrator shall make an Administrative decision whether a situation is nonconforming as provided in Article II, Procedures of this title.
- B. If the applicant wishes to provide evidence to prove legal nonconforming status, such evidence will be reviewed as a City Administrator decision as provided in Article II, Procedures.

8-6.156.030 Types of Nonconforming Situations

- A. Nonconforming uses are activities conducted on a property that are not listed as a permitted or conditional use for the applicable zoning district.
- B. Nonconforming development or structures are physical site improvements such as buildings, driveways, parking areas, landscaping, and signs that do not comply with the dimensional standards of this title.
- C. Nonconforming residential density applies to residential development which exceeds the maximum allowable density for the applicable zoning district.
- D. Nonconforming lots of record that do not meet the area or dimensional standards of the applicable zoning district.

8-6.156.040 Regulations that Apply to All Nonconforming Situations

- A. Ownership changes do not affect the status of nonconforming situations.
- B. Change to a conforming situation may occur by right as a permitted use or through conditional use approval. Once a conforming situation occupies the property or site, the nonconforming rights are lost and a nonconforming use may not be re-established.
- C. Normal maintenance and repair of nonconforming situations is allowed.

8-6.156.050 Specific Provisions for Nonconforming Situations

A. Nonconforming Uses

1. A nonconforming use may continue to operate. Changes in operations are allowed if they otherwise meet the requirements of this title.
2. A nonconforming use can not be changed without approval by the city as a permitted or conditional use.
3. A nonconforming use shall not expand the building floor area or land area occupied on a site.
4. Except for a residential use in an existing structure, if a nonconforming use is discontinued or abandoned for any reason for a period exceeding one year, any subsequent use shall conform to the regulations specified in this title.
5. When a structure containing a nonconforming use is damaged, the use shall not be re-established if the repair cost of the structure is more than 80 percent of its assessed value according to the Hood River County Assessor's records or 80 percent of its appraised value as determined by a qualified appraiser.
6. A nonconforming residence which is partially or totally destroyed may be repaired or replaced within 1 year from the date the damage occurred. Any repair or replacement which occurs after more than 1 year shall conform with the provisions of this title.

B. Nonconforming Development or Structures

1. A nonconforming site development or structure may be expanded, enlarged, or modified only if such change does not increase its degree of nonconformity with the provisions of this title.
2. When a nonconforming development or structure is damaged, it shall not be re-established if the repair cost of the structure is more than 80 percent of its assessed value according to the Hood River County Assessor's records or 80 percent of its appraised value as determined by a qualified appraiser.

C. Nonconforming Residential Density

1. A residential development that exceeds the applicable density standards may be modified, as provided by this title, if the number of dwelling units is not increased.
2. When a residential structure containing nonconforming residential units is damaged, it may be repaired or replaced as provided in Section 8-6.156.050 A.6.

D. Nonconforming Lots of Record

Nonconforming lots may be developed or redeveloped when all other relevant requirements this title are satisfied.

Chapter 8-6.160

VARIANCE

Sections

- 8-6.160.010 Purpose
- 8-6.160.020 Applicability of Provisions
- 8-6.160.030 Administration
- 8-6.160.040 Submittal Requirements
- 8-6.160.050 Approval Criteria

8-6.160.010 Purpose

The purpose of this chapter is to provide standards for the granting of variances from the applicable provisions of this title where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit.

8-6.160.020 Applicability of Provisions

A variance application may be requested relating to any provision of this title, except that a variance request to the permitted or conditional use requirements in Chapters 8-6.44 through 8-6.96 shall not be granted.

8-6.160.030 Administration

Variance applications shall be administered and reviewed as a Planning Commission review in accordance with Article II, Procedures, of this title.

8-6.160.040 Submittal Requirements

- A. In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit a narrative and/or site plan, with the number of copies to be determined at the preapplication conference, which explains the variance satisfies the relevant approval criteria using the following format:
 - 1. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - 2. The site plan shall be drawn using an engineering scale; and
 - 3. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals one foot.
- B. The Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.160.050 Approval Criteria

A variance application shall only be approved or approved with conditions when the approval authority finds that all of the following criteria have been satisfied:

- A. The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan;
- B. There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- C. The use proposed is a permitted or conditional use as allowed in the applicable zoning district, and the standards of this title will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- D. Existing physical and natural systems, such as but not limited to transportation facilities, utilities and sensitive lands, will not be adversely affected any more than would occur if the use or structure were developed in accordance with the provisions of this title; and
- E. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Chapter 8-6.164

ACCESSORY STRUCTURES

Sections

- 8-6.164.010 Purpose
- 8-6.164.020 Applicability of Provisions
- 8-6.164.030 Administration
- 8-6.164.040 Submittal Requirements
- 8-6.164.050 Approval Standards

8-6.164.010 Purpose

The purpose of this chapter is to:

- A. Establish criteria for regulating the type, size, and location of accessory structures in residential zoning districts;
- B. Allow full use of residential property while not altering the residential character of the principal structures or the neighborhood; and
- C. Allow accessory structures within non-residential zones including the Commercial (C), Commercial/Residential (CR), Resort Commercial (RC), Light Industrial (LI), Heavy Industrial (HI), and Public (P and OS) districts.

8-6.164.020 Applicability of Provisions

- A. Accessory structures are required to meet the provisions of this chapter except for the following situations:
 - 1. Accessory structures or additions within residential zoning districts which are less than 120 square feet in gross floor area and 10 feet or less in height, measured from base to highest point of the structure;
 - 2. Accessory buildings or structures attached to the principle building or structure. Attached means wall-to-wall or any permanent roof attachment such as breezeways. Said structures shall be considered as building additions and shall require building permits and compliance with the applicable setback standards for the principle building or structure;
 - 3. Accessory buildings are subject to the provisions of Chapter 8-6.148, Site Plan Review, in the Commercial (C), Commercial/Residential (CR), Resort Commercial (RC), Light Industrial (LI), Heavy Industrial (HI), and Public (P), and Open Space (OS) zoning districts. If a new or remodeled accessory structure represents a major modification, as provided in Section 8-6.148.020, it will be subject to the provisions of Chapter 8-6.148 or Chapter 8-6.152;
 - 4. Fences, walls, and decks; and
 - 5. Communication facilities and structures which are subject to the provisions of Chapter 8-6.148.
- B. All of the provisions and regulations of the applicable zone apply unless modified by this chapter.

8-6.164.030 Administration

- A. Accessory structure applications shall be administered and reviewed as an Administrative review, except where Planning Commission review is required in accordance with Article II of this title.
- B. In instances where an alteration, extension, or reconstruction is requested, the applicant shall apply for an accessory structure permit in accordance with this chapter.
- C. A conflict of interpretation concerning whether a structure is an accessory structure shall be resolved in accordance with the provisions of Section 8-6.20.060.

8-6.164.040 Submittal Requirements

- A. In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit the following:
 - 1. A site plan, with the number of copies to be determined by the City Administrator, and necessary data or narrative which explains how the development conforms to the standards using the following format:
 - a. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 by 24 inches;
 - b. The site plan shall be drawn using an engineering scale; and
 - c. All drawings of structure elevations and floor plans (if required) shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals one foot.
 - 2. The site plan, data, and narrative shall include:
 - a. The proposed accessory structure and other structures, driveways, parking, and landscaped areas on the site; and
 - b. The location and type of surrounding land uses and related improvements.
- B. The City Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The City Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.164.050 Approval Standards

- A. Accessory structures or buildings shall comply with all requirements of this title, except where specifically modified by this chapter;
- B. The following standards shall apply to all accessory structures:
 - 1. General Standards
 - a. Any accessory structure attached to the principal building or structure must comply with all setback requirements of the applicable zoning district (attached means wall-to-wall or any permanent roof attachment such as breezeways);

- b. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including, but not limited to, streets, alleys, and public or private easements;
 - c. The setback between a detached accessory structure and the principle building shall comply with the Uniform Building Code; and
 - d. Accessory structures which are nonconforming shall satisfy the requirements of Chapter 8-6.156, Nonconforming Situations, where an alteration, extension, or reconstruction is requested.
2. Residential, Public, and Open Space Zones (RR, LDR, MDR, HDR, MHR, P, and OS)
- a. Minimum front yard setback as required by the applicable zone shall be satisfied;
 - b. Minimum side and rear yard setback of 5 feet shall be provided for accessory structures which are no more than 18 feet in height;
 - c. Minimum side and rear setback as required by the applicable zone shall be provided for accessory structures which are over 18 feet in height; and
 - d. Accessory structures shall have a maximum floor area of 1,500 gross square feet.
3. Commercial and Industrial Zones (C, CR, RC, LI, and HI)
- a. Minimum front, side, and rear setbacks shall comply with the requirements of the applicable zone; and
 - b. Maximum height shall comply with the requirements of the applicable zone.

**[SECTION 8-6.164.030 AMENDED BY ORDINANCE NO. 446, ADOPTED BY THE CITY COUNCIL ON
JUNE 11, 2018]**

Chapter 8-6.165

ACCESSORY RESIDENTIAL UNITS

Sections:

8-6.165.010 Purpose.
8-6.165.020 Standards

8-6.165.010 Purpose

This chapter is intended to control the land use impacts of accessory residential units (ARUs), to provide for compatibility with adjacent single family uses.

8-6.165.020 Standards.

ARUs are reviewed through a ministerial (building permit) process and shall conform to all of the following standards:

- A. **One Unit.** A maximum of one ARU is allowed per legal lot; the ARU may be a detached cottage, a unit attached to a dwelling, or separate unit in a portion of an existing dwelling.
- B. **Owner Occupancy.** The property owner shall register the ARU with the City and maintain his or her primary residence on the subject property, as long as the ARU is occupied. ARUs shall not be used for transient lodging.
- C. **Floor Area.** The ARU shall not exceed 800 square feet of floor area.
- D. **Lot Size.** The lot on which the ARU is located shall meet the minimum lot size of the zone.
- E. **Building Design.** The ARU shall be constructed of materials that are the same or similar to the materials used on the primary dwelling and shall comply with applicable Oregon Structural Specialty Code requirements.
- F. **Building Height.** The height of the ARU shall not exceed the height of the primary dwelling on the lot, except that a second story building addition to a single family dwelling or lawfully established accessory structure for the purposes of creating the ARU is permitted provided it does not exceed the height limit of the zone.
- G. **Parking.** A minimum of two off-street parking spaces are required total for the primary dwelling unit and the ARU.
- H. **Screening and Buffering.** A sight-obscuring landscape hedge (reaching six feet at maturity) or a six-foot sight-obscuring fence shall be installed on the property line between a detached ARU and abutting lot containing a single-family dwelling, where the ARU is placed within 10 feet of the common property line.

Chapter 8-6.166
COTTAGE DEVELOPMENTS

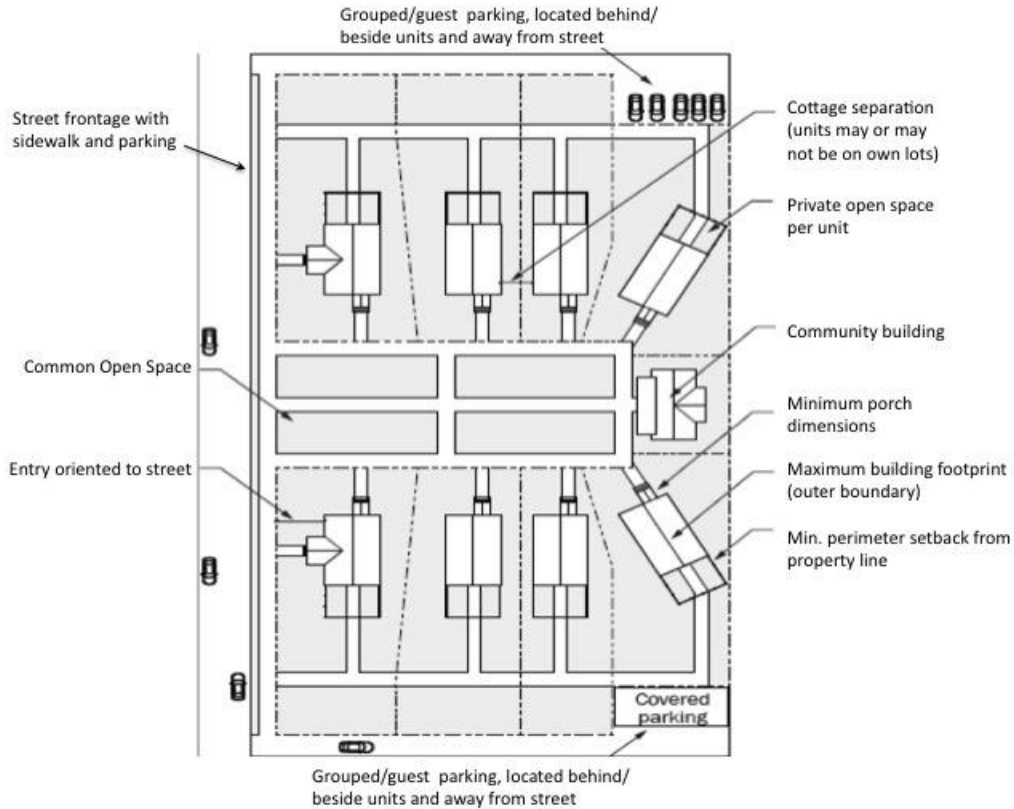
Sections:

- 8-6.166.010 – Purpose and intent.
- 8-6.166.020 - Density and lot area.
- 8-6.166.030 - Unit size.
- 8-6.166.040 - Lot coverage.
- 8-6.166.050 - Open space.
- 8-6.166.060 - Building separation.
- 8-6.166.070 - Setbacks.
- 8-6.166.080 - Building height.
- 8-6.166.090 - Parking and storage.
- 8-6.166.100 - Design standards.
- 8-6.166.110 - Alternative cottage housing development designs.
- 8-6.166.120 – Assurance for common areas maintenance.

8-6.166.010 – Purpose and intent.

The purpose and intent of the cottage housing development design standards are to:

- A. Facilitate development of an alternative type of detached housing comprised of small residences oriented around open space and suited to accommodate a typical household of one or two individuals. Cottage housing is provided as part of the city's overall housing strategy to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs.
- B. Address the impacts of development containing multiple detached dwellings, including height, massing, separation between structures, open space, landscaping, parking, and demands on public facilities and services.
- C. Minimize the visibility of off-street parking, storage, and other accessory uses.
- D. Ensure an interconnected network of walkways and other pedestrian amenities are provided and are compatible with the existing natural features of the site, including topography and vegetation.
- E. Allow increased density (as compared to single-family or duplex dwellings on their own lots) through the use of smaller than average home sizes, clustered parking, and the application of standards applied through site plan review and approval.
- F. All cottage housing developments are subject to applicable City standards for public facilities and stormwater management.



8-6.166.020 - Density and lot area.

Zoning District	MDR
Maximum Cottage Density	1 cottage dwelling unit per 3,000 s.f.
Minimum number of cottages per development	4
Maximum number of cottages per development	12
Minimum size cottage development area	12,000 s.f. (approx 1/3 acre)

Note: Density is based on net development area after deducting any required right-of-way dedications. Every unit must comply with the maximum floor area standards.

8-6.166.030 - Unit size.

- A. Floor Area. To ensure that the overall size, including bulk and mass, of cottage structures and cottage housing developments is small and in scaled with adjacent development, and

creates less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations apply to cottage housing. Two types of cottages are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

	<u>Maximum Floor Area (square feet)</u>	<u>Ground Floor Area (square feet)</u>	<u>Maximum Upper Floor Area (square feet)</u>	<u>Garage Floor Area</u>
<u>Small</u>	<u><900</u>	<u>400—900</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>
<u>Large</u>	<u>≥/ >900</u> <u><1,400</u>	<u>600—900</u>	<u>60% of ground floor</u>	<u>Included in ground floor if attached</u>

Floor area is measured to the outside wall on the ground floor including the stairs (building footprint). Floor area includes all upper floor area with a ceiling height of six feet or more not including the stairs which are counted as part of the ground floor.

- B. A notice to the title of each unit shall prohibit any increase in the total floor area of any cottage or addition of accessory structures within the development unless the development site plan is amended. Such notice shall be recorded with the Hood River County Assessor's Office.

8-6.166.040 - Lot coverage.

Lot coverage is limited to no more than 50 percent impervious surface area. Impervious surfaces include driveways, building footprints, sidewalks, paved parking, compact gravel, and other surfaces that do not allow rain to percolate into the soil. NOTE: un-compacted gravel surfaces or pervious pavers may be demonstrated to be partially pervious using a professionally accepted methodology. If this calculation is prepared by the applicant's engineer and approved by the city public works director, the graveled or permeable paved surface shall be counted in the lot coverage figure in accordance with its relative permeability (e.g., if a graveled path is demonstrated to be fifteen percent permeable then eighty-five percent of the graveled path area would be counted in the impervious surface calculation). The purpose of this requirement is to help insure that surface and storm water are contained on site.

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be

adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

An on-site stormwater analysis shall be performed by a qualified, Oregon licensed professional engineer, considering at a minimum a twenty-five year storm event of fifteen minutes duration. The stormwater control plan shall be approved by the director of public works and shall provide for the onsite collection, containment, and release of stormwater such that it will not have a deleterious impact to other properties, public or private. The public works director prior to completion shall inspect all improvements. The applicant's licensed engineer shall provide a minimum of two sets of infrastructure 'as built' drawings and confirm that all stormwater infrastructure was constructed according to the approved design.

8-6.166.050 - Open space.

- A. Common open space. Common open space is intended to provide a centrally located area that can be developed and maintained so it is usable for active and passive recreation. Unless the shape or topography of the site precludes the ability to locate units adjacent to common open space, the following requirements shall be met:
1. There shall be a minimum of four hundred square feet of common open space provided for each unit.
 2. Common open space shall abut at least 50 percent of the cottages in a cottage housing development.
 3. Common open space shall have cottages abutting on at least two sides and be easily accessible to all dwellings within the development.
 4. Common open space shall not include portions of private yards and shall be jointly owned by all residents.
 5. The common open space shall be outside of wetlands, streams and sensitive area buffers, and shall be on slopes of twelve percent or less.
 6. Grading and removal of mature trees shall be limited to meeting the City's development standards and to providing natural light for home sites.
 7. Landscaping in common areas shall be designed to allow for easy access and use of the space by residents, and to facilitate maintenance needs.
- B. Private open space. There shall be a minimum of three hundred square feet of contiguous, usable private open space provided adjacent to each unit for the exclusive use of the cottage resident. Private open space is intended to provide private areas such as patios, decks and gardens, around the individual cottages and to enable diversity in landscape design.

8-6.166.060 - Building separation.

Cottage units shall be separated from one another by not less than 10 feet, including eaves and architectural projections. Accessory structures shall maintain not less than 5 feet of separation from all other structures.

8-6.166.070 - Setbacks.

The emphasis of cottage development is to provide for development that focuses on and benefits from useful common areas. For this reason, with the exception of the outside perimeter of the development, side and rear yards are regulated only insofar as structures must maintain minimum separation (Section 8-6.166.060) and comply with applicable building and fire code standards. With respect to the outside perimeter, cottage dwellings and their accessory structures must meet setbacks or yard requirements for single family detached development in the zone in which they are located.

8-6.166.080 - Building height.

Maximum height is 20 feet, except 28 feet for cottage dwellings with two floors of living space, having a minimum roof pitch of 6:12, and setback not less than 10 feet from the closest dwelling and property line.

8-6.166.090 - Parking and storage.

- A. One off-street parking space is required for each cottage dwelling.
- B. Off-street parking and accessory storage shall be:
 - 1. Fully contained on the cottage development site; any storage must be enclosed in a structure or cabinet designed for outdoor use.
 - 2. Screened from view from abutting residences. This may be accomplished with landscaping or structural screens.
 - 3. Grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
 - 4. Where practical, clustered to limit grading, curb cuts, and impervious surfaces.
- C. Detached garage and carport structures:
 - 1. Where provided, shared carports or garages shall be limited to a maximum of four vehicles per structure and shall be detached from the dwelling units.
 - 2. The design of carports and garages must have roof lines and use materials similar to that of the dwelling units within the development.
 - 3. Parking of vehicles and storage shall be limited to those owned by the residents of the development.
- D. On-street parking shall be provided on streets abutting the cottage development; the applicant may be required to dedicate right-of-way for required street improvements, which shall include on-street parking. Where a development lacks sufficient street frontage, it shall provide on-site visitor parking in addition to the parking required for each dwelling at a ratio of one visitor space for every three dwelling units.

8-6.166.100 - Design standards.

- A. Site Design.
 - 1. The common open space shall be centrally located within a cottage housing development.

2. Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented toward common open space.
3. Pedestrian connections shall link all buildings to the public rights-of-way, common open space, and parking areas.
4. Exterior lighting shall be shielded or hooded and directed downward so as to light only the intended area without shining into a neighboring house or business. All lighting shall be shown on the site plan and cut-sheets shall be provided with the application submittal.
5. Exterior mechanical equipment including heating or cooling facilities shall be designed and sited to minimize the noise and visual impacts they can have on a site.
6. If streets are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in internal street design standards shall be considered initially in a pre-application conference prior to completing an application. Notwithstanding, cottage development access driveways shall have a paved width of not less than 12 feet, with 2-foot shoulders, and shall maintain clearances for emergency vehicles.

B. Building Design.

1. Roofs of cottages shall be pitched and eave depths shall be a minimum of 18 inches.
2. Covered porches measuring at least 60 square feet shall be incorporated into building design of the cottages.
3. Window and door trim with a minimum of three and one-half inches shall be provided on all cottage units.

C. Community Buildings.

1. Community buildings must be located on the same site as the cottage housing development and be commonly owned by the residents.
2. Community buildings and structures shall not exceed the floor area or height of the largest and tallest cottage dwelling in the development.

8-6.166.110 - Alternative cottage housing development designs.

An applicant may request adjustment to the standards contained in this chapter during development review. A specific request for adjustment within a cottage development is not subject to variance criteria. An adjustment may be approved only by the Planning Commission, upon finding that the specific adjustment requested provides for an equal or better way to meet the purpose and intent in Chapter 8-6.166.010.

8-6.166.120 – Assurance for common areas maintenance.

Prior to issuance of any development permit (grading, public improvements, building, etc.) the applicant shall provide evidence acceptable to the City Administrator that common areas and elements will be maintained. This may be met by submitting draft Bylaws and Covenants, Restrictions and Conditions (CC&Rs) for the development's Homeowners Association for

review and approval by the City. Where the development contains multiple lots, the assurance, which shall be recorded at Hood River County, shall require joint ownership and maintenance of all common areas by all owners of the cottage dwellings.

**[CHAPTERS 8-6.165 AND 8-6.166 WERE ADDED AS AN AMENDMENT BY ORDINANCE NO. 446,
ADOPTED BY THE CITY COUNCIL ON JUNE 11, 2018]**

Chapter 8-6.168

COMMUNICATION FACILITIES AND STRUCTURES

Sections

- 8-6.168.010 Purpose
- 8-6.168.020 Applicability of Provisions
- 8-6.168.030 Administration
- 8-6.168.040 Submittal Requirements
- 8-6.168.050 Approval Standards

8-6.168.010 Purpose

The purpose of this chapter is to:

- A. Establish criteria for regulating the type, size, and location of communication facilities and structures in all zoning districts;
- B. Allow the construction of communication facilities and structures in a manner which is compatible with adjacent land uses, especially residential neighborhoods;
- C. Encourage co-location of wireless communication facilities to minimize the number of separate communication facilities while providing quality wireless communications services for the city and surrounding area; and
- D. Comply with the requirements of the federal Telecommunications Act of 1996.

8-6.168.020 Applicability of Provisions

- A. Communication facilities and structures shall satisfy the provisions of this chapter except for the following situations:
 - 1. Emergency or routine repairs and maintenance, reconstruction, or replacement which do not increase the facility's height or create a significant additional visual impact of a previously approved facility;
 - 2. Facilities and structures which do not exceed 10 feet in height; and
 - 3. Related equipment buildings or cabinets which are less than 120 square feet in gross floor area and 10 feet in height.
- B. All of the provisions and regulations of the applicable zone and this title apply unless modified by this chapter.

8-6.168.030 Administration

- A. Applications to construct or alter a communication facility and/or structure shall be administered and reviewed as an Administrative, City Administrator, or Planning Commission review in accordance with Article II of this title. The type of review procedure is determined in Section 8-6.168.030 B.

B. Review Procedures for Communication Facilities or Equipment

Facility Type	Residential and Public Zones	Commercial Zones	Industrial Zones
1. New Facilities <u>and</u> New Structures			
Between 10 ft. high and maximum height of base zone	City Administrator	Administrative	Administrative
Between maximum height of base zone and 150 ft.	Planning Commission (Conditional Use)	Planning Commission (Site Plan Review)	City Administrator
2. New Facilities Attached to Existing Structures			
Extension of greater than 10 feet above existing structure shall be reviewed according to Section 1. above	City Administrator	Administrative	Administrative
3. Accessory Equipment Buildings or Cabinets			
Review in conjunction with new facilities in Sections 1. or 2. above. Proposals to <u>only</u> construct a new or enlarged accessory building or cabinet shall be reviewed according to the provisions of Chapter 8-6.192 Accessory Structures			
4. Interior Facilities			
Located inside a building	City Administrator	Administrative	Administrative
5. Private Communication Equipment			
Between 10 ft. high and maximum height of base zone	Administrative	Administrative	Administrative
Between maximum height of base zone and 80 ft.	Planning Commission	City Administrator	City Administrator

- C. A conflict of interpretation concerning whether a facility and/or structure is subject to the provisions of this chapter shall be resolved in accordance with the provisions of Section 8-6.20.060.

8-6.168.040 Submittal Requirements

- A. In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit each of the following:
1. A site plan, with the number of copies to be determined at the preapplication conference, and necessary data or narrative which explains how the communication facility conforms to the standards using the following format:
 - a. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 - b. The site plan shall be drawn using an engineering scale; and
 - c. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals 1 foot.
 2. The site plan, data, and narrative shall include the following:
 - a. An existing site conditions analysis as described in Section 8-6.148.050;
 - b. A site plan, as detailed in Section 8-6.148.060; and
 - c. A grading plan, if necessary, as detailed in Section 8-6.148.070.
 3. Architectural elevations of all structures as detailed in Section 8-6.148.080.
 4. A landscape plan as detailed in Section 8-6.148.090.
- B. The City Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The City Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.168.050 Approval Standards

A. General Standards

Communication facilities, structures, and private communication equipment shall comply with all of the following standards:

1. Building permit approval as required by the Hood River County Building Official.
2. Structures or equipment which are between 10 feet high and the maximum height allowed in the base zone (e.g., 35 or 45 feet), shall meet the applicable setback requirements of the base zone.

3. For communication structures which exceed the maximum base zone height, the setback requirements shall be:
 - a. A minimum of 15 feet, plus an additional foot of setback for every foot in height over 50 feet, from residential (RR, LDR, MDR, HDR, and MHR); commercial (C, CR, and RC); or Public (P, and OS) properties; and
 - b. A minimum setback of 15 feet from industrial (LI and HI) properties.
4. Suitable protective anti-climb fencing and a landscape planting screen, in accordance with Chapter 8-6.104, Landscaping and Beautification, shall be provided and maintained around these structures and accessory attachments.
5. The applicant shall present documentation of the possession of any required license by any federal, state, or local agency.

B. New Wireless Communication Facilities and Structures

1. Requests for wireless communication facilities and structures must be accompanied by evidence that the applicant made every reasonable effort to locate on existing wireless communication facilities and/or existing buildings, with no success or that location on existing towers is not feasible.
2. The wireless communication facilities and structures which are located within or on properties adjacent to a residential zoning district must be a monopole design, and the facilities must be sleek, clean, and uncluttered in appearance.
3. Facilities and structures located within or on properties adjacent to a residential zoning district must be screened by a ring of trees. The trees must be a variety that has a mature tree height which is not taller than the height of the proposed structure. The trees must be spaced in a way that provides a visual barrier around the structure.
4. Accessory equipment associated with the facility is encouraged to be stored underground or inside an existing building. If a new structure is necessary, it must be designed and/or screened to be compatible with the adjacent residentially zoned properties.
5. New wireless communication facilities and structures shall be located on properties with a minimum lot size of 40,000 square feet within a residential, public, or open space zone and 20,000 square feet within a commercial or industrial zone.
6. New wireless communication facilities and structures shall be designed to allow co-location of wireless communication facilities on the new structure.

C. New Wireless Communication Facilities Attached to Existing Structures or Buildings

1. New communication facilities which are co-located on an existing communication structure with similar facilities shall not cause the height of the structure and facilities to exceed the existing height by more than 10 feet. Additional height over 10 feet shall be reviewed as a new communications structure.

2. New communication facilities which are located on the exterior of other structures or buildings must be hidden from view or sufficiently camouflaged as to not be readily visible. This can be accomplished by using compatible building features such as dormers, mounted flush to the facade of the building and painted to match, located in the middle of a roof where it is not visible from the street below, or hidden by other method that minimizes visual impact.
3. Accessory equipment associated with the facility can be stored underground or inside an existing building. If a new accessory equipment structure is necessary, it must be designed and/or screened to be compatible with the adjacent residentially zoned properties.
4. TV receiving dishes may be erected upon the roof of a building only within a commercial or industrial zone.

D. Accessory Equipment Buildings or Cabinets

Accessory equipment buildings or cabinets shall be subject to the provisions of Chapter 8-6.164, Accessory Structures.

E. New Wireless Communication Facilities Which Are Located Inside Buildings

1. The facilities must be hidden from view by being located inside of a building. This can be accomplished by locating the facility in an enclosed space or by using compatible building features such as dormers to hide the facility.
2. Accessory equipment associated with the facility cannot be visible. It can be stored underground, inside of an existing building. If a new structure is necessary, it must be designed to be compatible with the existing structures on the site.

8-6.168.060 Unused Facilities

A wireless communication facility or structure which has not been used for a continuous period of one year, shall be removed by the property owner. Failure to remove these facilities and structures shall be enforced as a zoning violation according to this title.

Chapter 8-6.172

ANNEXATION

Sections

- 8-6.172.010 Purpose
- 8-6.172.020 Applicability of Provisions
- 8-6.172.030 Administration
- 8-6.172.040 Submittal Requirements
- 8-6.172.050 Approval Standards

8-6.172.010 Purpose

The purpose of this chapter is to:

- A. Implement the policies of the comprehensive plan;
- B. Provide for city review of all annexation requests to determine the adequacy of facilities and services as related to the proposal; and
- C. Provide for city and county coordination of annexation requests.

8-6.172.020 Applicability of Provisions

The provisions of this chapter shall apply to unincorporated properties located within the Cascade Locks Urban Growth Boundary (UGB).

8-6.172.030 Administration

Annexation applications shall be administered and reviewed as a City Council decision in accordance with Article II, Procedures of this title.

8-6.172.040 Submittal Requirements

- A. In addition to the application form and all information required in Section 8-6.24.030, the applicant shall submit the following:
 - 1. A vicinity map;
 - 2. A site map; and
 - 3. Narrative which explains how the proposed annexation satisfies the standards in Section 8-6.172.050.
- B. The Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.172.050 Approval Standards

The City Council shall approve, approve with conditions, or deny an application for an annexation based on findings of fact with respect to each of the following criteria:

- A. All required public facilities and services have adequate capacity to serve the property to be annexed, without negatively impacting the City's ability to adequately serve all areas within the existing city limits.
- B. Annexation of the property will result in a city limit boundary that can efficiently receive city services.
- C. The territory is contiguous to the city limits and within the Urban Growth Boundary.
- D. 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 property to be able to address such issues as traffic, density, land use, and the level and timing of necessary facilities and services.
- E. The proposed zoning designation satisfies the applicable approval criteria in Chapter 8-6.180.
- F. The proposal satisfies the Comprehensive Plan goals, policies, and implementation strategies under following plan sections:
 - 1. Planning - Agency Coordination and Cooperation; and
 - 2. Planning - Land Use Planning.
- G. The proposal satisfies the requirements of the Cascade Locks Urban Growth Area Management Agreement with Hood River County.

Chapter 8-6.176

COMPREHENSIVE PLAN, ZONING, AND DEVELOPMENT CODE AMENDMENTS

- 8-6.176.010 Purpose
- 8-6.176.020 Applicability of Provisions
- 8-6.176.030 Administration
- 8-6.176.040 Submittal Requirements
- 8-6.176.050 Approval Criteria - Comprehensive Plan and Development Code Text Amendments
- 8-6.176.060 Approval Criteria - Legislative Comprehensive Plan Map and Zoning Map Amendments
- 8-6.176.070 Approval Criteria - Quasi-Judicial Comprehensive Plan Map and Zoning Map Amendments

8-6.176.010 Purpose

The purpose of this chapter is to implement the Statewide Planning Goals and Guidelines and the City of Cascade Locks Comprehensive Plan.

8-6.176.020 Applicability of Provisions

This chapter applies to the:

- A. City of Cascade Locks Comprehensive Plan text and map; and
- B. City of Cascade Locks Development Code text and zoning map.

8-6.176.030 Administration

- A. Application(s) for an amendment to the Comprehensive Plan or Development Code text or a legislative Comprehensive Plan map amendment shall follow the City Council review process in accordance with Article II, Procedures.
- B. Application for a quasi-judicial Comprehensive Plan and/or zoning map amendment shall follow the Planning Commission review process in accordance with Article II, Procedures.
- C. Amendment applications shall be initiated in the following manner:

- 1. Quasi-Judicial

Requests for Comprehensive Plan map amendments, which are quasi-judicial, and zoning map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Administrator may request the Planning Commission to initiate an amendment.

- 2. Legislative

Requests for Comprehensive Plan map amendments, which are legislative, and Comprehensive Plan or Development Code text amendments may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation of an amendment.

8-6.176.040 Submittal Requirements

- A. In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit a supporting narrative, illustrations, plans, etc. to demonstrate compliance with the provisions of this chapter.
- B. The Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- C. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.176.050 Approval Criteria - Comprehensive Plan and Development Code Text Amendments

An application to amend the text of the Comprehensive Plan and/or the Development Code text shall be found to:

- A. Comply with the Statewide Planning Goals and related administrative rules.
- B. Comply with the Comprehensive Plan goals, policies, and implementation strategies.
- C. Be internally consistent with related Comprehensive Plan or Development Code provisions.
- D. Promote provision of adequate public facilities and services for the community.

8-6.176.060 Approval Criteria - Legislative Comprehensive Plan Map and Zoning Map Amendments

To approve a legislative amendment to the Comprehensive Plan map and zoning map, it shall be found that:

- A. The proposal complies with the Statewide Planning Goals and administrative rules as they relate to the proposal.
- B. The proposal complies with the Comprehensive Plan goals, policies, and implementation strategies.
- C. The Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the proposed map amendment is consistent with projected needs expressed in the Comprehensive Plan.
- D. The Comprehensive Plan provides more than the projected need for lands in the existing land use designation.
- E. The uses allowed in the proposed designation will not produce significant adverse impacts on existing or planned uses on adjacent lands.
- F. Public facilities and services necessary to support uses allowed in the proposed designation are available or can be made available at the time of development.

8-6.176.070 Approval Criteria - Quasi-Judicial Comprehensive Plan Map and Zoning Map Amendments

To approve an application to amend the Comprehensive Plan map and zoning map, it shall be found that:

- A. The proposed zone complies with the Comprehensive Plan map designation.
- B. Allowed uses under the proposed zoning designation can be accommodated on the site according to Development Code requirements without an apparent need for variances.
- C. The uses allowed in the proposed designation will not produce significant adverse impacts on existing or planned uses on adjacent lands.
- D. Public facilities and services necessary to support uses allowed in the proposed designation are available or can be made available at the time of development.

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Article 15 – Rural Residential (RR) Zone

ARTICLE 15 - RURAL RESIDENTIAL (RR) Zone

Section 15.00 - Purpose and Intent

This zone is intended to maintain a semi-rural atmosphere for the development of residential living. Residential land uses will be the primary activity while agriculture will be of secondary importance. This Ordinance applies to land designated Rural Residential on the Comprehensive Plan Map. New marijuana uses are prohibited in this zone.

Section 15.10 - Permitted Uses

In an RR Zone the following uses and their accessory uses are permitted:

- A. One single family dwelling per lot or parcel.
- B. Agricultural Buildings, shall be permitted with an approved land use permit subject to the following standards:
 1. Located and used subject to the definition of “agricultural building” in Article 1 of this Ordinance.
 2. An “agricultural building” shall not be approved for use as: (1) a dwelling; (2) a structure used for a purpose, other than growing plants, in which 10 or more persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; (4) a structure used by the public; or (5) a structure subject to Sections 4001 to 4127, title 42, United States Code (*the National Flood Insurance Act of 1968*) as amended, and regulations promulgated there under.
 3. Before an application for an agricultural building, except of a greenhouse, is approved, an applicant shall demonstrate that the lot or parcel on which the agricultural building is proposed contains a farm, as defined below:
 - a. A farm includes a lot or parcel that is currently employed for the primary purpose of obtaining a profit in money by (a) Raising, harvesting and selling crops; (b) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products raised for human or animal use on land described in this section; or (c) Using land described in this section for any other agricultural or horticultural use, excluding any poultry or animal raising enterprise conducted on a commercial basis; and
 - b. The lot or parcel is receiving farm tax deferral from the County; or the property owner provides proof of gross income generated from the onsite farm pursuant to ORS 308A.071.

Article 15 – Rural Residential (RR) Zone

- c. No agricultural building shall be constructed within the boundaries of a floodplain without an approved building permit. Where applicable, an agricultural building within the boundaries of a floodplain shall also be subject to requirements of Article 44 (*Floodplain Zone*) of this Ordinance.
 - d. Nothing in this section is intended to authorize the application of a state structural specialty code to any agricultural building; such structures are not exempt from electrical, plumbing, or mechanical permits when applicable.
 - e. As part of an application for an agricultural building, the owner(s) of the property shall sign a statement acknowledging the limitations of how the building can be used. By signing this statement, the owner(s) must also agree to obtain a building permit should the use of the building be converted to non-agricultural use and to ensure that future owners are made aware of these limitations.
 - f. Any approved agricultural building not used exclusively for agricultural purposes shall be subject to enforcement action pursuant to Article 70 of this Ordinance.
- C. Farm uses, excepting:
- 1. Any poultry, animal raising, or breeding enterprise conducted on a commercial basis; and
 - 2. Marijuana or psilocybin production and processing.
- D. Animal keeping for personal enjoyment, excepting:
- 1. Any animal raising, poultry, or breeding enterprise conducted on a commercial basis.
 - 2. Roosters or any other fowl known for its loud call; subject to Chapter 8.12 (Noise Code) of the Hood River County Code.
- E. Utility transmission lines; and communication facilities and towers, subject to Article 74.
- F. Accepted timber practices.
- G. One sign not to exceed 12-square feet or otherwise approved in conjunction with a conditional use permit.
- H. Manufactured home or recreational vehicle as a temporary use while constructing a dwelling for a period not to exceed two-years. Applicable provisions in Article 16 shall apply.
- I. Short-term rentals, subject to Article 53.

Article 15 – Rural Residential (RR) Zone

Section 15.20 – Permitted Subject to Standards

Pursuant to the following standards, Farm Stands may be permitted subject to a Type II administrative review:

- A. The structures are designed and used for sale of farm crops grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25-percent of the total annual sales of the farm stand.
 - 1. As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington.
 - 2. *At the request of the county, the farm stand shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the farm stand with this subsection for the previous tax year.*
- B. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
- C. Farm uses in the RR Zone shall not include any poultry or animal raising enterprise conducted on a commercial basis on the subject property.
- D. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.
- E. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- F. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
- G. No farm stand building or parking is permitted within the right-of-way.
- H. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.

Article 15 – Rural Residential (RR) Zone

- I. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).
- J. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.
- K. Only two (2) signs (including on and off premise signs) total are permitted not to exceed a cumulative size of 12 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.
- L. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.
- M. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.
- N. Compliance with the development standards of the RR Zone.

Section 15.30 - Conditional Uses Permitted

In an RR Zone the following conditional uses and their accessory uses are permitted in accordance with the requirements of Article 60 of this Ordinance:

- A. Educational Institutions.
- B. Bed & Breakfast Facilities, subject to Article 56.
- C. Churches, synagogues, and other places of worship.
- D. Golf courses.
- E. Parks, playgrounds, or community centers.
- F. Emergency services and facilities (e.g., rural fire protection facilities).
- G. Utility facilities necessary for public service, including communication facilities and towers subject to Article 74.
- H. Airports and heliports.

Article 15 – Rural Residential (RR) Zone

- I. Child care center, day nursery.
- J. Auction yards other than animal auction.
- K. Home Occupations, subject to Article 53.
- L. Cemetery.
- M. Horses, boarding of – including the stabling, feeding, and grooming or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization. Maximum number of horses allowed shall be based on CUP findings regarding property characteristics, parcel size and impacts to neighbors.
- N. Temporary hardship dwelling, subject to the following:
 - 1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - b. The applicant shall renew the permit every two-years for it to remain valid. Upon review, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;
 - c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
 - 2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site

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and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.

- b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section 15.40 - Site Development Standards

A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

B. Maximum height: 35-feet

C. Setback, minimum:

1. Front: 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.
2. Rear: 20-feet
3. Side: Interior parcel or lot: 10- feet; Exterior side of corner parcel or lot: 45-feet from the centerline of any street.

D. Off-street parking for residential uses: For each dwelling there shall be two spaces not within the front setback.

E. Minimum lot size for new lots or parcels: As shown on the official zoning map.

Pursuant to OAR 660-004-0040(7)(a), property zoned on the official zoning map as RR ½ and RR1 is subject to a 2-acre minimum lot size requirement, unless the parcel is situated within an established Urban Unincorporated Community or Rural Unincorporated Community.

F. Minimum width and depth requirements:

1. Minimum average lot width: 100-feet.
2. Minimum lot width at street: 50-feet.

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3. Minimum average lot depth: 100-feet.

G. Vision clearance: Minimum 35-feet.

H. Street design standards: Applicable road standards for new subdivisions or major partitions in an RR Zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.