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Hood River County Zoning Regulations

The Hood River County Zoning Ordinance is organized into several *articles.* The article titles are listed below. Click on the article number to access the full article. Apparent gaps in the Article numbers is intentional, and does not indicate inavailablility of articles.

NOTE: You must have *Adobe Reader* installed on your computer to view and print these documents. This reader is available free of charge.

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ARTICLE - 1

ZONING REGULATIONS
HOOD RIVER COUNTY, OREGON
AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR HOOD RIVER COUNTY, OREGON

Section 1.00 - Authority

Consistent with the provisions of ORS Chapter 215 and under the authority of the Hood River County Home Rule Charter, land use zoning shall be governed by the provisions of this ordinance.

Section 1.20 - Title

This ordinance shall be known as the "Hood River County Zoning Ordinance."

Section 1.30 - Purpose

A. To carry out the objectives, policies and standards of the Comprehensive Plan.

B. To provide a guide for the growth and development of the County of Hood River in accordance with the Comprehensive Plan.

C. To secure for the citizens of Hood River County the social and economic advantages resulting from an orderly planned use of its land resources.

D. To encourage, classify, designate, regulate and segregate the use of land, buildings and structures to serve the needs of agriculture, commerce, industry, residences and other purposes in appropriate places.

E. To establish conditions which will allow all of these land uses to exist in harmony within the community.

F. To prevent the overcrowding of land, to avoid undue concentration of population, and to maintain a suitable balance between the structures and open spaces.

G. To lessen congestion on streets and to promote a safe, efficient traffic circulation system.

H. To ensure that adequate off-street parking and loading facilities will be installed and maintained.

I. To facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements.

J. To protect and enhance real property values.

K. To promote the stability of existing land uses and to protect them from incompatible and harmful intrusions.

L. To protect and preserve the stability of fish and wildlife and other natural resources.

M. To encourage the most appropriate use of land.

N. To promote aesthetic values.

Section 1.40 - Zoning Ordinance Interpretation, Urban Growth Areas

A. The Hood River County Zoning Ordinance and Zoning Designations and Subdivision Ordinance apply to private, County and State ownerships, including lands within both urban growth boundaries of the Cities of Hood River and Cascade Locks.

B. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appeals process specified in Hood River County Zoning and Subdivision Ordinances. The Cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the city's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director administrative decision-making process.

C. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretations relative to the following: uses permitted or conditionally allowed; and site development standards or requirements (e.g., maximum height, setbacks, minimum lot size for new lots or parcels, lot coverage, stream setbacks, distances between buildings, densities, etc.). However, the County reserves the rights to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and County), public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the Cities' and the County's Comprehensive Plans.

D. Cities' responses to County referrals will be specific regarding what site development standards are required. A brief statement that the request must comply with the City's zoning ordinance is not acceptable.

ARTICLE 3

Section 3.00 - Definitions

As used in this ordinance, the masculine includes the feminine and neuter and the singular include the plural. The following words and phrases, unless the context otherwise requires, shall mean:

ACCEPTED FARM PRACTICE: As used in this ordinance, farming practice means a mode or operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

ACCEPTED TIMBER PRACTICE: The propagation, growing and harvesting of trees for commercial or non-commercial use; the use of equipment customarily utilized in conjunction with these uses and the maintenance of renewable forest resource production, retention of watershed productivity.

ACCESSORY BUILDING OR USE: A building or use which (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports or patio covers.

AREA-LOT OR PARCEL: The total net area within the property lines of a lot or parcel including that area within any right-of-way, as described in a recorded deed.

AWNING: Any stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than a window awning for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall. (Amended - May 6, 1974)

BED AND BREAKFAST FACILITY: A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast Facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.

1. Breakfast Meal: The meal served to guests during the a.m. or morning hours each day.
2. Dwelling Unit: One or more rooms designated for occupancy by one family and not having more than one cooking facility.
3. Single Family Dwelling: A detached building containing one dwelling unit.

BERM: A linear mound of earth at least six feet in height planted with grass and/or other plant material intended to help prevent land uses on either side of the berm from conflicting with each other. (Planting shrubs or trees on top of the berm will help achieve this purpose.)

BUFFER: A setback, berm, fence, elevation rise, planting, and/or other technique(s) used to reduce any potential conflict between neighboring land uses and zones.

BUILDING: A structure built for the support, shelter, or enclose of persons, animals, chattels, or property of any kind.

CABANA: A stationary, lightweight structure, which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

CAMPGROUND: Any area or tract of land used to accommodate two or more camping parties, including but not limited to; cabins, tents, house trailers, or other camping outfits for a period not to exceed 30 days in 365 days.

COUNTY: The County of Hood River.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit. (amended)

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility.

FAMILY: An individual, or two or more persons related by blood, marriage, legal adoption or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

FARMING, FARM USE: The cultivation of the ground; the raising or harvesting of crops; or other plants including trees; the feeding, breeding or management of animals, including fowl, fish and bees; or any combination thereof and including uses and structures incidental thereto.

FARM USE: As used in this ordinance, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, or to the construction and use of dwellings customarily provided in conjunction with the farm use.

FARM STAND: A business selling agricultural produce or products. Other farm stand characteristics include: wholesale or retail sales, mail order service, refrigeration, storage, can be located in temporary or permanent structures or pre-existing structures (provided the structures comply with the County Zoning Ordinance) and provides tourist brochures and information. The farm stand does not have to be located on the same ownership growing the agricultural produce or products sold. Pursuant to compliance with the Farm Stand Development Standards listed below, Farm Stands are permitted uses in the following zones: Exclusive Farm Use, Forest and Primary Forest, Rural Residential[1], and Rural Center.

FARM STAND DEVELOPMENT STANDARDS:

1. Adequate off-street parking will be provided pursuant to provisions of the County Off-Street Parking and Loading Ordinance.

2. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

3. No building or parking will be allowed within the right-of-way.

4. All egress and access points shall be clearly marked.

5. Vision clearance at all street intersections shall be 35'.

6. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access.

7. Off-premise signs to be approved by affected property owner.

8. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.

9. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety and welfare.

10. Compliance with the County Sanitarian or Department of Agriculture requirements.

11. Obtain an approved County building permit, if necessary, or County Building Official approval.

12. Compliance with the development standards of the applicable zone.

[1] Farm Stands are permitted in the Rural Residential Zone pursuant to recognition and compliance with the following: Farm uses shall not include any poultry or animal rising enterprise conducted on a commercial basis.

FEEDLOT: An area designed or used for the purpose of the concentrated feeding, fattening of ten or more beef cattle, swine or fur-bearing animals, other than rabbits, for commercial food or fur purposes in lots, structures, pens or corrals which are not normally used for raising crops, and in which no vegetation, intended for animal food is growing. The definition does not include a wintering operation for beef cattle in barns or on farming ground.

FIREBREAK: A cleared area at least 30 feet wide adjacent to and surrounding a dwelling in which native and other fire transmitting vegetation and structures are generally forbidden. A firebreak may contain a reasonable amount of ornamental shrubbery, single specimen trees, and/or similar plants used as ground cover, providing they do not provide a means of rapidly transmitting fire to and from commercial forestlands.

FLOOR AREA: The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

FOREST USE (COMMERCIAL): The growing and harvesting of trees for wood production on parcels 40 acres or more.

GRADE (GROUND LEVEL): The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

HEIGHT OF BUILDING: The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HOME OCCUPATION: A business or professional activity operated for income purposes, only by residents in a dwelling or a pre-existing building on the same lot or parcel as the resident's dwelling, provided the home occupation is a secondary use and is clearly incidental, accessory or subordinate to the residential use or the pre-existing building. A home occupation shall also be in conformance with provisions in Article 53 - Home Occupations.

HOME OCCUPATION (CITY OF HOOD RIVER URBAN GROWTH BOUNDARY):
The following definition and standards apply to home occupations proposed in the City of Hood River's Urban Growth Boundary: The occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building which is incidental or secondary to residential use provided the occupation is conducted so that (1) It does not give the character of a business; (2) It does not change the character of the dwelling; (3) There is no display, except by a non-illuminated sign, no larger than one square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit; (4) No assistants are employed on the site; (5) There is no increase in noise outside the dwelling unit; and (6) There is only minor increase, if any, in the traffic traveling to and from the dwelling unit.

HOSPITAL: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

KENNEL: A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation or sale.

LOT[1]: A single unit of land that is created by a subdivision of land.

LOT, CORNER: A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

LOT, DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT - On an interior lot, the "front lot line" means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the "front lot line" is the property line closest to and most nearly parallel with the street which serves the lot.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line.

LOT WIDTH: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MINISTERIAL ACTION[1]: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon's quasi-judicial process.

MOBILE HOME: A vehicle or structure constructed for movement on the public highway, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A mobile home includes either a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating it is manufactured to State Mobile Home Construction Standards, or a mobile home manufactured after June 5, 1976, which exhibits the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with the Federal Housing & Urban Development (HUD) Construction Standards. The above definition does not make a distinction between a "single-wide or double-wide

[1] Amended on July 15, 2002, HRC Ord. #241.

mobile home", however Hood River County does differentiate. Some different characteristics and features include:

1. Single-Wide: Single chassis; approximately 14+ feet wide; length, 40-70 feet; can have "tip-outs" or expansion areas for living purposes; except for mobile home parks, single-wides are not permitted outright in any zoning district; they are not considered similar to conventional dwellings, nor are they allowed to replace conventional dwellings; single-wides require either approval by the County Planning Department or a County conditional use permit prior to being placed on a lot or parcel in Hood River County, and must comply with the definition of Mobile Home.

2. Double-Wide: Is the result of the combination or joining of two or more chassis or sections; length, 40-70 feet; resembles a conventional house; affixed to real property by a continuous concrete wall foundation or other appropriate foundation; are permitted uses in Hood River County; are considered conventional dwellings in Hood River County; can replace conventional dwellings and must comply with the definition of Mobile Home.

MOBILE HOME PARK: Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.170 (1985).

NONCONFORMING STRUCTURE[2]: A lawfully established structure at the time this ordinance or any amendment thereto becomes effective, which does not meet the site development standards of the zone in which it is located. The provisions of Article 65 do not apply in this instance unless the structure also contains a nonconforming use. The action of replacing or expanding a nonconforming structure in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances.

NONCONFORMING LOT OR PARCEL[1]: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.

NONCONFORMING USE[2]: The lawful use of any land, or use of any structure at the time this ordinance or any amendment thereto becomes effective which is not permitted in the zone in which it is located.

[1] Amended on July 15, 2002, HRC Ord. #241.
[2] Amended as part of HRC Ordinance #253, Riparian Corridor, Adopted 2-17-04.

NON-MINISTERIAL ACTION[1]: A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an "administrative action" or "land use decision," as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (Director's Review Procedures).

ORCHARD: Lands on which fruit or nut trees are grown and harvested on a commercial basis on parcels 20 acres or more.

ORIGINAL LOT OR PARCEL[1]: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

PARCEL[1]: A single unit of land that is created:

A.) By partitioning, as defined in ORS 92.010;

B.) In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or

C.) By deed or land sales contract, if recorded prior to January 1, 1976.

PARKING SPACE: A rectangle not less than 20 feet long and 8 1/2 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.

PERSON: Every natural person, firm, partnership, association or corporation.

RECREATIONAL VEHICLE: A vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes, and is being used solely for vacation and recreational purposes. (Addition 6-21-73)

SELECTIVE CUTTING: No clear cutting. More specifically, a forest management technique, which maintains an average 40% forest canopy on each acre of any mixture of species. Forest canopy remaining after harvesting may be measured directly from aerial photographs (supplied by the applicant) or by meeting the following basal requirements: (information to be provided by applicant)

1. The basal area criterion will apply only to stands of trees 7 inches d.b.h. and larger[2]
2. Trees must be well distributed over each acre.
3. At least 40% of the normal basal area per acre must remain on the site at all times[3]

Other techniques may be used to rehabilitate insect damage, windfall, landslides or other

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[1] Amended on July 15, 2002, HRC Ord. #241.

[2] Definition of d.b.h.: Diameter at Breast Height.

[3] Normal basal areas for fully stocked Douglas-fir stands may be found in Table 3, Technical Bulletin No.201, United States Department of Agriculture, and for red alder in Table 1, Washington Department of Natural Resources Report No. 31, 1961.

geographical, biological, or fire damage.

SETBACKS: A horizontal distance measured at a right angle from adjacent property lines, intended to provide sufficient open area to help prevent non-farm and non-forest uses from conflicting with farm and forestland uses. Within this area, dwellings intended for human occupancy shall be prohibited.

SIGN: A presentation or representation, other than a house number, by works, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or request for aid or other type of advertising. This includes the surface face upon which the representation is displayed.

STATEMENT OF WATER RIGHTS: Chapter 92, Oregon Revised Statutes, requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company to file and record a statement of water rights. If a water right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar should be considered a story.

STREET: The entire width between the boundary lines of every which way, which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road", "highway", "lane", "place", "avenue", or other similar designation.

STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

STRUCTURAL ALTERATION: Any change to the supporting embers of a structure including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.

TRAILER PARK: Any privately owned place where two or more mobile homes for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces. Amended 6-1-73. Mobile Home Park.

TRAVEL TRAILER: A vehicle portable structure designed as a temporary dwelling for travel, recreational and vacation use. Amended 5-6-74

TRAVEL TRAILER PARK: Any lot, tract or parcel of land which two or more travel trailers are located. Amended 5-6-74

USE: The purpose of which land or a structure is designed, arranged, or intended, or which it is occupied or maintained.

VISION CLEARANCE: A triangular area at a street or highway corner or a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner between the point on the street right-of-way line or street-alley right-of-way line measured from the corner or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining said point measured along the tangents from their point of intersection.

YARD: An open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT: A yard extending between side lot lines and measured horizontally and at right angles from the side lot line to the nearest point of a Building

YARD, SIDE: An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a building.

ARTICLE 4

Section 4.00 - Compliance with Ordinance Provisions, Classification of Zones and Zoning Map

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance provided, however, that a proposed use or structure not expressly listed under "conditional uses" may be considered by the Planning Commission or Planning Director as conditional use if said use or structure is consistent with the subject zone and/or with other conditional uses listed in the subject zone. (Amended January 9, 1978)

Section 4.10 - Classification of Zones	**Abbreviated Designation**
Forest Zone	F-1
Primary Forest Zone	F-2
Exclusive Farm Use Zone	EFU
Residential Zone	R-1
Residential Zone	R-2
Rural Residential Zone	RR
Mobile Home Parks Zone[1]	MHP
Commercial Zone	C-1
Rural Center Zone	RC
Industrial Zone	M-1
Light Industrial Zone	M-2
Airport Development Zone	AD
Airport Height Combining Zone	AH
Natural Area Zone	NA

[1] Mobile Home Parks Zone includes provisions for individual single-wide mobile homes and dependent relative single-wide mobile homes.

Historic Preservation Zone	HP
Planned Unit Development	PUD
Environmental Protection Zone	EP
Floodplain Zone	FP
Geologic Hazard	GH
Surface Mining Zone	SM
Columbia Gorge Combining Zone	CG
Scenic Protection Zone	SP

Section 4.20 - Zoning Map

A. The location and boundaries of the zones designated to Section 4.10 are hereby established as shown on the maps entitled "Zoning Maps of Hood River County". The effective date of zoning in an area of the County is the date shown on the zoning maps. The County Board of Commissioners and the engineer or an agent of the Commission shall sign the map. The maps shall hereafter be referred to as the zoning maps.

B. The signed copy of the zoning maps shall be maintained without change or filed in the office of the Department of Records and Assessments and is hereby made a Part of this ordinance.

ARTICLE 5 – FOREST (F-1) AND PRIMARY FOREST (F-2) ZONES
(Effective Date October 23, 2001)
(Replaces Articles 5 & 6 Effective Date 8-4-88)

Section 5.00 - Purpose and Intent

The purpose of the Forest (F-1) Zone is to assure the continuous growing and harvesting of trees consistent with management of soil, air, water and fish and wildlife, and to provide for agriculture and recreation. The zone is intended to conserve and maintain forestland and protect it from conflicting development. The F-1 Zone is applied to forestland that is generally more developed and parcelized. The F-1 Zone implements the Forest designation of the Comprehensive Plan, and is intended to meet the requirements of State law.

The purpose of the Primary Forest (F-2) Zone is to assure the continuous growing and harvesting of trees. In addition, the following factors may also be considered: to conserve forest land for forest uses; to protect forest land from non-compatible uses; and to provide for agriculture, recreation, and the management of soil, air, water and fish and wildlife. The F-2 Zone is applied to land generally managed for commercial forestry and that is less developed. The F-2 Zone implements the Primary Forest plan designation and is intended to comply with the requirements of State law.

Uses allowed by this article are pursuant and in accordance with OAR & ORS unless otherwise provided for. This article is intended to protect the County's more productive resource land from the detrimental effects of uses not related to agriculture and forestry.

Section 5.02 - Applicability

Unless noted otherwise, this chapter applies to both the Forest (F-1) Zone and to the Primary Forest (F-2) Zone.

Section 5.05 - Definitions

For the purposes of this chapter, the following definitions shall apply:

A. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

B. Campground: An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the

natural amenities of the site and provides buffers or existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.

Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores and gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

C. Commercial tree species: Trees recognized under rules adopted under ORS 527.715 for commercial production.

D. Cubic Foot Per Acre: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Services. Where SCS data are not available or are shown to be inaccurate**,** an alternative method may be used. An alternative method must provide equivalent data and be approved by the Oregon Department of Forestry.

E. Cubic Foot Per Tract Per Year: Means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Oregon Department of Forestry.

F. Forest Operation: Means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

G. Governing Body: Means the county board of commissioners or its designate, including planning director, hearings officer, planning commission or as provided by Oregon Law.

H. Tract: One or more contiguous lots or parcels under the same ownership, including portions that are separated by a public road or waterway; but does not include parcels that meet only at a single point.

Section 5.10 - Uses Permitted

The following uses shall be allowed outright, although construction/placement of structures is subject to - Article 64 (except those required to be allowed outright by ORS).

A. Forest operations or practices including but not limited to reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.

C. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

E. Farm uses as defined in ORS 215.203; and non-residential structures in conjunction with an on-site farm use, subject to sections 5.40, 5.42, and 5.44.

F. Local utility distribution lines and accessory equipment or equipment which provides service hookups, including water service hookups.

G. Temporary portable facility for the primary processing of forest products.

H. Exploration of mineral and aggregate resources as defined in ORS Chapter 517.

I. Towers and fire stations for forest fire protection.

J. Widening of roads within existing rights-of-ways in conformance with the transportation easement of the Comprehensive Plan, including public road and highway projects as described in ORS 215.213(1)(m) through (p) and 215.283(1)(k) through (n).

K. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.

L. Caretaker residences for public parks or for public fish hatcheries, subject to section 5.40, 5.42, and 5.44.

M. Uninhabitable structures accessory to fish and wildlife enhancement.

N. Temporary forest labor camps.

O. Exploration for geothermal, gas, oil, and other associated hydrocarbons.

P. Alteration, restoration or replacement of a lawfully established dwelling, subject to the following standards (Article 65 - Non-conforming uses do not apply):

1. The existing dwelling has:
   a. Intact exterior walls and roof structure;
   b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights; and
   d. A heating system; and

2. For replacement dwellings:
   a. The existing dwelling shall be removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling;
   b. The replacement dwelling shall:
      i. Overlap a portion of the original building footprint and shall meet the requirements of Section 5.42.C.-E.; or
      ii. If on a completely different site, comply with sections 5.40.A.-D., 5.42, 5.44, and 5.46; and with Article 50 - Buffer Requirements.
   c. The replacement dwelling shall comply with all other applicable provisions of the Comprehensive Plan.

Q. Firearm training facilities serving the public.

R. Publicly owned operations for the mining and processing of aggregate.

Section 5.20 - Conditional Uses Permitted

The following uses may be approved in accordance with the requirements of Section 5.25 and Article 72.

A. Permanent facility for the primary processing of forest products.

B. Permanent logging equipment repair and storage.

C. Log scaling and weigh stations.

D. Solid waste disposal site permitted by the Oregon Environmental Quality Commission under ORS 459.245, together with the equipment, facilities or buildings necessary for its operation.

E. Private parks and campgrounds. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

F. Mining, production and processing of oil, gas, or other subsurface resources as defined in ORS Chapter 520, and not otherwise permitted under section 5.10, above, and mining and processing of aggregate and mineral resources as defined in ORS 517; including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

G. Public parks including only those uses specified under OAR 660-034-0035.

H. Television, microwave and radio communication facilities and transmission towers.

I. Fire stations for rural fire protection.

J. Utility facilities for the purpose of generating power that do not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.

K. Aids to navigation and aviation.

L. Water intake and related treatment facilities, pumping stations and distribution lines.

M. Reservoirs and water impoundments.

N. Firearms facility not provided for under section 5.10.Q.

O. Cemeteries.

P. Private seasonal accommodations for fishing or fee hunting operations subject to the following:

1. Maximum of 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
2. Only minor incidental and accessory retail sales are permitted;
3. Occupied temporarily for the purpose of fishing or hunting only during game bird, big game hunting or fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
4. Fishing accommodations must be located within one-quarter mile of fish bearing Class I water.

Q. New electric transmission lines with right of way widths up to 100 feet as specified in ORS 772.210. New gas, oil, or geothermal distribution lines with right of way widths up to 50 feet.

R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

S. Home occupation, including those involving a bed & breakfast facility, subject to Article 53 - Home Occupations. Bed & breakfast facilities are also subject to Article 56 - Bed & Breakfast Facilities and are not allowed in the F-2 Zone.

T. A temporary hardship dwelling in conjunction with an existing dwelling, subject to the following:

1. The dwelling shall be removed when no longer needed for the hardship;
2. The dwelling is for an existing resident or relative with a hardship.
3. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person;
4. The dwelling shall use the same septic system used by the existing dwelling, if that system is adequate;
5. The County shall review the permit every two years; and
6. Within 3 months of the end of the hardship, the temporary dwelling shall be removed;
7. The temporary dwelling shall be a single section manufactured dwelling, recreational vehicle, or existing building, pursuant to OAR 660-006-0025(4)(t);
8. The temporary dwelling is not eligible for replacement under section 5.10(P).

U. Public road and highway projects as allowed by Oregon Revised Statutes Chapter 215.283(2) and (3).

V. Private hunting and fishing commercial operations without any lodging accommodations.

W. Destination resorts, subject to:

1. Oregon statutory provisions;
2. Goal 8 - Recreation;
3. Approval of a master plan addressing:
   a. Traffic impact studies;
   b. Access;
   c. Sanitation, including solid waste;
   d. Domestic and irrigation water;
   e. Security/policing;
   f. Signage;
   g. Other conditions of approval;
4. Approval of an economic analysis of costs/benefits to the County; and
5. Applicant shall reimburse the County in advance for expected costs incurred by the Planning Department in processing an application; including preparation of reports,

studies, uses of consultants, etc. as contained in the adopted Destination Resort Cost Recovery Document.

X. Facilities necessary for the storage of explosive devices.

Y. Home Occupation to Host Weddings and related Events, subject to Article 73[1].

Section 5.25 – Conditional Use Criteria

A. All new dwellings and structures shall be subject to applicable provisions of sections 5.40, 5.42, 5.44, and 5.46.

B. The proposed use will not: force a significant change in, or significantly increase the cost of accepted farming or forest practices on agricultural or forest lands; nor significantly increase fire hazard or fire suppression costs, or risks to fire suppression personnel.

C. A deed notification statement will be recorded pursuant to section 5.46, for any new dwelling or approved conditional use.

Section 5.30 - Dwellings

New dwellings shall be subject to the following standards, unless provided for otherwise in this article:

A. Sections 5.40, 5.42, 5.44 and 5.46;

B. The tract does not include a dwelling;

C. No other dwellings are allowed on the tract, and deed restrictions are established that prohibit dwellings on the other parcels in the tract;

D. Compliance with applicable provisions of the Comprehensive Plan;

E. Subject to compliance with either section 5.32, 5.34 or 5.36.

Section 5.32 - Large Tract Test:

A dwelling under section 5.30 may be allowed, subject to the following standards:

A. The tract on which the dwelling will be sited includes at least 160 contiguous acres; or 200 acres in one ownership that are not contiguous but are within Hood River County and zoned for forest use;

B. A deed restriction shall be filed with the County Records Department, precluding a

[1] Hood River County Ordinance #255. Adopted June 21, 2004; Effective July 22, 2004.

dwelling on all tracts that are used to meet the acreage requirements of this subsection;

C. The deed restriction described in section 5.32.B. shall be irrevocable, unless a statement of release is signed by an authorized representative of the county. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to this deed restriction; and

D. A map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the County deed records pursuant to this section, shall be filed with the application and kept on record with the Planning Department.

Section 5.34 - Template Test:

A dwelling under section 5.30 may be allowed, subject to the following standards:

A. The parcel is not zoned F-2;

B. Compliance with the following applicable soils criteria:

1. Low Productive Soils Criteria:
   a. The parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre per year of wood fiber; and
   b. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract or within a 160-acre rectangle as provided in section 5.34.E. or F.

2. Medium Productive Soils Criteria:
   a. The lot or parcel is predominantly composed of soils capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and
   b. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160-acre square centered on the center of the subject tract or within a 160-acre rectangle as provided in section 5.34.E. or F.

3. High Productive Soils Criteria:
   a. The lot or parcel is predominantly composed of soils capable of producing more than 85 cubic feet per acre per year of wood fiber; and
   b. All or part of at least 11 other lots or parcels that existed on January 1, 1993 are within a 160-acre square centered on the center of the subject tract or within a 160-acre rectangle as provided in section 5.34.E. or F.

C. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels of section 5.34.B.

D. Land within an urban growth boundary shall not be included under section 5.34.B.

E. If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road.

F. If the tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made in accordance with section 5.34(E). However, one of the three required dwellings shall be on the same side of the road or stream as the tract; and: be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle and on the same side of the road or stream as the tract.

G. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

Section 5.36 - Lot of Record Test:

A dwelling under section 5.30 may be allowed, subject to the following standards:

A. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:

1. Prior to January 1, 1985; or
2. By devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985;

B. "Owner" includes the spouse, child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner; or a business entity owned by any of these family members;

C. The dwelling shall be on a tract composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be a Bureau of Land Management road. If the road is a US Forest Service road it shall be paved and 18 feet wide, have two defined lanes and a maintenance agreement that exists between the US Forest Service and landowners adjacent to the road, a local government or state agency;

D. There is no dwelling on the tract that the subject parcel was part of since November 4, 1993.

E. The dwelling and tract will be consistent with the density limitations that protect Goal 5 - big game wildlife habitat;

F. All portions of the tract in which the dwelling will be sited shall be consolidated into a single lot or parcel;

G. The dwelling will not materially alter the stability of the overall land use pattern of the area; and

H. Approval may only be transferred by a person who has qualified for the dwelling.

Section 5.40 - Siting Standards

New dwellings and structures shall be subject to the following applicable standards:

A. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;
2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized;
4. The risks associated with wildfire are minimized; and
5. Consideration is made of proximity to other dwellings, structures and roads; and the use of less productive soils.

B. Compliance with applicable provisions of Article 50 - Buffer Requirements.

C. The domestic water supply shall be in accordance with the Water Resources Department's rules and not from a Class II stream as defined in OAR Chapter 629. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

D. Proof of a long-term road access use permit or agreement if road access to the dwelling is by a road owned and maintained by a private party, the Department of Forestry, the US Bureau of Land Management or the US Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

E. Approval of a dwelling on a tract 10 acres or more shall be subject to the following:

1. A sufficient number of trees shall be planted on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in their rules.

2. The County Assessor shall be notified of section 5.40.E.1. at the time the dwelling is approved.

3. A stocking survey report shall be submitted to the County Assessor who shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor shall inform the Department in cases where a stocking survey report has not been submitted or where the survey report indicates that minimum stocking requirements have not been met.

4. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the Department shall notify the property owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

Section 5.42 - Fire Standards

New dwellings and structures shall be subject to the following applicable standards:

A. Dwellings shall be located upon parcels that are within a rural fire protection district or requested to be within the nearest district.

B. If compliance with 5.42.A. is impracticable, then alternatives such as sprinkler systems, on-site equipment, water storage or other methods may be allowed subject to section 5.42.G. and the following: If a water supply is required, it shall be a swimming pool, pond, lake or similar body of water that at all times is capable of holding 4,000 gallons; or a stream that has a minimum flow of at least one cubic foot per second; with road access to within 15 feet of the water's edge for fire fighting pumping units, and including a turnaround to accommodate fire fighting equipment.

C. A 30' primary fuel break plus a 100' secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to section 5.42.G. The primary fuel break shall not contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50' for 10% slope; 75' for 20°/a slope; 100' for 25% slope; or 150' for 40% slope. ["Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads"]

D. Dwellings and structures shall have fire retardant roofs.

E. Chimneys shall have spark arresters.

F. Dwellings and structures shall not be sited on a slope of greater than 40 percent.

G. Exceptions to section 5.42 may be approved if equivalent fire protection standards are submitted by a professional forest fire protection expert. Exceptions to 5.42.A. must include the water and road standards of section 5.42.B. Submittals require approval by the Planning Department on a case by case basis.

Section 5.44 - Road Standards

New dwellings and structures shall be subject to the following applicable standards:

A. Roads shall be built and maintained to provide a minimum 20' width of all weather surface and a vertical clearance of 13 feet 6 inches. ["Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads"]

B. Driveways shall be built and maintained to provide a minimum 12' width of all weather surface and a vertical clearance of 13 feet 6 inches.

C. The all weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.

D. Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

E. Cul-de-sacs, dead-end driveways and dead-end roads over 150 feet in length shall have turnarounds of not less than 48 feet radius.

F. Driveways in excess of 200 feet shall provide 20-foot wide by 40-foot long turnouts at a maximum spacing of half the driveway length or 400 feet, whichever is less.

G. Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.

Section 5.46 - Deed Statement

Prior to issuance of a building permit for a dwelling or establishing a conditional use, as provided in section 5.20, a written statement consistent with ORS 215.293 and Article 50 shall be recorded with the deed or written contract with the County; unless noted otherwise.

Section 5.50 - Uses Prohibited

A. Billboards.

B. Wrecking yards.

C. Signs exceeding six square feet on each of two sides except Oregon State Highway Division signs.

Section 5.60 - Site Development Standards

The following standards are the minimum applicable to all new buildings, unless required by other provisions of this article:

A. Maximum height: 35 feet;

B. Setbacks, minimum:

1. Front: 60 feet from the centerline of any arterial street, 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; accessory farm buildings: 10 feet;
3. Side: Interior: 10 feet; Exterior, side or corner: 50 feet from the centerline of any street.
4. Setback between buildings: 10 feet minimum.

C. Streams: New buildings shall be set back 100' from ordinary high water line unless approved in conjunction with a water-related or water dependent use. An exceptions to this requirement may be allowed if the proposal would provide better protection, maintenance and retention of riparian vegetation or the protection, maintenance and retention of riparian vegetation are not applicable. If a conflict is noted among setback requirements, the more restrictive will be used.

D. Minimum lot size for new lots or parcels: 80 acres; except for the following:

1. Uses listed under section 5.10.Q.-R. or section 5.20 A.-N. which shall be allowed a lot size that is the minimum necessary for the use, subject to OAR 660-06-025(5), and section 5.46.

2. To facilitate a forest practice, as defined ORS 527.620, for a property that has unique specific characteristics that require an amount of land smaller than the minimum requirement in order to conduct the forest practice. Such parcels:
   a. Shall not be eligible for a new dwelling.
   b. Shall not serve as justification for the siting of a future dwelling on other parcels.
   c. Shall not result in a parcel of less than 35 acres, except:

      1. Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
      2. Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land;
      3. Vision Clearance for corner lots: 35 feet.

Note: Some provisions of this article have been superceded by Oregon state law. For the new guidelines, talk to a Hood River County Planner.

ARTICLE 7 - EXCLUSIVE FARM USE ZONE (EFU)

(Effective February 15, 1996)

Section 7.00 - Preamble

It is the policy of Hood River County to preserve and maintain the County's agricultural lands for agricultural uses, consistent with existing and future farm practices. To accomplish this policy, the Exclusive Farm Use (EFU) Zone is intended to designate, preserve, stabilize and enhance agricultural and farm use areas within the County for food, fiber and livestock production.

It is the purpose of this zone to insure the orderly use of agricultural and farm land and protect it from inappropriate development. The zone is intended to meet the requirements of State law and regulations.

The EFU Zone implements the Farm designation of the Comprehensive Plan. It should be read together with the County Background Report and the County Policy Document.

The EFU Zone has two component parts. One is High Value Farmland (HVF), which was defined by the Legislature in 1993. HVF is made up of mostly Class I and II soils, and lands that were growing perennials (e.g. tree fruits, berries, etc.) as of a certain date. The Legislature felt the HVF designation would help protect the more productive resource land from the detrimental effects of uses not related to agriculture. In 1995, HVF composed approximately 80% of the total EFU Zone. The remaining component, about 20%, basically mirrors requirements of the pre-1993 County Zoning Ordinance for agricultural lands, although some other requirements have been added to comply with new laws

A matrix is included in this article as a guideline to indicate which uses are allowed or prohibited on EFU lands.

Section 7.01 - Table of Contents

The specific sections regarding which uses are allowed or prohibited can be found as follows:

	Pages
Sec. 7.10 Permitted Uses	
Sec. 7.40 Conditional Uses Permitted	
Sec. 7.42 Conditional uses Permitted (Yet Restricted on HVF)	
Sec. 7.55 Uses Prohibited	

The standards for certain dwellings are organized as follows:

Sec. 7.10(G) Replacement Dwellings	
Sec. 7.40(D) Non-farm Dwellings	
Sec. 7.40(E) Hardship Dwellings	
Sec. 7.47 Lot of Record Dwellings	
Sec. 7.50 Farm Dwellings/Housing	

Development standards can be found as follows:

Sec. 7.45 Variance to Minimum Lot Size	
Sec. 7.60 Site Development Standards	

Section 7.02 - Right to Farm

Farming and forest practices are critical to the economic welfare of the County. The expansion of non-resource uses on and near lands zoned for resource use may give rise to conflicts between resource and non-resource activities. Resource practices on lands zoned for resource use must be protected to some extent from claims of relief filed by persons not accepting conditions associated with living near resource operations, because such claims have an adverse effect on the full resource base of the County.

Spraying in compliance with State laws, and smoke, noise, dust and odors associated with a generally accepted, reasonable and prudent method for the operation of a farm, are accepted farming practices. No farming or forest practice on land zoned for such use shall give rise to any private right of action or claim for relief based on nuisance or trespass, except for damage to a commercial farm product, or death or serious physical injury.

Section 7.05 - Definitions

A. Agricultural land includes lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils; land in other soil classes that is suitable for farm use taking into consideration soil fertility, climatic conditions, slope, existing and future availability of water for irrigation purposes, existing land use patterns, suitability for farm uses including grazing, technological and energy inputs required, accepted farm practices, and past land uses; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land comprised of soils other than I-IV that is adjacent to or intermingled with land comprised of soil classes I-IV within a farm unit, even though it may not be cropped or grazed. Land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goals 3 or 4.

B. Contiguous means connected in such a manner as to form a single block of land, but does not include parcels that meet only at a single point.

C. Farm use is defined as the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy product or for stabling and training of equines including lessons, clinics and shows, or by any other agricultural or horticultural use or animal husbandry or any combination thereof; and includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise; and includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS 321, except for growing cultured Christmas trees as defined in ORS 215.203(3) or land described in ORS 321.267(1)(e) or 321.415(5).

D. High Value Farmland (HVF) is defined as:

1. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; or not irrigated, and classified prime, unique, Class I or Class II; and

2. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the

United States Department of Agriculture taken prior to November 4, 1993, or as demonstrated by aerial photography of the Western Aerial Corporation taken on May 28, 1995.

3. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of HVF.

E. Soil classes, soil ratings or other soil designations are those of the SCS in its most recent publication for that class, rating or designation before November 4, 1993.

F. Specified perennials means perennials grown for market or research purposes including, but not limited to, fruits, nursery stock, berries, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

G. Tract is defined as one or more contiguous lots or parcels in the same ownership.

H. Living history museum means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.[1]

I. Local historical society means the local historical society recognized by the county governing body and organized under ORS Chapter 65 (Nonprofit Corporations).[1]

[1] Hood River County Ordinance #260; adopted 9-20-04; "Living History Museum"

Section 7.07 - Matrix

The following matrix is a guideline only. The applicable section should be reviewed for actual provisions. "A" means allowed if in compliance with the Comprehensive Plan. "P" means new uses prohibited.

High Value Farmland	Other EFU	.
A	A	Farm uses and accessory uses.
A	A	Forest product propagation and harvesting.
A	A	Dwellings or housing customarily provided in conjunction with farm use.
A	A	Buildings and structures customarily provided in conjunction with farm use.
A	A	Manufactured dwellings for agricultural purposes, or as a temporary use while constructing a dwelling.
A	A	Replacement, alteration, or restoration of lawfully established dwellings.
A	A	Replacement dwellings to be used in conjunction with farm use if the existing dwelling is registered on the County inventory of historic property.
A	A	Wineries as described in ORS 215.452.
A	A	Conservation areas or structures for the retention of water, soil, open space, forest or wildlife resources.
A	A	Wetland creation, restoration, or enhancement.
P	A	Schools and essential buildings.
P	A	Churches and cemeteries in conjunction with churches.
A	A	Utility facilities necessary for public service, except commercial facilities generating power for public use by sale and transmission towers over 200 feet in height.
A	A	Transportation facilities and improvements permitted under ORS 215.283(1).
A	A	Operations for the exploration for and production of geothermal resources and oil and gas.
A	A	Operations for the exploration for minerals as defined by ORS 517.750.
A	A	Farm stands.
A	A	Commercial activities that are in conjunction with on-premise farm use.
A	A	Aquatic species propagation, cultivation, maintenance and harvesting.
A	A	Forest product facilities.
A	A	Non-Farm Dwellings.
A	A	Hardship dwelling for a relative.
A	A	Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
A	A	Feedlots.
A	A	Cattle and livestock auctions of a permanent nature.
A	A	Animal clinics and livestock animal hospitals.
A	A	Home occupations.
A	A	Bed & Breakfast facility.

A	A	Residential home or facility.
A	A	All development within 800 feet of a withdrawal point of a public water supply.
A	A	Commercial utility facilities for the purpose of generating power for public use by sale.
A	A	Transmission towers over 200 feet in height.
A	A	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources.
A	A	Operations conducted for the exploration, mining, and processing of geothermal resources and oil and gas not otherwise permitted.
A	A	Processing of aggregate.
A	A	Processing of other mineral resources and other subsurface resources.
A	A	Transportation facilities and improvements conditionally permitted under State rules.
A	A	Parking no more than seven log trucks.
A	A	Filming activities.
P	A	Dog kennels.
P	A	Private parks, playgrounds, and hunting and fishing preserves.
P	A	Public owned campgrounds.
P	A	Golf courses.
P	A	Solid waste disposal sites.
A	A	Non-farm parcels.
P	A	Lot of Record dwellings.
A	A	Principal farm operator dwellings.
A	A	Accessory farm dwellings.
A	A	Seasonal farm worker housing.
A	A	Relative farm dwellings.
P	P	Destination resorts.
P	P	Contractor's equipment yards.
P	P	Wrecking yards.
P	P	Signs exceeding six square feet, with exceptions.

Section 7.10 - Permitted Uses

A. Farm uses and accessory uses.

B. Forest product propagation and harvesting.

C. Dwellings or housing customarily provided in conjunction with farm use, subject to Section 7.50.

D. Buildings and structures customarily provided in conjunction with farm use.

E. Lot of Record dwellings, subject to Section 7.47.

F. Manufactured dwellings for agricultural purposes, or as a temporary use while constructing a dwelling for a period not exceeding two years; subject to applicable provisions in this article and Article 16.

G. Replacement, alteration, or restoration of lawfully established dwellings, subject to the following standards (the provisions of Article 65 - Nonconforming Use do not apply):

   1. The existing dwelling has:

      a. Intact exterior walls and roof structure;

      b. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

      c. Interior wiring for interior lights;

      d. A heating system; and

   2. If replaced, the existing dwelling shall be removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling; and

   3. If replaced on a completely different site, the new dwelling shall be subject to Section 7.60 and Article 50 - Buffer Requirements including a deed notification, unless these requirements render the parcel unbuildable;

   4. Subject to other applicable requirements of the Comprehensive Plan.

H. Replacement dwellings to be used in conjunction with farm use if the existing dwelling is registered on the County inventory of historic property under Goal 5.

I. Wineries as described in ORS 215.452.

J. Conservation areas or structures for the retention of water, soil, open space, forest or wildlife resources.

K. Wetland creation, restoration, or enhancement.

L. Schools, including all buildings essential to the operation of a school. New facilities are not allowed on High Value Farmland. New schools within 3 miles of an urban growth boundary require an exception pursuant to ORS 197.732 and OAR 660-04.

M. Churches and cemeteries in conjunction with churches. New facilities are not allowed on High Value Farmland. New churches within 3 miles of an urban growth boundary require an exception pursuant to ORS 197.732 and OAR 660-04.

N. Utility facilities necessary for public service, including emergency services for rural uses, except commercial facilities generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in the EFU Zone in order for the service to be provided.

O. Transportation facilities and improvements permitted under ORS Chapter 215.283(1).

P. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

Q. Operations for the exploration for minerals as defined by ORS 517.750.

R. Farm stands, subject to the following standards.

1. The structures are designed and used for sale of farm crops and livestock grown on farms in the local area, which is defined as Oregon and Washington;

2. Sales may include incidental items of not more than 25 percent of the total sales of the farm stand;

3. The farm stand does not include structures designed for activities other than the sale of farm crops and livestock;

4. Subject to Article 64;

5. Adequate off-street parking will be provided subject to provisions of Article 51;

6. All vehicle maneuvering and parking will be conducted on site and shall not occur within adjacent roads, streets, or highways;

7. All ingress and egress points shall be approved by the County Public Works Department and be clearly marked;

8. Vision clearance at all street intersections shall be 35';

9. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division;

10. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.;

11. Only four (4) signs, maximum 6 square feet each are permitted. They shall be located in such a manner as to protect the public's health, safety, and welfare;
12. Compliance with the County Sanitarian or Department of Agriculture requirements; and

13. Obtain a County Building Permit, if necessary.

Section 7.40 - Conditional Uses Permitted

The following uses may be approved only where such uses will not force a significant change in or will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use; and subject to ORS 215.296:

A. Commercial activities that are in conjunction with on-premise farm use.

B. Aquatic species propagation, cultivation, maintenance and harvesting.

C. Forest product facilities, subject to the following standards:

1. The facility shall not seriously interfere with accepted farm practices and shall be compatible with farm uses;

2. The facility shall only be approved for a renewable period of one year;

3. The facility is intended to be portable or temporary;

4. The facility shall consist of a portable chipper or stud mill or other similar methods of initial treatment of a forest product for shipment to market; and

5. The facility shall only process timber grown upon a tract where the facility is located.

D. Non-Farm Dwellings, subject to the following standards:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

2. The dwelling is situated upon a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class l-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is unsuitable for other farm uses;

3. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. The lot or parcel is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If the lot or parcel can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." The lot or parcel is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year;

4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated;

5. There is no other dwelling on the parcel;

6. Subject to Section 7.60, and Article 50 - Buffer Requirements including a deed notification, and with other applicable requirements of the Comprehensive Plan; and

7. The site is suitable for a residential use.

E. Hardship dwelling for a relative, subject to the following standards:

1. Justification that the relative is dependent upon care by either a relative or a person medically certified to care for such a person on a full time basis;

2. The relative with the hardship, relative providing care, or medically certified person shall be the primary full time resident;

3. The dwelling shall be temporary and when no longer needed will be removed;

4. Medical doctor confirmation of the hardship;

5. The hardship is based on medical care or on the care for an aged or infirm person;

6. The dwelling shall be a single section manufactured dwelling in conjunction with an existing dwelling;

7. Subject to applicable provisions in Article 16;

8. The dwelling shall use the same septic system used by the existing dwelling, if that system is adequate;

9. Compliance with the County Sanitarian or the State Department of Environmental Quality; and

10. The County shall review the permit every two years.

F. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.

G. Feedlots.

H. Cattle and livestock auctions of a permanent nature.

I. Animal clinics and livestock animal hospitals.

J. Home occupations, subject to Article 53. Home occupations must not unreasonably interfere with other uses permitted in the EFU Zone. Home occupations located on High Value Farmland may not operate from a structure accessory to a resource use.

K. Bed & Breakfast facility in an existing dwelling, for a maximum of five unrelated persons; subject to Article 56.

L. Residential home or facility as defined in ORS 197.660, in existing dwellings.

M. All development[1] within 800 feet of a withdrawal point of a public water supply.

N. Commercial utility facilities for the purpose of generating power for public use by sale. Such facilities shall not preclude more than 20 acres from use (or 12 acres if located on High Value Farmland) as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660-04.

O. Transmission towers over 200 feet in height.

P. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

Q. Operations conducted for the exploration, mining, and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.

[1] Develop or Development: To bring about growth or availability; to construct or alter a structure; to conduct a mining operation; to make a physical change in the use or appearance of land; to divide land into parcels or to create or terminate rights of access.

R. Processing of aggregate into asphalt or Portland cement as defined by ORS 517.750. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

S. Processing of other mineral resources and other subsurface resources.

T. Transportation facilities and improvements conditionally permitted under OAR Chapter 660, Division 12 and Division 33.

U. Parking no more than seven log trucks.

V. Filming activities subject to compliance with applicable provisions in ORS 215, OAR 660-33, and regulations adopted by the County Board of Commissioners.

W. Home Occupation to Host Weddings and Related Events, subject to Article 73[2].

X. A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.[3]

[2] Hood River County Ordinance #255; adopted June 21, 2004; Effective July 22, 2004.
[3] Hood River County Ordinance #260; adopted 9-20-04; "Living History Museum"

Section 7.42 - Conditional Uses Permitted, Yet Restricted on High Value Farmland

The following uses shall only be approved on other than High Value Farmland. Existing facilities on High Value Farmland may be maintained, enhanced or expanded only where such use will not force a significant change in or will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

A. Dog kennels.

B. Private parks, playgrounds, and hunting and fishing preserves.

C. Public owned campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes; providing for tents, travel trailers or recreational vehicles; and do not include intensively developed recreational uses.

D. Golf courses, as defined in OAR 660-33; except that golf courses approved by the Board of Commissioners and constructed prior to the effective date of this ordinance are permitted outright in the EFU Zone.

E. Solid waste disposal sites and accessory equipment, facilities or buildings necessary for its operation, that are approved by the Board of Commissioners for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality.

Section 7.45 - Variance to Minimum Lot Size

A variance to the minimum lot size (non-farm parcels) shall be approved subject to the following standards; (compliance with Article 66 is not required):

A. The parcel shall be the minimum size needed to accommodate the proposed non-farm use in a manner consistent with other provisions of law;

B. Subject to Section 7.40(D); and

C. The parcel shall be created in conjunction with a non-farm use other than a dwelling; or in conjunction with two or more existing dwellings on the same parcel.

Section 7.47 - Lot of Record Dwellings

A dwelling shall only be approved subject to the following standards:

A. The dwelling will not be sited on High Value Farmland;

B. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

   1. Prior to January 1, 1985; or

   2. By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;

C. "Owner" includes the spouse, child, parent, sibling, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner; or a business entity owned by any of these family members;

D. The tract on which the dwelling will be sited does not include a dwelling;

E. If the tract on which the dwelling will be sited is adjacent to a parcel that is in farm or forest use, the dwelling shall not force a significant change in or significantly increase the cost of accepted farm or forest practices on that parcel;

F. All portions of the tract in which the dwelling will be sited are consolidated into a single lot or parcel;

G. The dwelling will be consistent with density limitations that protect Goal 5 - big game wildlife habitat;

H. The dwelling will not exceed the facilities and service capabilities of the area;

I. The dwelling will not materially alter the stability of the overall land use pattern of the area;

J. The dwelling is subject to Section 7.60, and Article 50 - Buffer Requirements including a deed notification, and with other applicable requirements of the Comprehensive Plan;

K. The County Assessor shall be notified if the County intends to allow a dwelling;

L. Approval of a dwelling may be transferred by a person who has qualified for the dwelling to any other person after the effective date of the approval.

Section 7.50 - Farm Dwellings/Housing

Dwellings or housing in conjunction with farm use shall be subject to the following applicable standards:

A. Principal farm operator dwellings shall be subject to compliance with one of the following tests:

1. Income Test:

a. The subject tract is currently employed for farm use, as defined in ORS 215.203;

b. The subject tract produced at least $80,000 (1994 dollars) [or $60,000 (1994 dollars) if not on High Value Farmland] in gross annual income from the sale of farm products in the last two years, or three of the last five years. (The cost of purchased livestock shall be deducted when determining the gross annual income);

c. There is no other dwelling on the subject tract, unless that dwelling meets the standards for an accessory farm dwelling or seasonal farm worker housing; and

d. The dwelling will be occupied by a person who produced the commodities, which grossed the income in subsection C.1.b.

2. Capability Test: (Not applicable to High Value Farmland)

a. The subject tract is as large as the median size of those commercial farm tracts capable of generating at least $10,000 in annual sales that are located within a study area, which includes all tracts wholly, or partially within one mile from the perimeter of the subject tract;

b. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same farm tracts used to calculate the tract size in subsection A.2.a. or $60,000 whichever is greater;

c. The subject tract is currently employed for a farm use as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection A.2.b.;

d. The dwelling will be occupied by the primary farm operator;

e. The lot or parcel on which the dwelling is proposed is not less than 10 acres;

f. There is no other dwelling on the subject tract, except for seasonal farm worker housing;

g. No building permit for a dwelling shall be issued unless the farm use in sub-section A.2.c. is established;

h. Calculations for this test shall be done according to OAR 660-33-135(3) and (4).

3. Acreage Test:

a. The parcel on which the dwelling will be located is at least 160 acres.

b. The subject tract is currently employed for farm use, as defined in ORS 215.203.

c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, at a commercial scale.

d. Except for seasonal farm worker housing, there is no other dwelling on the tract.

B. Accessory farm dwellings shall be subject to the following standards:

1. The dwelling will be occupied by a person who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is required by the farm operator.

2. The dwelling will be located:

a. On the same lot or parcel as the principal farm dwelling; or

b. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

c. On a lot or parcel on which the principal farm dwelling is not located, when the accessory dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The accessory farm dwelling may not be occupied by a person (except for the spouse and children of the person referenced in Section 7.50.B.1.) who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not required by the farm operator. The manufactured dwelling may remain if it is re-approved under Section 7.50(B); and

3. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm that could reasonably be used as an accessory farm dwelling;

4. The principal farm dwelling to which the proposed dwelling would be accessory, complies with the standards of Section 7.50(A)(1); and

5. Conditions of approval shall be that:

    a. A parcel less than the minimum lot size shall not be created for the dwelling; and

    b. The dwelling cannot later be justified as a non-farm dwelling under Section 7.40(D).

C. Seasonal farm worker housing shall be subject to the following standards:

1. The housing shall only be occupied by a person (including their immediate family), who for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products;

2. The housing shall be occupied no more than 273 days within any calendar year.

D. Relative farm dwellings shall be subject to the following standards:

1. The dwelling shall be located on the same lot or parcel as the principal farm dwelling;

2. The dwelling shall be occupied by a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farm operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm from the principal farm dwelling, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

Section 7.55 - Uses Prohibited

A. Destination resorts.

B. Billboards.

C. Contractor's equipment yards.

D. Wrecking yards.

E. Signs exceeding six square feet, except:

1. Oregon State Highway Division signs;

2. Sponsor signs if:

   a. The signs are part of a wall or fence surrounding an outdoor sports facility;

   b. The maximum height is eight (8) feet;

   c. The signs are on the interior of the wall/fence;

   d. The structure shall comply with Section 7.60 regarding setback and vision clearance.

3. Signs approved under 1. and 2. above are required to obtain, if necessary, a County Building Permit.

Section 7.60 - Site Development Standards

Replacement dwellings/buildings located on a completely different site and new dwellings/buildings shall comply with this section.

A. Article 50 - Buffer Requirements shall apply to all proposed dwellings except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling. The more restrictive provisions in Article 50 or B. - F. of this section shall apply.

B. Maximum height: 35 feet

C. Minimum setbacks:

1. Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line whichever is greater; and 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

2. Rear: 20 feet; accessory farm buildings: 10 feet

3. Side: Interior lot: 10 feet;
Exterior lot or corner lot: 50 feet from the centerline of any street.

4. Streams: 100 feet from ordinary high water line unless if in conjunction with a water-related or water dependant use; except when the proposal would provide better maintenance and retention of riparian vegetation; or the protection, maintenance and retention of riparian vegetation are not applicable.

D. Minimum lot or parcel size: 80 acres

E. Minimum lot frontage: 50 feet

F. Minimum vision clearance: for corner lots: 35 feet

ARTICLE 10 – RESIDENTIAL ZONE (R-1)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 10.10 - Uses Permitted Outright

In an R-1 Zone, the following uses and their accessory uses are permitted outright:

A. Single-family dwelling.

B. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

Section 10.20 - Conditional Uses Permitted

In an R-1 Zone, the following uses and their accessory uses are permitted in accordance with the requirements of Article 60:

A. Airport

B. Cemetery including mausoleum, crematorium, columbarium.

C. Church

D. Community club building

E. Public building or use such as a park or fire station.

F. School - nursery, primary, elementary, high.

G. Utility substation, pumping station.

H. Signs identifying a conditional use located on the same lot or parcel as the use and not exceeding 12 square feet in area.

I. Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.

J. Home occupation

K. Duplex (Added)

Section 10.30 - Lot Size

In an R-1 Zone, the minimum lot size shall be as follows:

A. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot area shall be increased to conform to the requirements of the County Health Department established to avoid problems of water supply and sewage disposal, giving due consideration to soil structure and water table characteristics.

B. The minimum lot width shall be 70 feet. (Amended)

C. The minimum lot depth shall be 100 feet. (Amended)

D. In the event that more than one dwelling building and/or mobile home is allowed on a tract of ground under single ownership there must be provided a sufficient lot area for each dwelling building and/or mobile home and such minimum lot must meet all other requirements of this ordinance with special attention to setbacks and access. (Amended 6-21-73)

E. The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R1-7000:

1. Minimum lot area, 7,000 square feet, provided the lot is served by a public sanitary sewer system and water system and conforms to the requirements of the County Sanitarian, County Engineer, and City Engineer.

2. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.

   a. The minimum lot width shall be 70 feet.

   b. The minimum lot depth shall be 100 feet.

3. If applicable, partition and subdivision proposals shall show through a plot plan how the proposed lots or parcels can be reduced in the future to urban densities (5,000 square feet).

4. Prior to issuance of a Land Use and Building Permit, the Director shall submit the proposal to the County Sanitarian, County Engineer, and City Engineer for review and comment; based upon their affirmative comments, the Director shall require the siting of buildings so as to facilitate future redivisions.

5. The siting of buildings shall also be based upon and conform with applicable County and City Plans (e.g., official street, sewerage or water plans, private utility plans, etc.) that identify the public necessity of controlling the location of buildings so as to conform to future urban growth patterns. In such cases the Director shall require that buildings not be placed in certain locations.

6. Compliance with Section 10.30 - Lot Size, subparagraph "D" above.

F. The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R1-5000:

1. Minimum lot area shall be 5,000 square feet provided the lot is served by a public sanitary sewer system and public water system and conforms to the approved requirements of the County Sanitarian, County Engineer and City Engineer. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.

a. The minimum lot width shall be 50 feet.

b. The minimum lot depth shall be 100 feet.

2. Compliance with Section 10.30 - Lot Size, subparagraph "E", item 2, 3, 4, and 5 above.

Section 10.40 - Setback Requirements
In an R-1 Zone, the yards shall be as follows:

A. The front yard shall be minimum of 20 feet.

B. The side yard shall be minimum of 5 feet.

C. The rear yard shall be minimum of 20 feet.

D. No building, occupied by a conditional use, shall be closer to a property line than a distance equal to its height,

E. No building shall be constructed closer to the centerline of a street than 50 feet.

F. Vision clearance setbacks from all street intersections shall be 35 feet. (Amended)

Section 10.50 - Height of a Building
In an R-1 Zone, no building shall exceed a height of 35 feet or two and one half stories, whichever is less, measured from high point of ground grade.

Section 10.60 - Lot Coverage
In an R-1 Zone, buildings shall not cover more than 30 percent of the lot area. (Not applicable to lands zoned R1-7000 and R1-5000.)

Section 10.65 – Street Design Standards
The street design standards applicable to new subdivisions or major partitions in an R-1 zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

Section 10.70 - Signs
In an R-1 Zone, signs shall be limited to those identifying the use of the premises or the sale, rental or lease of the property on which the sign is located. Signs shall not exceed six square feet in area, may be non-illuminated or indirectly illuminated, and shall be limited to one per parcel, except that two temporary signs, each not to exceed 12 square feet in area, may be erected to advertise the sale, lease or rental of a tract or more than four or five acres.

ARTICLE 12 - RESIDENTIAL ZONE (R-2)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 12.10 - Principal Uses Permitted Outright

In an R-2 Zone, the following uses and their accessory uses are permitted outright.

A. Single family, two family, or multi-family dwellings.

B. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding as two years. Applicable provision in Article 16 shall apply.

Section 12.20 - Conditional Uses Permitted

In an R-2 Zone, the following uses and their accessory uses are permitted in accordance with the requirements of Article 60.

A. A conditional use permitted in an R-1 Zone.

B. A multi-family development containing five or more dwelling units.

C. Trailer park. Mobile home park shall comply with applicable provisions in Article 16.

Section 12.30 - Lot Sizes

In an R-2 Zone, the lot size shall be as follows:

A. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot area shall be increased to conform to the requirements of the County Health Department established to avoid problems of water supply and sewage disposal, giving due consideration to soil structure and water table characteristics. (Amended)

B. The minimum lot area as specified by the County Health Department shall be increased by a minimum of 2,500 square feet per dwelling unit for two, three and four family dwellings and an additional 2,000 square feet for each dwelling unit over four. (Amended)

C. The minimum lot depth shall be 100 feet. (Amended)

D. The minimum lot width shall be 70 feet. (Amended)

E. In the event that more than one dwelling building, and/or mobile home is allowed on a tract of ground under single ownership there must be provided a sufficient lot area for each dwelling building and/or mobile home and such minimum lot must meet all other requirements of this ordinance with special attention to setbacks and access. (Amended)

F. The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R2-5000:

   1. Minimum lot area shall be 5,000 square feet provided the lot is served by a public sanitary sewer system and water system or conforms to the requirements of the County Sanitarian, County Engineer and City Engineer.

2. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.

   a. Minimum lot width of 50 feet.

   b. Minimum lot depth of 100 feet.

3. The lot area for one and two family dwellings shall be 5,000 square feet; each unit there after shall require an additional 1,500 square feet.

4. If applicable, partition and subdivision proposals shall show through a plot plan how the proposed lots or parcels can be reduced in the future to urban densities (5,000 square feet).

5. Prior to issuance of a Land Use and Building Permit, the Director shall submit the proposal to the County Sanitarian, County Engineer, and City Engineer for review and comment. Based upon their affirmative comments the Director shall require the siting of buildings so as to facilitate future redivision(s).

6. The siting of the building(s) shall be based upon and conform with applicable City, County and Special District Plans; acceptable to the County and City (i.e., official street, sewerage or water plans; private utility plans, etc.) that identify the public necessity of controlling the location of buildings so as to conform to the future urban growth patterns. In such cases, the Director shall require that buildings not be placed in certain locations.

7. Compliance with Section 12.30 - Lot Sizes, Subparagraph "E".

Section 12.40 - Setback Requirements

In an R-2 Zone, the yards shall be as follows:

A. The front yard shall be a minimum of 20 feet.

B. The side yard shall be minimum of 5 feet.

C. The rear yard shall be a minimum of 20 feet.

D. No building occupied by a conditional use shall be closer to a property line than distance equal to its height.

E. No Building shall be constructed closer to the centerline of a street than 50 feet.

F. Vision clearance setback from all street intersections shall be 35 feet. (Amended)

Section 12.50 - Height of Building

In an R-2 Zone, no building shall exceed a height of 35 feet or two and one-half stories, whichever is less.

Section 12.60 - Lot Coverage

In an R-2 Zone, buildings shall not cover more than 30 percent of the area. (Not applicable to lands zoned R2-5000 within the City of Hood River Urban Growth Boundary.)

Section 12.65 – Street Design Standards

The street design standards applicable to new subdivisions or major partitions in an R-2 zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

Section 12.70 - Signs

In an R-2 Zone, signs shall be limited to those identifying the use of the premises or the sale, rental or lease of the property on which the sign is located. Signs shall not exceed six square feet in area, may be non-illuminated, and shall be limited to one per parcel, except that two temporary signs, each not to exceed 12 square feet in area, may be erected to advertise the sale, lease or rental of a tract of more than four lots or five acres.

ARTICLE 15 - RURAL RESIDENTIALARTICLE 15 - RURAL RESIDENTIAL (RR)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

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.

Section 15.10 - Permitted Uses

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

A. Farm uses excepting any poultry or animal raising enterprise conducted on a commercial basis.

B. One single family dwelling per lot or parcel.

C. Utility transmission lines.

D. Accepted timber practices.

E. One sign complying with Section 15.65.

F. Mobile homes meeting the following criteria:

1. For agricultural related purposes.

2. Temporary use while constructing a single family dwelling for a period not exceeding two years.

3. For security purposes.

4. Mobile homes shall comply with provisions in Article 16, Section 16.20.

G. Pursuant to compliance with the Farm Stand Development Standards listed below, Farm Stands are permitted uses in the Rural Residential Zone.[1] (Article 3, Farm Stand Definition)

1. Adequate off-street parking will be provided pursuant to provisions of the County Off-Street Parking and Loading Ordinance.

2. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets, or highways.

3. No building or parking will be allowed within the right-of-way.

4. All egress and access points shall be clearly marked.

5. Vision clearance at all street intersections shall be 35'.

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1. Farm Stands are permitted uses in the Rural Residential Zone pursuant to recognition and compliance with the following: farm uses shall not include any poultry or animal raising enterprise conducted on a commercial basis.

6. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access.

7. Off-premise signs to be approved by affected property owner.

8. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.

9. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety, and welfare.

10. Compliance with the County Sanitarian or Department of Agriculture requirements.

11. Obtain an approved County building permit, if necessary or County Building Official approval.

12. Compliance with the development standards of the Rural Residential Zone.

Section 15.40 - 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. Churches, synagogues, and other places of worship.

C. Golf courses.

D. Parks, playgrounds, or community centers.

E. Utility facilities necessary for public service.

F. Airports and heliports.

G. Child care center, day nursery.

H. Auction yards other than animal auction.

I. Home Occupations.

J. Cemetery.

K. Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16. Section 16.25.

Section 15.55 - Site Development Standards

A. Height maximum 35 feet, excluding antennas, chimneys.

B. Setback minimum:

1. Front: 50 feet from the centerline of the road or 30 feet from the right-of-way of any local street as shown on the Comprehensive Plan; 60 feet from the centerline or 30 feet from the right-of-way of any arterial street as shown on the Comprehensive Plan.

2. Rear: 20 feet.

3. Side: Interior lot - 10 feet. Exterior side of corner lot - 45 feet from the centerline of any street.

4. Between Buildings: 10 feet.

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

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

E. Minimum width and depth requirements:

1. Minimum average lot width: 100 feet.

2. Minimum lot width at street: 50 feet.

3. Minimum average lot depth: 100 feet.

F. Vision clearance: Minimum 35 feet.

G. 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.

ARTICLE 16 - MOBILE HOME PARKS, INDIVIDUAL SINGLE-WIDE MOBILE HOMES & DEPENDENT RELATIVE SINGLE-WIDE MOBILE HOMES

Section 16.00 - Purpose & Intent

The purpose of this ordinance shall be to prescribe procedures and standards under which mobile home parks, individual single-wide mobile homes and dependent relative single-wide mobile homes may be submitted for review and approval by Hood River County. The intent of this ordinance is to recognize that although mobile homes are required to meet State standards, Hood River County further requires mobile homes to comply with local siting standards, to ensure acceptance and compatibility with adjacent land uses, and in recognition of an identified need to provide an adequate diversity of housing types and environments for local residents.

Section 16.05 - Definitions

A. Mobile Home Park: Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such persons. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.170 (1985).

B. Mobile Home: A vehicle or structure constructed for movement on the public highway, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A mobile home includes either a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating it is manufactured to the State Mobile Home Construction Standards, or a mobile home manufactured after June 5, 1976, which exhibits the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with the Federal Housing & Urban Development (HUD) Construction Standards. The above definitions do not make a distinction between a "single-wide or double-wide mobile home", however Hood River County does differentiate. Some different characteristics and features include:

1. Single-Wide: Single chassis; approximately 14 feet wide; length, 40-70 feet; can have "tip-outs" or expansion areas for living purposes; except for mobile home parks, single-wides are not permitted outright in any zoning district; they are not considered similar to conventional dwellings, nor are they allowed to replace conventional dwellings; single-wides require either approval by the County Planning Department or a County conditional use permit prior to being placed on lot or parcel in Hood River County, and they must comply with the definitions in paragraph B. above.

2. Double-Wide: Is the result of the combination or joining of two or more chassis or sections; length, 40-70 feet; resembles a conventional house; affixed to real property by a continuous concrete wall foundation or other appropriate foundation; are permitted uses in Hood River County; are considered conventional dwellings and must comply with the definitions in paragraph B. above.

Section 16.10 - Planning Director Conference & Review:

A. The applicant shall have a pre-application conference with the Planning Director or his designate.

B. Based upon the pre-application conference, if required, the applicant shall make application for the appropriate process. The applicant is required to pay a filing fee and present affirmative findings addressing applicable provisions of this ordinance.

Section 16.15 - Mobile Home Parks:

A. Procedures for Review & Approval: The procedure for review and approval of a mobile home park requires making application for a conditional use permit and a public hearing by the Hood River County Planning Commission, pursuant to Article 60, Hood River County Zoning Ordinance.

B. Applicability: Pursuant to compliance with applicable provisions in Article 16, mobile home parks are only conditionally permitted in the following zoning districts: Residential Zone (R-l); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); and Commercial Zone (C-l).

C. Permitted Uses: Mobile homes including single-wide and double-wide mobile homes.

D. Conditional Uses Permitted: Conditional uses permitted in zoning districts listed in B. above.

E. State Department of Commerce: Applicant is advised that although County approval is required, the primary issuing authority for mobile home parks is the Department of Commerce, consequently the applicant is strongly requested to have a pre-application conference with the Department of Commerce prior to making a formal County application

F. Mobile Home Park Standards: A mobile home park shall be built to State standards as Prescribed by the Department of Commerce and shall comply with the following standards.

1. Master plan showing general layout of the entire mobile home park as required

by the State Department of Commerce, shall be submitted with the County application and fee. Although a complete master plan showing total build out is required, phasing of actual development is supported provided that the phasing is described or noted on the master plan map.

2. Each mobile home shall be required to obtain a County mobile home setup permit and receive approval by the County Planning Department and the County Building Official prior to occupancy.

3. Continuous skirting around each mobile home.

4. Maximum number of mobile homes per acre, 8.

5. Single-wide mobile homes shall be tied down with devices that meet State standards or as approved by the County Building Official.

6. Direct access to a collector or arterial street.

7. Public sewer and water systems acceptable to the County Sanitarian or Department of Environmental Quality.

8. Mobile home will maintain the following separations and setbacks:

    a. Distance between mobile homes shall not be less than 10' end-to-end or side-to-side.

    b. Distance from other park buildings, 10'.

    c. 25' from public street right-of-way.

    d. 10' from park property lines.

    e. The distance between non-HUD approved mobile homes placed parallel to each other may be 10' on one side, but must be at least 14' on the other. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD approved mobile homes may be 10' apart on both sides, but must be at least 14' apart for half their length.

    f. Adjacent mobile homes in all parks must be placed at least 14' apart where a flammable or combustible fuel storage vessel is located on or between units.

9. Landscape Requirements:

    a. A landscaping plan drawn to scale shall be submitted showing landscaping for the entire perimeter of the mobile home park. The plan shall show the location of all landscaped materials and include a plant material listing by

common name, botanical name, and total number of individual plant materials being planted.

b. An emphasis will be placed on providing dense landscaping along public streets. Screening in the form of fences or berms may be integrated with plant materials.

10. Mobile home park will accommodate only mobile homes and not recreational vehicles except for storage in a designated storage area.

11. The County recognizes existing mobile home parks (August, 1985) as pre-existing non-conforming uses, provided they do not cause a threat to life, health, property and general welfare of the public, and are in compliance with the requirements of the Department of Commerce. However, expansion of existing mobile home parks will be required to comply with provisions of Article 16.

Section 16.20 - Single-Wide Mobile Homes on Individual Lots

A single-wide mobile home on an individual lot (not a mobile home park) shall comply with the following provisions and standards:

A. Applicability: The following single-wide mobile homes. proposed in specific zoning districts listed and on individual lots require County Planning Director or his designate's approval.

1. Primary Forest Zone (F-2) and Forest Zone (F-l): Any mobile home (including the following single-wides) proposed in a forest zone shall comply with provisions in Article 5 - Forest Zone (F-1), Section 5.30 - Criteria and Standards for Approval, or applicable provisions in Article 6 - Primary Forest Zone (F-2)

   a. *A mobile home for security personnel and as a temporary use while constructing a dwelling that is necessary and accessory to a commercial forest use for a period not exceeding two years.

   b. A mobile home, which is in conjunction with a logging operation or construction project during the life of the operation or project (temporary use).

2. Exclusive Farm Use Zone (EFU): *Any mobile home (including the following single-wides) proposed in the Exclusive Farm Use Zone shall comply with one of the following provisions in Article 7 Exclusive Farm Use Zone: Section 7.50 – Farm Dwelling Determination, or Section 7.40 - Uses Subject to Conditional Use Permit, subparagraph D, or Section 7.65 - Pre-Existing Non-Conforming Lots and Lots of Record. A mobile home for agricultural purposes and as a temporary use while constructing a dwelling for a period not exceeding two years.

3. Residential Zone (R-1) and Residential Zone (R-2): *A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years.

4. Rural Residential Zone (RR): *A mobile home meeting the following criteria:

    a. For agricultural related purposes;

    b. Temporary use while constructing a single family dwelling for a period not exceeding two years; and

    c. Security purposes.

5. Commercial Zone (C-l) and Industrial Zone (M-1): *A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling not exceeding two years.

* Recreational vehicles can also be used as a temporary use while constructing a dwelling for a period not exceeding two years.

A. Standards:

1. Compliance with the definition of mobile home.

2. Obtain a County mobile home set-up permit and receive approval from County Planning Department and County Building Official prior to occupancy.

3. Shall have continuous skirting.

4. Shall be tied down with devices that meet State standards or is approved by the County Building Official.

5. The owner of the lot shall agree that when the single-wide mobile home is removed from its foundation, the owner shall within 30 days either replace the mobile home with another approved mobile home, or remove the foundation, mobile home accessory structures, and other structures on the property, and disconnect sewer, water and other utilities.

6. Compliance with applicable provisions of the zoning district in which the mobile home is sited.

Section 16.25 - Single-Wide Mobile Homes on Individual Lots for Dependent Relative

A single-wide mobile home on an individual lot for a dependent relative shall comply with the following provisions and standards:

A. Procedure for Review & Approval: The procedure for review and approval of a mobile home for a dependent relative requires making application for a conditional use permit and an administrative decision by the County Planning Director or his designate pursuant to provisions in Article 72 Planning Director Review Procedures.

B. Applicability: Pursuant to compliance with applicable provisions, mobile homes for dependent relatives are only conditionally permitted in the following zoning districts: Forest Zone (F-l); Primary Forest Zone (F-2); Exclusive Farm Use Zone (EFU); Residential Zone (R-l); Residential Zone (R-2); Rural Residential Zone (RR); Commercial Zone (C-l); and Rural Center Zone (RC). The mobile home shall also comply with applicable provisions listed in the above ordinances.

C. Standards:

1. Compliance with all provisions in Section 16.20, paragraph B., Standards.

2. Mobile homes for a dependent relative (temporary use) subject to affirmative findings through documentation being presented to the Planning Director that the following criteria are met:

    a. Justification that the relative is dependent upon care by either a relative or a person medically certified to care for such a person on a full time basis.

    b. Dependent relative, relative providing care, or medically certified person to be the primary full time resident.

    c. The use will be considered temporary and when no longer needed will be removed.

    d. Medical doctor confirmation that full time care is necessary.

    e. The dependent relative is not employed full time off the site.

    f. Compliance with applicable provisions of the zoning district in which the mobile home is proposed.

Section 16.30 - Four or More Single-Wide Mobile Homes in Conjunction with Farm Use

Proposals for four or more single-wide mobile homes in conjunction with farm use shall present documented affirmative findings demonstrating compliance with the following criteria and factors:

A. Article 7 - Exclusive Farm Use Zone (EFU), specifically Section 7.10 Permitted Uses and Section 7.50 - Farm Dwelling Determination.

B. Section 16.05 - Definition, Mobile Home Park.

C. Section 16.15 - Mobile Home Park

Appendix F

HOOD RIVER COUNTY

PLANNING COMMISSION

RESOLUTION PERTAINING TO COUNTY ADMINISTRATION OF MOBILE HOMES CONSTRUCTED PRIOR TO 1972.	(((	RESOLUTION #87-1

WHEREAS, Hood River County differentiates between single-wide and double-wide mobile homes, however the State of Oregon does not;

WHEREAS, Hood River County does not permit outright single-wide mobile homes, but requires approval by the County Planning Department or a County conditional use permit prior to being placed on a lot or parcel in Hood River County;

WHEREAS, the Hood River County Planning Commission discussed at the March 11th , 1987, public hearing, land use implications for single-wide mobile homes constructed prior to 1972 that don't meet the County's definition of "mobile home";

WHEREAS, the State of Oregon recognizes the following as mobile homes: a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating the mobile home was manufactured to State Mobile Home Construction Standards, or a mobile home manufactured after January 5, 1976, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with the Federal Housing & Urban Development Construction Standards.

WHEREAS, pursuant to the requirements of Article 72 - Planning Directors Review Procedure, Section 72.30, subparagraph D., the County Planning Director can recommend that the Planning Commission conduct a public hearing regarding any administrative action.

WHEREAS, the Hood River County Planning Commission recognizes the need to be equitable to all applicants, adjacent property owners, other public, etc., regarding administration of land use laws and County building permits pertaining to mobile homes constructed prior to 1972;

THEREFORE, BE IT RESOLVED that the County Planning Commission will conduct a public hearing regarding any County land use action, building or mobile home set-up permit involving a mobile home constructed prior to 1972. Mobile homes constructed after 1972, and meeting the County's definition of single-wide or double-wide mobile home, will be processed by the County Planning Department pursuant to the requirements of Article 16 - Mobile Home Parks (which includes provisions for individual single-wide mobile homes and dependent relative single-wide mobile homes).

DATED THIS 8 DAY OF APRIL, 1987.

HOOD RIVER COUNTY PLANNING COMMISSION

for _____
JERRY DARBY, CHAIR

ATTEST:

_____
MICHAEL NAGLER, PLANNING DIRECTOR

HOOD RIVER URBAN GROWTH AREA ZONING ORDINANCE
ARTICLE 17 – ZONING
(Adopted August 21, 2000)

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CHAPTER 16 - LAND DIVISIONS (Amended and Adopted July 21, 2003, HRC Ord. #249)

CHAPTERS:

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CHAPTER 16.04 - PURPOSE AND DEFINITIONS[1]

SECTIONS:

16.04.010 Purpose.
16.04.020 Definitions.

16.04.010 Purpose.

The purpose of this chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
   1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
   2. Partitions involve the creation of three or fewer lots within one calendar year.
   3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.

B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan and the Transportation System Plan.

C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;

D. Promote the public health, safety and general welfare through orderly and efficient urbanization;

E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;

F. Promote alternative modes of transportation through the provision of adequate pedestrian and bicycle facilities;

G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for all modes of transportation, water supply, sewage and drainage; and

H. Encourage the conservation of energy, natural and open space resources.

[1] For the Purpose of this title the word City shall imply County

16.04.020 Definitions.
As used in this title, the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

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

BLOCK means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.

BUILDING LINE means a dashed line on a plat restricting the location of buildings or structures, or that distance as prescribed by the zoning ordinance, when applicable.

COMPREHENSIVE PLAN means the plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

CONTIGUOUS LAND means two or more parcels, excluding platted subdivisions, under a single ownership which are not separated by an intervening parcel of land under a separate ownership.

CURB LINE means the line dividing the roadway from a planting strip or footway.

DESIGN means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

EASEMENT means a grant of the right to use a strip of land for specific purposes.

FUTURE STREET means a proposed right-of-way as may be designed by the planning commission or other such agency, or authority as provided for herein, which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

LEGAL DESCRIPTION means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

LOT means a unit of land that is created by a subdivision of land.

LOT AREA means the total horizontal net area within the lot lines of a lot.

LOT CORNER means a lot or parcel situated at the intersection of two or more streets.

LOT DEPTH means the depth of a lot or parcel shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

LOT, THROUGH means an interior lot or parcel having frontage on and with access on two parallel or approximately parallel streets.

LOT, FLAG means a lot or parcel which has the buildable area located away from the public right-of-way and is connected to same through a corridor of minimum or less frontage.

LOT LINE, FRONT means in the case of an interior lot or parcel, a line separating the lot from the street; in the case of a corner lot or parcel, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR means a lot or parcel line which is opposite and most distant from the front lot line.

LOT LINE, SIDE means any lot or parcel boundary line not a front or rear lot line.

LOT, WIDTH means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

MINIMUM ROAD STANDARD means that standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the city.

OFFICIAL MAP means the comprehensive plan map as adopted by the planning City Council for the city of Hood River.

OPEN SPACE means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include recreation courts, patios, open landscaped areas, or natural areas with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas or driveways.

OWNER means the owner of record of real property as shown on tax rolls of Hood River County or deed records of Hood River County, or person who is purchasing property under contract.

PARTITION LAND means to divide land into two or three parcels of land within a calendar year, but does not include:

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
(c) The division of land resulting from the recording of a subdivision or condominium plat;
(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale

or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

PARCEL means a tract of land that is created by a partitioning of land.

PEDESTRIAN WAY (PATHWAY) means a right-of-way for pedestrian traffic.

PERSON means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLAT means a map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this chapter.

PRACTICABLE means able to be done considering technology and costs.

RIGHT-OF-WAY means the area between the boundary lines of an alley, easement, street or highway.

ROADWAY means the portions of the right-of-way of a street or highway developed for vehicular traffic.

SIDEWALK means a pedestrian walkway with all-weather hard surfacing.

STREET means a public way for travel by vehicles, bicycles and pedestrians, and including the terms "road," "highway," "lane," "place," "avenue," or other similar designations.

a. **ALLEY** means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
b. **ARTERIAL** means a state or major road or street that links cities, larger towns, and other major traffic generators.

c. **COLLECTOR** means streets leading onto arterials, and those main streets used for traffic movement within residential, commercial and industrial areas.

d. **CUL-DE-SAC** (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

e. **HALF STREET** means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

f. **MARGINAL ACCESS STREET** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

g. **RESIDENTIAL/LOCAL STREET** means a road or street that provides access to abutting properties. Travel distances are relatively short, and speeds are generally slow.

SUBDIVIDE LAND means to divide land into four or more lots within a calendar year.

SUBDIVIDER means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

SUBDIVISION means either an act of subdividing land or an area or a tract of land subdivided as defined in this section

TRANSPORTATION SYSTEM PLAN (TSP) means the plan adopted by the City Council providing the policies and standards for transportation systems in the city, including amendments thereto.

CHAPTER 16.08 - GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS AND LOT LINE ADJUSTMENTS

SECTIONS:

16.08.010 Approval Process for Subdivisions and Partitions.
16.08.020 Preliminary Plat Submission Requirements and Approval Criteria
16.08.030 Final Plat Submission Requirements and Approval Criteria.
16.08.040 Filing and Recording.
16.08.050 Variances and Penalties.
16.08.060 Replatting and Vacation of Plats
16.08.070 Lot Line Adjustments.

16.08.010 Approval Process for Subdivisions and Partitions

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

1. **Pre-Application Conference**. A pre-application conference with city staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.

2. **Preliminary Plat**. The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
   - **Partitions**. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter.
   - **Subdivisions**. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter.

   All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.

3. **Review of Final Plat**. The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter, using the approval criteria for final plats in this Title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

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

C. **Amendments and Extensions**. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided below.

1. **Minor Amendments**.

a. Minor Amendment Defined. The Planning Director may determine that the proposed amendment(s) is minor if all of the following criteria are met by the proposed changes:
   (1) There will be no change in land use;
   (2) There will be no increase in the number of dwelling units;
   (3) There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
   (4) There will be a less than 5 percent reduction in the area reserved for common open space and/or usable open space; and
   (5) There will be a less than 5 percent reduction to specified setback requirements, provided the minimum setback standards of the zone can still be met.

b. **Minor Amendment Request**. An application for approval of a minor amendment is reviewed as a Ministerial Action under Title 17. A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of the Development Code.

2. **Major Amendments**.
   a. **Major Amendment defined**. Any modification to a land use decision or approved development plan which is not within the description of a minor amendment as provided above, shall be considered a major amendment.
   b. **Major Amendment Request**. An applicant may request a major amendment as follows:
      (1) When the Planning Director determines that the proposed amendment is a major amendment, the applicant shall submit an application for the major amendment.
      (2) The amendment request shall be subject to the same review procedure (Administrative or Quasi-Judicial) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the amendment request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

3. **Extensions**. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
   a. Any changes to the preliminary plat follow the procedures above;
   b. The applicant has submitted written intent to file a final plat within the one-year extension period;
   c. An extension of time will not prevent the lawful development of abutting properties; and
   d. The extension request is made before expiration of the original approved plan.

D. **Phased Development**.
   1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public

improvements, utilities, streets) for any partition or subdivision phase be greater than five (5) years with one 1-year extension possible, without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:
   a. Public facilities shall be constructed in conjunction with or prior to each phase;
   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 16.12. A temporary public facility is any facility not constructed to the applicable City standards;
   c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
   d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

E. **Appeals**. The administrative provisions of Chapter 17.09 of the Hood River County Municipal Code shall apply to the provisions of this chapter.

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria.

A. **General Submission Requirements**.

1. **Partitions**. For partitions, the applicant shall submit an application containing all of the information required for Administrative actions under Title 17 Administrative Actions in the Review Procedures chapter.

2. **Subdivisions**. For subdivisions, the application shall contain all of the information required for Quasi-judicial actions under Title 17 Quasi-Judicial Actions in the Review Procedures chapter.

B. **Preliminary Plat Information**. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. **General information**:
   a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
   b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
   c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
   d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and

e. Identification of the drawing as a "preliminary plat".

2. **Site analysis**:
   a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks and pedestrian and multi-use pathways on and abutting the site;
   b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
   d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one (1) percent. When contours are not shown, a reasonable number of spot elevations, as determined by the City Engineer, may be required;
   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
   g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030) and other areas identified by the City or natural resource regulatory agencies as requiring protection;
   h. Site features, including existing structures, pavement, and drainage ways, canals and ditches;
   i. Designated historic and cultural resources on the site and adjacent parcels or lots;
   j. The location, size and species of trees having a caliper (diameter) of four inches or greater at four feet above grade; and,
   k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements and/or state and federal requirements.

3. **Proposed improvements**:
   a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
   b. Location, width and purpose of all easements;
   c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
   d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;

e. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
f. The proposed source of domestic water;
g. The proposed method of sewage disposal;
h. Method of surface water drainage and treatment if required;
i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and
n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources.
o. Street trees plan.
p. Future street plan in accordance with Section 16.12.020(K).

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

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

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

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

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

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

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

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

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

9. Underground utilities are provided.

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

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

D. **Future Re-Division Plan**. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.
   1. Are-division plan shall be submitted which identifies:
      a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;
      b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(K) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
   2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or

property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

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

16.08.030 Final Plat Submission Requirements and Approval Criteria

A. **Submission Requirements.**

1. Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within 2 years of the approval of the preliminary plat as provided by this Chapter. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Director.

2. **Supplemental Data**. At the time of the submission of the final map, the applicant shall also submit the following:
   a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
   b. All technical data as required by the designated City or County Surveyor.

3. **Certification**. The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate:
   a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
      (1). Rights-of-way, easements, or other interest, none of which can ripen into a fee;
      (2). Rights-of-way, easements or reversions which by reason of changed conditions, long disuse, of latches, appear to be no longer of practical use or value, where re lease thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;
   b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels

other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

c. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4. Provision for additional certificates and acknowledgements required by law or conditions of approval.

B. **Approval Criteria**. By means of a Ministerial decision, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the city engineer. Alternatively, the developer has provided a performance guarantee in accordance with Chapter 16.12;

3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;

5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with City requirements, and the performance guarantee

requirements of Chapter 16.12. The amount of the bond, contract or other assurance by the subdivider shall be determined by a professional engineer registered in the state of Oregon, subject to review and approval by the City;

9. **Approval by City Engineer - City or County Surveyor**.
   a. Upon receipt of the final plat and accompanying data, the city engineer shall review the final plat and improvement plans to determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title. The cost of the engineering review shall be reimbursable to the city by the subdivider based upon the Oregon Revised Statutes Chapter 92.
   b. The city surveyor, if one is appointed or if not, the county surveyor, shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. The surveyor may make checks in the field to verify that the plat is sufficiently correct on the grounds and he may enter the property for this purpose. If the surveyor determines that there has not been full conformity, the surveyor shall advise the subdivider of the changes or additions that must be made, and afford the subdivider an opportunity to make such changes or additions.
   c. If the city surveyor, if one is appointed or if not, the county surveyor, determines that full conformity has been made, he shall so certify on the final plat as prescribed by law.

16.08.040 Filing and Recording.

A. **Filing plat with County**. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92.

B. **Proof of recording**. Upon final recording with the County, the applicant shall submit to the City two paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. **Prerequisites to recording the plat**.
   1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

   2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

16.08.050 Variances and Penalties.

A. **Variances**. Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the city's zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.

B. **Penalties**. An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.

C. **Compliance with Oregon real estate regulations**. Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.

D. **Certification conflicts**. When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefore and designated so to act by the council.

16.08.060 Replatting and Vacation of Plats

A. **Replatting and Vacations**. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. **Procedure**. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. **Basis for denial**. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. **Recording of vacations**. All approved plat vacations shall be recorded in accordance with the Filing and Recording requirements of this Title and the following procedures:
   1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
   2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. **After sale of lots**. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. **Vacation of streets**. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

16.08.070 Lot Line Adjustments.

Lot Line Adjustments, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

A. **Submission Requirements**. All applications for Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Ministerial action, as governed by Title 17. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with city codes.

B. **Approval Process**.
   1. **Decision-making process**. Lot line adjustments shall be reviewed by means of a Ministerial action, as governed by Title 17, using approval criteria contained in subsection C, below.

   2. **Time limit on approval**. The lot line adjustment approval shall be effective for a period of two years from the date of approval, during which time it must be recorded.

   3. **Lapsing of approval**. The lot line adjustment approval shall lapse if:
      a. The lot line adjustment is not recorded within the time limit in subsection 2;
      b. The lot line adjustment has been improperly recorded with the County without the satisfactory completion of all conditions attached to the approval; or
      c. The final recording is a departure from the approved plan.

C. **Approval Criteria**. The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:
   1. **No additional parcel** or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;

   2. **Lot standards**. All lots and parcels comply with the applicable lot standards of the land use zone (Title 17) including lot area and dimensions.

   3. **Access**. All lots and parcels comply with applicable access and circulation standards or requirements; and

   4. **Setbacks**. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use zone (Title 17).
   5. **Exemptions from Dedications and Improvements**. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. **Recording Lot Line Adjustments**.
   1. **Recording**. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with the County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. **Time limit**. The applicant shall submit the copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. **Extension**. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
   1. No changes are made on the original plan as approved by the City;
   2. The applicant can show intent of recording the approved lot line adjustment within the one year extension period; and
   3. The extension request is made before expiration of the original approved plan.

CHAPTER 16.12 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTIONS:

16.12.010 General Applicability
16.12.020 Vehicular Access and Circulation.
16.12.030 Pedestrian Access and Circulation.
16.12.040 Landscape Conservation.
16.12.050 Street Trees.
16.12.060 Public Facilities Standards.
16.12.070 Performance Guarantee.

16.12.010 General Applicability

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

16.12.020 Vehicular Access and Circulation

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

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

C. **Access Permit**. Access to a public street requires an Access Permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 - Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or the County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

3. Permits for access to County highways shall be subject to review and approval by the County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

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

E. **Conditions of Approval**. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access

points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

F. **Access Options**. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider, unless one method is specifically required by the City Engineer.

1. **Option 1**. Access is from an existing or proposed alley or mid-block lane.

2. **Option 2**. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A private street may only be developed in as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. **Option 3**. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.

4. **Frontage on an Arterial Street**. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes Planned Unit Developments and mid-block lanes).

5. **Double-Frontage Lots**. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in all residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

G. **Access Spacing**. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. **Local Streets**. A minimum of 22 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.

2. **Arterial and Collector Streets**. Access spacing on collector and arterial streets,

and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 31.

3. **Special Provisions for All Streets**. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section `I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards, unless no other reasonable access to the property is available.

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

   2. **Access easements** (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.

   3. **Exception**. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

I. **Street Connectivity and Formation of Blocks Required**. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
   1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
      a. 400 feet length and 1,200 feet perimeter in the in the Central Business District;
      b. 600 feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
      c. Not applicable to the Industrial zone (I); and
      d. 800 feet length and 2,000 feet perimeter in all other zones.

   2. **Street Standards**. Public and private streets shall also conform to Section 16.12.060 Public Facilities Standards, Section 16.12.030 - Pedestrian Access and

Circulation, and applicable Americans With Disabilities Act (ADA) design standards.

3. **Exception**. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

K. **Future Street Plan (FSP) Required**. Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

1. **Applicability** - The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in (2) and shall be subject to review and approval under (4).

   The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one or more directions in the following situations:
   a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
   b. The proposed street layout is consistent with a street pattern of an existing approved Future Street Plan.

2. **Submittal Requirements**. The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the Future Street Plan criteria. The Future Street Plan shall incorporate the following details, both on-site and off-site:
   a. The Future Street Plan shall be no larger than 11 inches x 17 inches and may include several sheets.
   b. The topography for slopes of 15% or greater with contour intervals not more than 10 feet.
   c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site.
   d. Property lines and dimensions.
   e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development.
   f. Site access points for autos, pedestrians, bicycles.
   g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.

3. **Review Criteria**. A proposed Future Street Plan shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
   a. A future street plan shall:

(1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
(2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
(3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns; and,
(4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets.
(5) Minimize the impact to natural resources and fit the landscape.
(6) Provide pedestrian access and create neighborhoods.

b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ Bicycle accessways may connect on one end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).
c. Pedestrian accessways shall be provided as required under 16.12.030.

L. **Fire Access and Parking Area Turn-Arounds**. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

16.12.030 Pedestrian Access and Circulation

A. **Pedestrian Access and Circulation**. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:
1. **Continuous Pathways**. A pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.

2 **Street Connectivity**. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 8 feet wide and located within a 15-foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;

b. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.
c. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. **Design and Construction**. Pathways shall conform to all of the standards in 1-5 as follows:

1. **Vehicle/Pathway Separation**. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. **Housing/Pathway Separation**. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. **Crosswalks**. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. **Pathway Surface**. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide. (See also, Section 16.12.060 - Public Facilities Standards for public, multi-use pathway standard.)
5. **Accessible routes**. Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

16.12.040 Landscape Conservation.

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

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

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

D. **Protection Standards**. All of the following protection standards shall apply to significant trees and shrubs areas:
   1. **Protection of Significant Trees and Shrubs**. Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.

   2. **Conservation Easements and Dedications**. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

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

F. **Exemptions**. The protection standards in "D" shall not apply in the following situations:
   1. **Dead, Diseased, and/or Hazardous Vegetation**. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

   2. **Emergencies**. Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within 14 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

16.12.050 Street Trees

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

A. **Growth Characteristics**. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:
   1. Provide a broad canopy where shade is desired.

   2. Use low-growing trees for spaces under utility wires.

   3. Select trees which can be "limbed-up" where vision clearance is a concern.

   4. Use narrow or "columnar' trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.

   5. Use species with similar growth characteristics on the same block for design continuity.

   6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.

   7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.

   8. Select trees for their seasonal color, as desired.

   9. Use deciduous trees for summer shade and winter sun.

B. **Caliper Size**. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.

C. **Spacing and Location**. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

D. **Soil Preparation, Planting and Care**. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.

E. **Assurances**. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

F. **Street Tree List**. A recommended street tree list is available at the Planning Office.

16.12.060 Public Facilities Standards.

A. **Purpose and Applicability**.

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

2. **When Standards Apply**. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

3. **Standard Specifications**. The City Engineer shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.

4. **Conditions of Development Approval**. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

B. **Transportation Standards**.

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

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

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

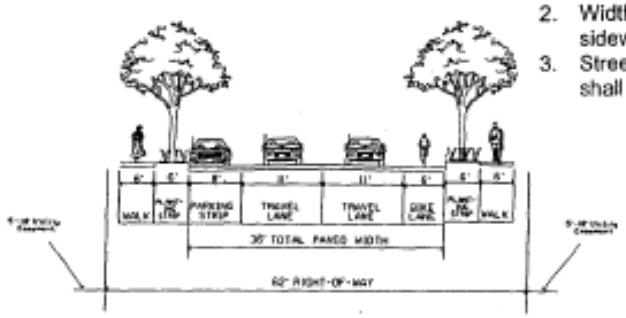
4. **Creation of Access Easements**. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Section 16.12.020 Vehicular Access and Circulation and/or Section 16.12.030 Pedestrian Access and Circulation. Access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

5. **Street Location, Width and Grade**. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:
   a. Street grades shall be approved by the City Engineer in accordance with the City's design standards and subsection 14, below; and
   b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
      (1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
      (2) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

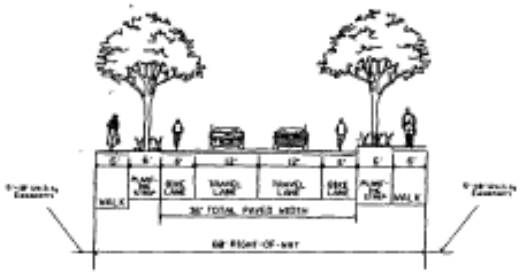
6. **Minimum Rights-of-Way and Street Sections**. Street rights-of-way and improvements shall be the widths in as shown in the street design standards. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall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

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

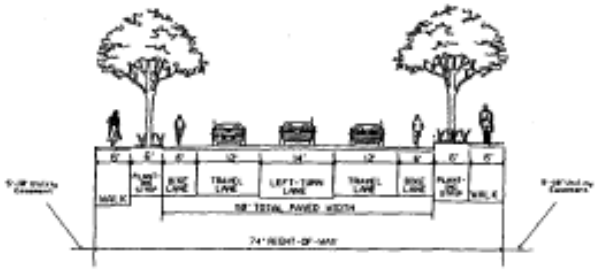
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.



Urban Minor Arterial (One-Way Street)



Urban Minor Arterial (Two Lanes)



Urban Minor Arterial (Three Lanes)

DAVID EVANS AND ASSOCIATES INC.
709 N.W. Wall Street, Suite 102
Bend Oregon 97701
Phone: 541.389.7614

(Not to Scale)

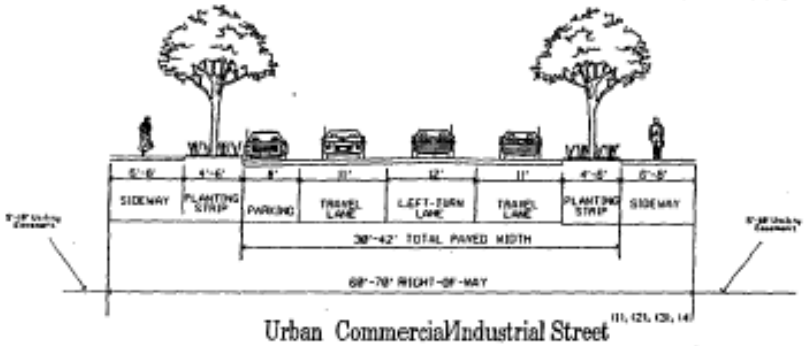
FIGURE

Proposed Street Design Standards
Urban Arterial Streets

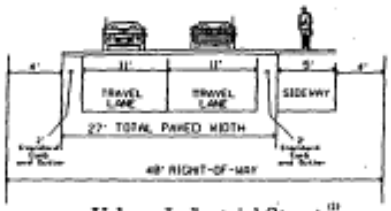
COCG0005/Street Standards.dgn/TNT/10-16-02

Amended & Adopted July 21, 2003

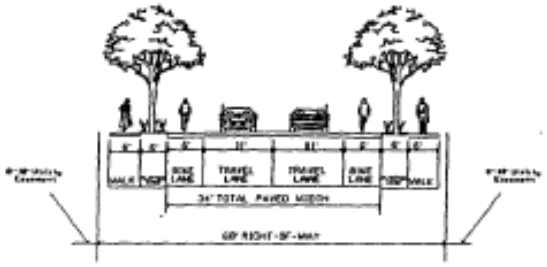
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.



Urban Commercial/Industrial Street [1], [2], [3], [4]



Urban Industrial Street [1]



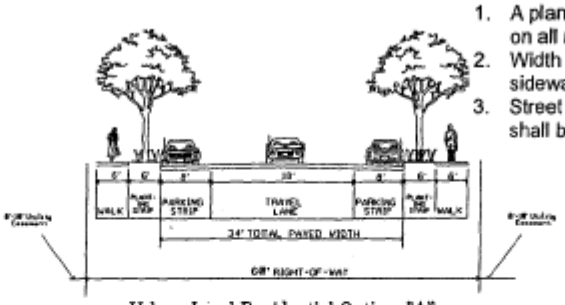
Urban Collector

DAVID EVANS AND ASSOCIATES INC. 709 N.W. Wall Street, Suite 102 Bend Oregon 97701 Phone: 541.389.7614	(Not to Scale)	FIGURE Proposed Street Design Standards Commercial/Industrial Streets

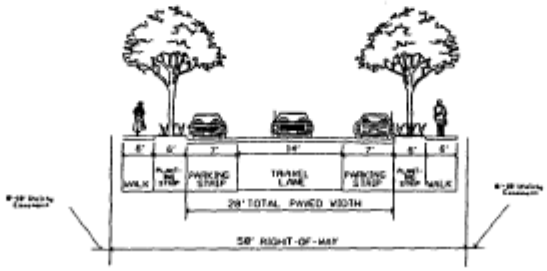
COCG0005/Street Standards.dgn/TNT/10-16-02

Amended & Adopted July 21, 2003

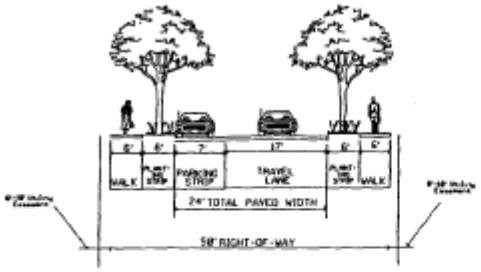
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.



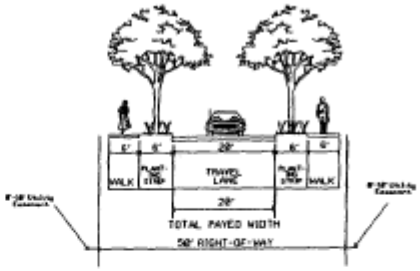
Urban Local Residential Option "A"



Urban Local Residential Option "B"



Urban Local Residential Option "C"

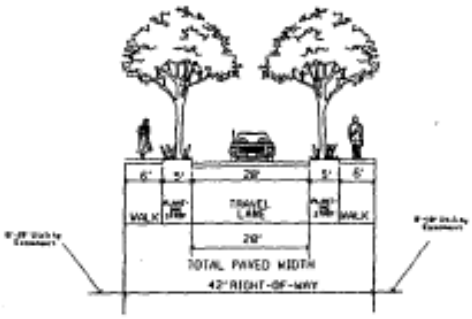


Urban Local Residential Option "D"

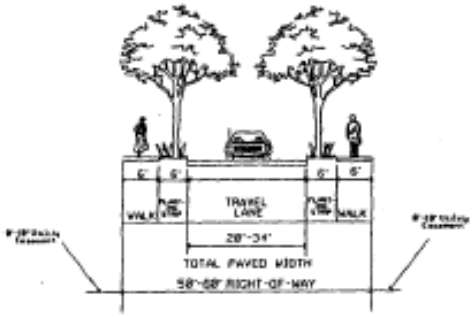
DAVID EVANS AND ASSOCIATES INC. 709 N.W. Wall Street, Suite 102 Bend Oregon 97701 Phone: 541.389.7614	(Not to Scale)	FIGURE Proposed Street Design Standards Local Streets

COCG0005/Street Standards.dgn/TNT/10-16-02

Amended & Adopted July 21, 2003



Cul-de-sac Streets [1] [2]



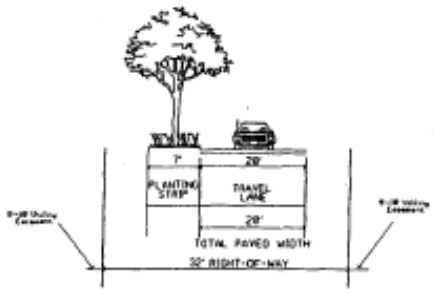
Urban Local Cul-de-sac Option A,B,C or D Streets [3]

1. A planter strip is required on all cul-de-sacs.
2. Width of curb is included in sidewalk or planter strip width.
3. The length of cul-de-sac shall be no longer than 200' and have not more than 20 dwelling units on a closed end street system. Infill cul-de-sac length shall not exceed 150 feet.
4. Parking is allowed in the bulb and is prohibited in the neck.
5. Street trees and streetlights shall be located within the planter strip.

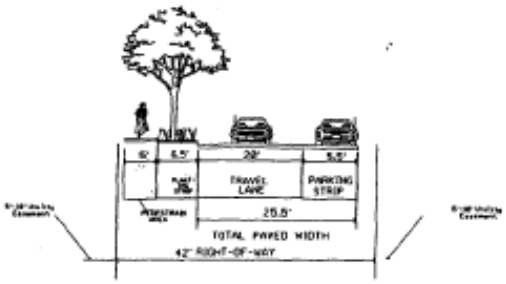
DAVID EVANS AND ASSOCIATES INC. 703 N.W. Wall Street, Suite 102 Bend Oregon 97701 Phone: 541.389.7614	(Not to Scale)	FIGURE 6-4 Proposed Street Design Standards Cul-de-sac Streets

COCG0005/Street Standards.dgn/TNT/10-16-02

Amended & Adopted July 21, 2003



Neigborhood Infill Street Option "A" [1], [2]



Neigborhood Infill Street Option "B" [2], [3]

1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. For use when no vehicle connectivity is possible due to development or topography constraint.
4. Street trees and streetlights shall be located within the planter strip.
5. 5 feet minimum distance from developed neighboring abutting property line.

(1) Only applies within the City of Hood River UGA
(2) Less than 700 vehicles per day
(3) Less than 200 vehicles per day

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Bend Oregon 97701
Phone: 541.389.7614

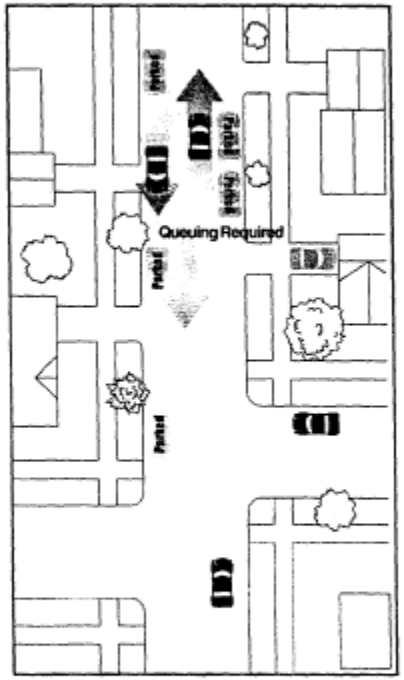
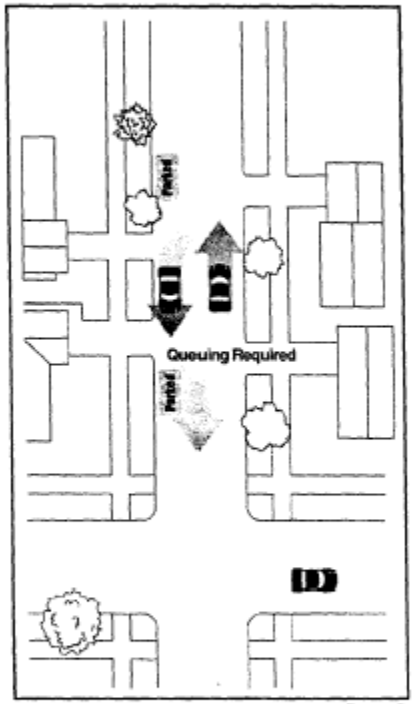
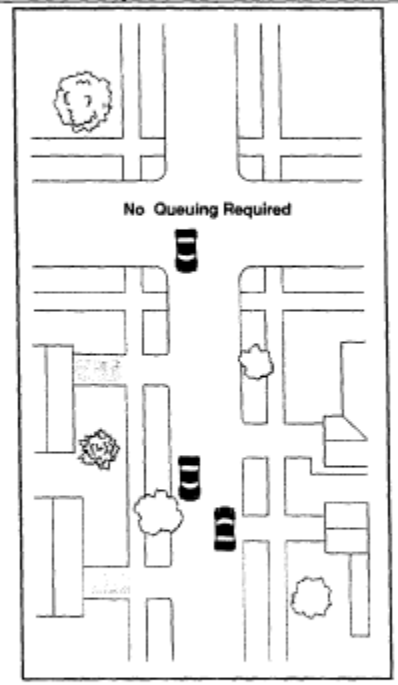
(Not to Scale)

FIGURE

Proposed Street Design Standards
Local Streets

COCG0005/Street Standards.dgn/TNT/10-16-02

Amended & Adopted July 21, 2003

Queuing guidelines, parking allowed both sides, Local Street Option B	Queuing guidelines, parking allowed one side, Local Street Option C	Queuing guidelines, no parking allowed, Local Street Option D
		

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

8. **Future Street Plan and Extension of Streets**.
   a. Where required by 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
   b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below:
      (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
      (2) A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
      (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

9. **Street Alignment and Connections**.
   a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
   b. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
   c. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The

applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

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

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

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

11. **Intersection Angles**. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:
    a. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
    b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
    c. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

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

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

b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

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

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

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

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

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

19. **Private Streets**. Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

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

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

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

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

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

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

C. **Public Use Areas**.

1. **Dedication Requirements**.
    a. Where a proposed park, playground or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
    b. Where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses if:
        (1) Approved by the Hood River Valley Parks and Recreation District; and,
        (2) Determined by the Planning Commission to be in the public interest in accordance with adopted comprehensive plan policies.

c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).

2. **System Development Charge Credit**. If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

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

1. **Sewers and Water Mains Required**. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

2. **Sewer and Water Plan Approval**. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

3. **Over-sizing**. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

4. **Permits Denied**. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

E. **Storm Drainage**.

1. **General Provisions**. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in accordance with the requirements of the City Engineer.

2. **Accommodation of Upstream Drainage**. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

3. **Effect on Downstream Drainage**. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

F. **Utilities**.

1. **Underground Utilities**. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic;
   b. The City reserves the right to approve the location of all surface mounted facilities;
   c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

2. **Easements**. Easements shall be provided for all underground utility facilities.

3. **Exception to Under-Grounding Requirement**. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

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

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

I. **Installation**.

1. **Conformance Required**. Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

2. **Adopted Installation Standards**. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A. shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

3. **Commencement**. Work shall not begin until the City has been notified in advance.

4. **Resumption**. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

5. **City Inspection**. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Section 16.08 - Modifications and Extensions. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

6. **Engineer's Certification and As-Built Plans**. A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

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

A. **Performance Guarantee Required**. When a performance guarantee is required, the subdivider shall file an assurance of performance with the City supported by one of the following:
   1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

   2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

   3. Cash.

B. **Determination of Sum**. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. **Itemized Improvement Estimate**. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. **Agreement**. If the public improvements are not constructed or installed and inspected and approved prior to final plat approval, the developer shall sign an agreement with the City that specifies as follows:

1. The period within which all required improvements and repairs shall be completed;

2. A provision that if work is not completed within the period specified, the City may call on the bond, cash deposit, or letter of credit to complete the work;

3. Stipulates the improvement fees and deposits that are required.

4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement shall be on a form provided by the City and included with the final decision.

E. **Termination of Performance Guarantee**. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

CHAPTER 17.01 - GENERAL PROVISIONS

SECTIONS:

17.01.020 Purpose and Intent
17.01.030 Applicable County Ordinances
17.01.070 Definitions

17.01.020 PURPOSE AND INTENT

The purpose of these ordinances is to provide land use regulations for lands within the Hood River Urban Growth Area that are consistent with requirements of the City of Hood River's Comprehensive Land Use Plan and Ordinances and to provide procedures for County administration of land use applications and building permits with the Urban Growth Area. This ordinance is intended to assure that the City and County Comprehensive Land Use Plans and implementing ordinances are consistent and coordinated and to implement provisions of the Hood River Urban Growth Management Agreement as adopted and signed by the City of Hood River and Hood River County.

17.01.030 APPLICABLE COUNTY ORDINANCES

Except for the ordinances noted below, all County zoning ordinances are incorporated by reference into Article 17 and shall be utilized to administer applicable land use applications and building permits proposed on lands with the Hood River UGA.

The following ordinances are not applicable to lands within the Hood River Urban Growth Area:

A. Article 3 – Definitions
B. Article 5 – Forest Zone (F-1)
C. Article 6 – Primary Forest Zone (F-2)
D. Article 7 – Exclusive Farm Use Zone (EFU)
E. Article 10 – Residential Zone (R-1)
F. Article 12 – Residential Zone (R-2)
G. Article 15 – Rural Residential Zone (RR)
H. Article 16 – Mobile Home Parks Zone (MH)
I. Article 21 – Commercial Zone (C-1)
J. Article 22 – Rural Center Zone (RC)
K. Article 31 – Industrial Zone (M-1)
L. Article 32 – Light Industrial Zone (M-2)
M. Article 33 – Airport Development Zone (AD)
N. Article 35 – Natural Area Zone (NA)
O. Article 41 – Planned Unit Development (PUD)
P. Article 48 – Columbia Gorge Combining Zone (CG)
Q. Article 49 – Scenic Protection Zone (SP)
R. Article 51 – Off-Street Parking and Loading
S. Article 53 – Home Occupation
T. Article 55 – Supplemental Provisions
U. Article 56 – Bed & Breakfast Facilities (B&B)
V. Article 66 – Variances
W. Article 75 – Columbia River Gorge National Scenic Area (NSA)

17.01.070 DEFINITIONS

As used in this ordinance, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this article.

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

ACCESSORY USE OR ACCESSORY STRUCTURE means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main one.

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

BED AND BREAKFAST FACILITY means a single-family dwelling where travelers and/or guests are lodged for sleeping purposes, with or without a morning meal, and for which compensation is paid.

BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE means a building where lodging, with or without meals, is provided for compensation for over four (4) guests.

BUILDING means a structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected by either of the following, whatever yields the greater building height:

1. The elevation of the highest adjoining side or upper ground surface within five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.

2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING OFFICIAL means the officer or other designated authority charged with the administration and enforcement of the UBC or his duly authorized representative.

BUILDING SITE means one or more lots or parcels grouped together to form a tract of land to be used for building one or more structures. The building site lines shall be those lines, which bound the total area, exclusive of any public dedicated street.

CARETAKER'S RESIDENCE means a dwelling unit necessary for the security and/or operation requirements of an on-site industrial use.

CENTER means a group of establishments planned, developed and managed as a unit with non-segregated, off-street parking and circulation provided on the property.

CENTRAL BUSINESS DISTRICT means the area enclosed by the following streets, Including adjacent properties:

North:	Industrial Avenue continuing east to Front Street
South:	Sherman Avenue
East:	Front Street
West:	8th Street for the C-1 Zone only

CHANGE OF USE means any use that substantially differs from the previous use of a building, structure, or land. Factors to consider when identifying a change of use include the effects on parking, drainage, circulation, landscaping, building arrangements, and nuisance factors including, but not limited to, traffic, lighting and noise.

CHILDCARE CENTER means the provision for child day care of 13 or more children through the age of 12 in any 24-hour period and could include a public or private school.

CITY means the City of Hood River.

COMMERCIAL USE means any activity involving the sale of goods or services that does not involve manufacturing, processing, warehousing, or outside storage.

CONDOMINIUM UNIT means a part of the property consisting of a building or one or more rooms occupying one or more floors of a building or one or more rooms occupying one or more floors of a building or part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to paragraph (c) of subsection (1) of ORS 91.509, and with a direct exit to a public street or highway to a common area or areas leading to a public street or highway. An area used for the temporary parking or storage of automobiles, boats, campers, or other similar recreational vehicles or equipment may be considered a unit even though consisting of air space only without any building or structure when such area is auxiliary to a condominium in which the remainder of the units are in or are a part of a building or buildings.

CONTIGUOUS LAND means two (2) or more parcels, excluding platted subdivisions, under a single ownership, which are not separated by an intervening parcel of land under a separate ownership.

COUNTY means the County of Hood River.

COUNTY PLANNING DEPARTMENT means the department of the County that processes applications, provides professional planning advice to the Planning Commission and Board of County Commissioners, and administers the County's zoning and subdivision ordinances and Comprehensive Plan.

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

DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ENTITY means any use functioning independently.

FAMILY means one (1) or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.

FAMILY DAY CARE means care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the definition of "home occupation" in this chapter.

FENCE, SIGHT OBSCURING means a fence or planting arranged in such a way as to obscure vision.

FLOOD LIGHT means a wide spectrum of non-shielded light covering a large area.

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

GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of boarding houses, cooperatives, halfway houses, and intermediate care facilities.

HARD SURFACING means asphalt, concrete, grasscrete or other similar surface that is accepted by the City engineer.

HEARING BODY means the Planning Commission or Board of County Commissioners, as applicable.

HEARING BODY MEMBERS means the Planning Commissioners or Board of County Commission, as applicable.

HEIGHTS BUSINESS DISTRICT, THE means the parcels in the C-1 and C-2 zones between May, Belmont, 10th and 14th streets.

HOME OCCUPATION means the occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or within an accessory building which is incidental or secondary to the residential use.

HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the federal law.

INCIDENTAL AND ESSENTIAL means a use which is subordinate and minor in significance and size to the primary use, and which has an integral relationship to the primary use.

INDUSTRIAL USE means any activity involving the manufacturing, processing, warehousing, or outside storage of products to be transported elsewhere for retail sale.

LOADING SPACE means an off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has access to a street or alley.

LOT means a specific tract of land within a platted subdivision.

LOT AREA means the total area of the lot or parcel measured in the horizontal plane within the lot or parcel boundary lines inclusive of public easements, private roads, and the easement of access to other properties.

LOT OF RECORD means a parcel or lot duly recorded by the Hood River County Department of Records and Assessments at the time of the adoption of the ordinance codified in this article.

LUBA means The State of Oregon Land Use Board of Appeals.

MANUFACTURED HOME means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities that is intended for human occupancy that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MOBILE HOME (SINGLE WIDE) means a vehicle or structure constructed for movement on the public highways, which has sleeping, cooking, and plumbing facilities, is intended for human occupancy, and is being used for residential purposes.

MOBILE HOME (DOUBLE/TRIPLE/QUAD WIDE etc.) means a factory-built home that is the result of the combination of joining (at the time placed on the property) of two (2) or more sections, to which wheels may be attached for the purpose of moving it to a concrete foundation.

MANUFACTURED DWELLING PARK means any place where four or more manufactured dwellings (as defined in ORS 446.003 (26)) are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage or such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by

the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

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

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

NON-CONFORMING STRUCTURE OR USE means a lawful existing structure or use at the time the ordinance ~~is~~ codified in this article or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

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

OCCUPATION means an endeavor for profit.

OWNER means the owner of record or his/her authorized agent.

PARCEL means a tract of land that is created by a partitioning of land.

PARKING SPACE means a rectangle not less than eighteen (18) feet long and nine (9) feet wide for use by a vehicle.

PERSON means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLANNING COMMISSION means the Hood River County Planning Commission.

PLANNING DIRECTOR means the director of the Planning Department.

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

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

PUBLIC FACILITY OR USE means a facility or use which is necessary for the public health, safety, and welfare; including police, fire protection, sewage collection and treatment, storm drainage systems, water distribution and treatment, public health services, public recreational programs and facilities, energy generation and distribution, telephone systems, solid waste disposal, transportation services, library services, and community government.

PUBLIC PARK means an open or enclosed tract of land set apart and devoted for the purposes of recreation, ornament, light, and air for the general public.

QUASI-JUDICIAL HEARING means a hearing wherein the hearing body is required to apply general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria which results in a determination that will directly affect a small number of identifiable persons.

RECREATIONAL VEHICLE means a vehicle or trailer designed for highway use that is intended or used for human occupancy to be used temporarily for recreational purposes.

RESIDENTIAL OR RESIDENTIAL USE means the occupancy of living accommodations on a non-transient basis.

RESIDENTIAL CARE FACILITY means a treatment or training facility duly licensed by the State of Oregon, which provides residential care alone or in conjunction with treatment or training for six to 15 individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

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

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

SIGN means any identification, description, illustration, symbol or device which is free-standing, affixed, painted, or bas relief upon an awning, building, structure or land, which communicates a message or idea, or identifies, or directs attention to a product, place, activity, person, institution, or entity.

SIGN ABANDONMENT means a sign structure not containing a sign for 120 days or a sign not in use for 120 continuous days.

SIGN AREA means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

SIGN, AWNING means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.

SIGN, COMBINATION means any sign incorporating any combination of the features of pole and projecting signs.

SIGN, DIRECTIONAL means a sign displayed strictly for direction, safety, education or

convenience of the public, including signs which identify restrooms, public telephones, and parking area entrances and exits.

SIGN, DISPLAY SURFACE means the area made available by the sign structure for the purpose of display.

SIGN, ELECTRIC means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

SIGN, FREE-STANDING means a sign erected on a free-standing frame, mast, or pole and not attached to any building.

SIGN HEIGHT means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.

SIGN, PORTABLE means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.

SIGN, PROJECTING means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

SIGN, ROOF means a sign erected upon a roof line or parapet of a building or structure.

SIGN, SANDWICH BOARD means an A-board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

SIGN STRUCTURE means any structure, which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

SIGN, TEMPORARY means any exterior sign, banner, pendant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, to be displayed for a period not exceeding 90 days.

SIGN, WALL means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

SINGLE-FAMILY DWELLING means a building designed or used exclusively for the occupancy of one (1) family and having housekeeping facilities for only one (1) family.

STANDING means the status of a person who has submitted oral testimony at a hearing or written testimony in conjunction with a hearing or administrative action. A person with standing shall be considered a party.

STREET means the entire width between the right-of-way lines of every public way for pedestrian, bicycle and vehicular traffic.

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

SUBDIVIDE LAND means the act of dividing an area or tract of land into four (4) or more lots within a calendar year, when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION means the act of subdividing land or an area or tract of land, subdivided as defined in this article.

TRIPLEX means a building designed or used exclusively for the occupancy of three (3) families living independently of each other and having separate housekeeping facilities for each family.

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

TOWNHOUSE BUILDING means a structure, which includes two or more townhouses.

TOWNHOUSE PROJECT means one or more townhouse buildings constructed on a building site where the land has been partitioned to reflect the townhouse property lines and the commonly owned property, if any.

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

USE means the proposed purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

VEHICLE CLEARANCE means the triangular area formed at a corner or parcel by the intersection of a dedicated public right-of-way (improved or unimproved) and an alley, driveway, parking lot or loading area and a straight line joining said lines through points fifteen (15) feet back from their intersection. This vehicle clearance area shall provide an area of unobstructed vision.

YARD means an area unobstructed from the ground upwards, except as otherwise provided in this article.

YARD, FRONT means a yard extending from a building to the front lot line.

YARD, REAR means a yard extending from a building to the rear lot line.

YARD, SIDE means a yard extending from a building to the side lot line. When a parcel has two or more front yards, the remaining yards are to be considered side yards.

ZONE means one of the classifications of permitted uses into which the land area of the county is divided.

17.02 - ESTABLISHMENT OF LAND USE ZONES

SECTIONS:

17.02.010	Establishment and designation of Land Use Zones.
17.02.020	Zoning Map and Text.
17.02.030	Interpretation of Zone Boundaries.

17.02.010 ESTABLISHMENT AND DESIGNATION OF LAND USE ZONES

This article establishes the following land use zones:

ZONES	MAP SYMBOL
Urban Low Density	R-1
Urban Standard Density	R-2
Urban High Density	R-3
Office/Residential	C-1
General Commercial	C-2
Light Industrial	LI
Open Space/Public Facility	OS

17.02.020 ZONING MAP AND TEXT

A. The boundaries of the zones established in this article are indicated on a map entitled the "Hood River Urban Growth Area".

17.02.030 INTERPRETATION OF ZONE BOUNDARIES

Where, due to the scale, lack of detail or legibility of the Official zoning map, there is uncertainty, contradiction, or conflict as to the intended location of any zoning boundary, the exact location may be determined by utilizing the following standards:

A. Street Lines. Where zone boundaries are indicated as approximately following the centerline or right-of-way line of streets, such lines shall be construed to be such zone boundaries.
B. Lot Lines. Individual property lines may be used to separate zoning boundaries. The zoning classification of a lot of record in which a zoning boundary divides the lot into two (2) or more zones shall be determined by the Planning Department and the owner.

17.03 LAND USE ZONES

SECTIONS:

17.03.010 Urban Low Density Residential Zone (R-1)
17.03.020 Urban Standard Density Residential Zone (R-2)
17.03.030 Urban Medium Density Residential Zone (R-3)
17.03.040 Office/Residential Zone (C-1)
17.03.050 General Commercial Zone (C-2)
17.03.060 Light Industrial Zone (LI)
17.03.080 Open Space/Public Facilities Zone (OS/PF)

17.03.010 URBAN LOW DENSITY RESIDENTIAL ZONE (R-1)

A. Permitted Uses:
   1. Single-family dwellings and accessory structures
   2. Home occupations
   3. Manufactured homes
   4. Mobile home parks
   5. Family day care
   6. Residential Care Facilities

B. Conditional Uses: In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:
   1. Planned unit developments
   2. Schools and child care centers
   3. Public parks, playgrounds, and related facilities
   4. Utility or pumping substations
   5. Churches

C. [1]Site Development Requirements. The minimum lot or parcel size shall be 7,000 square feet. The minimum requirements for building sites are as follows:
   1. Per dwelling unit a minimum of 7,000 square feet.
   2. A minimum frontage of 50 feet on a dedicated public street.
   3. A minimum frontage of 30 feet on a public dedicated cul-de-sac.

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

[1] Amended 17.03.010 "C" for language clarification on March 18, 2002.

a. No structure shall be placed closer than 6 feet from the side property line.
b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
c. No structure shall be placed closer than 10 feet from the rear property line.
d. Projections may not encroach more than three (3) inches for each foot of required yard width.

E. Maximum Building Height: 35 feet

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

17.03.020 URBAN STANDARD DENSITY RESIDENTIAL ZONE (R-2)

A. Permitted Uses:
   1. Single-family dwellings and accessory structures
   2. Duplexes
   3. Townhouses
   4. Home occupations
   5. Manufactured homes
   6. Bed and breakfast facilities
   7. Mobile home parks
   8. Family day care
   9. Residential Care Facilities
   10. Group Residential, if less than 15 persons

B. Conditional Uses:
   1. Planned unit developments
   2. Schools and child care centers
   3. Public parks, playgrounds, and related facilities
   4. Utility or pumping substations
   5. Churches

C. [1]Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites – are as follows:
   1. Per dwelling unit or duplex a minimum of 5,000 square feet. -
   2. Per townhouse building, a minimum of 2,100 square feet.
   3. A minimum frontage of 50 feet on a dedicated public street.
   4. A minimum frontage of 30 feet on a dedicated public cul-de-sac.

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

E. Maximum Building Height: 35 feet

[1] Amended 17.03.020 "C" for language clarification on March 18, 2002.

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

17.03.030 URBAN MEDIUM DENSITY RESIDENTIAL ZONE (R-3)

A. Permitted Uses:
   1. Single-family dwellings and accessory structures
   2. Duplexes and triplexes
   3. Townhouses
   4. Multiple-family dwellings, subject to site plan review
   5. Rooming and boarding houses
   6. Manufactured homes
   7. Home occupations
   8. Bed and breakfast facilities
   9. Mobile home parks
   10 Family day care
   11. Residential Care Facilities
   12. Group Residential, if 15 or more persons, subject to site plan review

B. Conditional Uses:
   1. Hospitals, sanitariums, rest homes, nursing, or convalescent home
   2. Schools and child care centers
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Professional offices
   8. Hostels

C. [1]Site Development Requirements. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows
   1. Per dwelling unit or duplex a minimum of 5,000 square feet
   2. Per townhouse building, a minimum of 2,100 square feet for the first two and a minimum of 1,500 square feet for each additional townhouse
   3. A minimum frontage of fifty (50) feet on a dedicated public street.
   4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.

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

[1] Amended 17.03.030 "C" for language clarification on March 18, 2002.

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

E. Maximum building Height: 35 feet

F. Parking Regulations.
1. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
2. Multi-Family dwellings shall be required to furnish one and one-half (1-1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.
3. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.
4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
   a. New construction
   b. Change of use
   c. New or expanded parking area

G. Landscaping. All landscaping shall be in conformance with the landscape standards in this article.

17.03.040 OFFICE/RESIDENTIAL ZONE (C-1)

A. **Permitted Uses Subject to Site Plan Review:**
   1. Professional offices
   2. Change of use
   3. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces
   4. Multi-family dwellings
   5. Group Residential, if 15 or more persons

B. **Permitted Uses Not Subject to Site Plan Review:**
   1. Single-family dwellings and accessory structures
   2. Townhouse projects
   3. Duplexes and triplexes
   4. Rooming and boarding houses
   5. Manufactured homes
   6. Home occupation
   7. Bed and breakfast facilities
   8. Family day care
   9. Residential Care Facility
   10. Group Residential, if less than 15 persons

C. **Conditional Uses:**
   1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
   2. Schools and child care centers
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Public facilities and uses
   8. Hostels

D. [1]**Site Development Requirements:**

   1. Minimum lot area: Per dwelling unit or duplex a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.

   2. Minimum townhouse lot area: 2,100 square feet for the first two townhouses in a townhouse building and 1,500 square feet for each additional townhouse.

   3. Minimum frontage: 50 feet on a dedicated public street or 30 feet on a public dedicated cul-de-sac.

   4. Setback requirements:
      a. Professional offices. The standards outlined in the C-2 zone apply.

[1] Amended 17.03.040 "D 1-2" for language clarification on March 18, 2002.

b. Residential uses or a combination of professional offices and residential uses. The standards outlined in the R-3 zone apply.

5. Maximum Building Height: 35 feet.

6. Parking Regulations:

a. Professional Offices. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case, shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hood, including the Hook.

b. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances.
   i. New construction
   ii. Change of use
   iii. New parking area

c. Residential Uses.
   i. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
   ii. Multi-Family dwellings shall be required to furnish one and one-half (1-1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.
   iii. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.
   iv. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

7. Lighting: Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.

E. **Landscaping**. All landscaping shall be in conformance with the landscape standards in this article.

17.03.050 GENERAL COMMERCIAL ZONE (C-2)

A. **Permitted Uses Subject to Site Plan Review:**
   1. Commercial uses
   2. Industrial uses incidental and essential to an on-site commercial use (refer to Section F)
   3. Change of use
   4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces
   5. Multi-family dwellings
   6. Group Residential, if 15 or more persons

B. **Permitted Uses Not Subject to Site Plan Review:**
   1. Single family dwellings and accessory structures
   2. Townhouse projects
   3. Duplexes and triplexes
   4. Rooming and boarding houses
   5. Manufactured homes
   6. Home occupations
   7. Bed and breakfast
   8. Family day care
   9. Residential Care Facility
   10. Group Residential, if less than 15 persons

C. **Conditional Uses:**
   1. Hospitals, sanitariums, rest homes, nursing or convalescent home
   2. Schools and day care facilities
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Public facilities and uses
   8. Hostels

D. **Site Development Requirements**:

   1. **Area:** None

   2. **Minimum frontage:** Fifty (50) feet on a dedicated public street or thirty (30) feet on a public dedicated cul-de-sac.

   3. **Minimum yard setbacks:**
      a. Front – none required
      b. Side and rear – not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.

4. **Maximum Building Height:**
   a. 35 feet for residential use;
   b. 45 feet for commercial use or for mixed commercial and residential use. No commercial structure shall exceed a height of forty-five (45) feet.

5. **Parking Regulations:** One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook.

6. **All parking areas and driveways** shall be hard surfaced prior to occupancy, under the following circumstances:
   a. New construction
   b. Change of use
   c. New parking area

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

   a. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.

   b. Multi-Family dwellings shall be required to furnish one and one-half (1 1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.

   c. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.

   d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

   e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.

7. **Lighting:** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.

E. **Landscaping**. All landscaping shall be in conformance with the landscaping standards in this article.

F. [1]**Manufacturing**. Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise, shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration, shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements.

   Major renovations are considered any activity on the exterior of a building that exceeds ten percent of the structure's cost or fair market value or $75,000, whichever is more, as determined by the building official:

   a. The building entrance shall be oriented toward the primary street**,** whenever physically possible.
   b. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
   c. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
   d. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers and a storefront cornice.
   e. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

[1] Subsection "F" amended to Section 17.03.050 on March 18, 2002.

G. [1]**Commercial Buildings Between 25,000 square feet and 50,000 square feet.** No new buildings shall exceed a combined contiguous length of 300 feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to 10% in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length as set forth in this section shall be changed by variance.

The following standards shall apply to buildings or a group of buildings on one site over 25,000 square feet in size:

1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.

2. Building facades greater than 100 feet in length shall have offsets, jogs, or other architectural distinctive changes.

3. Any wall, which is within 30 feet of the street, plaza or other public open space, shall contain at least 20% of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Blank walls within 30 feet of the street are prohibited. Up to 40% of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.

4. A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least 25% of the aggregate building frontage shall be within 20 feet of the sidewalk.

5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees and small scale lighting.

6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each 30 feet of frontage for that portion of the development facing the street.

7. Landscaping shall be designed so that 50% coverage occurs after one year from the date the certificate of occupancy is issued and 90% landscaping coverage occurs after 5 years from the date the certificate of occupancy is issued.

[1] Subsection G amended to Section 17.03.050 on January 22, 2002, HRC Ordinance 238

8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses and screened from residential uses. The appearance of a "sea of asphalt" shall be avoided.

9. A ratio of one tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.

10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.

Section 17.03.050

17.03.60 LIGHT INDUSTRIAL ZONE (LI)

A. **Permitted Uses Subject to Site Plan Review:**
   1. Limited industrial uses such as manufacturing, processing, warehousing, and outside storage, including change of use.
   2. Commercial uses incidental and essential to an on-site industrial use.
   3. Change of use.
   4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces.

B. **Permitted Uses Not Subject to Sit Plan Review:**
   1. Temporary uses not exceeding thirty (30) days.
   2. Caretaker's residence for an on-site industrial use.

C. **Conditional Uses**
   1. Public facilities and uses, including change of use.

D. **Site Development Requirements:**
   1. **Minimum Lot Area:** None.

   2. **Minimum Setbacks:** None.

   3. **Maximum Building Height:** 45 feet.

   4. **Minimum frontage:** 20 feet on a dedicated public street.

   5. **Parking Regulations:** One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from the requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off street loading facilities.

   6. **All parking areas and driveways** shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New parking area

   7. **Lighting:** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.

E. **Landscaping.** All landscaping shall be in conformance with the landscape standards in this article.

Section 17.03.060

17.03.080 OPEN SPACE/PUBLIC FACILITIES ZONE (OS/PF)

The purpose of the Open Space/Public Facilities Zone is to provide land areas for parks and other necessary public facilities. This zone is also intended to serve as the mechanism to implement the public parks land use designation of the Comprehensive Plan. Permitted uses not subject to site plan review in this zone shall include, but are not limited to: recreational activities, non profit community activities and arts festivals.

A. **Permitted Uses**
   1. **Permitted Uses subject to Site Plan Review:**
      a. Public parks*:* Playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts
      b. Municipal and governmental services and functions.

B. **Site Development Requirements**: None.

C. **Setback Requirements**. The minimum setback requirements shall be as follows:
   1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.

   2. Side yard/rear yard: No structure shall be placed closer than ten (10) feet from the property lines for one (1) and two (2) story structures and for structures more than two (2) stories in height, the minimum yard is increased one (1) foot for each additional story. Projections may not encroach more than two (2) inches for each foot of required yard width.

D. **Maximum Building Height. 45 feet**

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

   All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
   a. New construction
   b. Change of use
   c. New parking area

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

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

SECTIONS:

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

17.04.010 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard, or other open space existing on or after the effective date of the ordinance codified in this article shall be reduced below the minimum required for it by this article. No lot area, yard, or other open space, which is required by this article for one (1) use, shall be used as the required lot area, yard, or other open space for another use.

17.04.020 ACCESS/FRONTAGE

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

17.04.030 GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use or structure shall comply with the requirements for a principal use.

17.04.040 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this article.

17.04.050 FENCES

Fences and walls not more than six (6) feet in height are permitted within or on all property lines and on corner lots or parcels when vision clearance requirements are met.

17.04.060 GENERAL REQUIREMENTS FOR PARKING LOTS

A parking lot, whether an accessory or principal use, intended for the parking of four (4) or more automobiles or trucks shall comply with the following stipulations:

A. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.

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

C. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and the maximum safety of pedestrians and vehicular traffic on the site.

D. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.

E. Landscaping shall be in conformance with the landscape standards in this article. Duplexes are excluded from this requirement.

17.04.070 GENERAL EXCEPTIONS TO LOT AREA REQUIREMENTS

Lots of record existing as of December 1999 which are less than the required lot area and or have less than the required frontage specified in this article may be utilized provided all other requirements of the zone are met.

17.04.080 ILLEGAL OCCUPANCY

Any use of premises or building which deviates from or violates any of the provisions of this article shall be termed an illegal occupancy and the persons responsible therefore shall be subject to the penalties provided herein.

17.04.090 VISION CLEARANCE AREA

Corner lots or parcels in all residential zones shall provide and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. See Attachment “A”.

The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) feet to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

17.04.100 HOME OCCUPATION

The following criteria apply to a home occupation, as defined in this code:

It shall not give the appearance of a business.

A. It shall not change the character of the dwelling.

B. There shall be no display, except by a non-illuminated sign no larger than one (1) square foot.

C. No more than one assistant shall be employed on the site.

D. There shall be no increase in noise outside the dwelling unit.

E. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

17.04.110 BED AND BREAKFAST FACILITIES

Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban Medium Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2*)*.

A. Approval Standards:

1. The structure shall retain the characteristics of a single-family dwelling.

2. The number of guestrooms shall be limited to five (5). The number of guests shall be limited to ten (10).

3. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom.

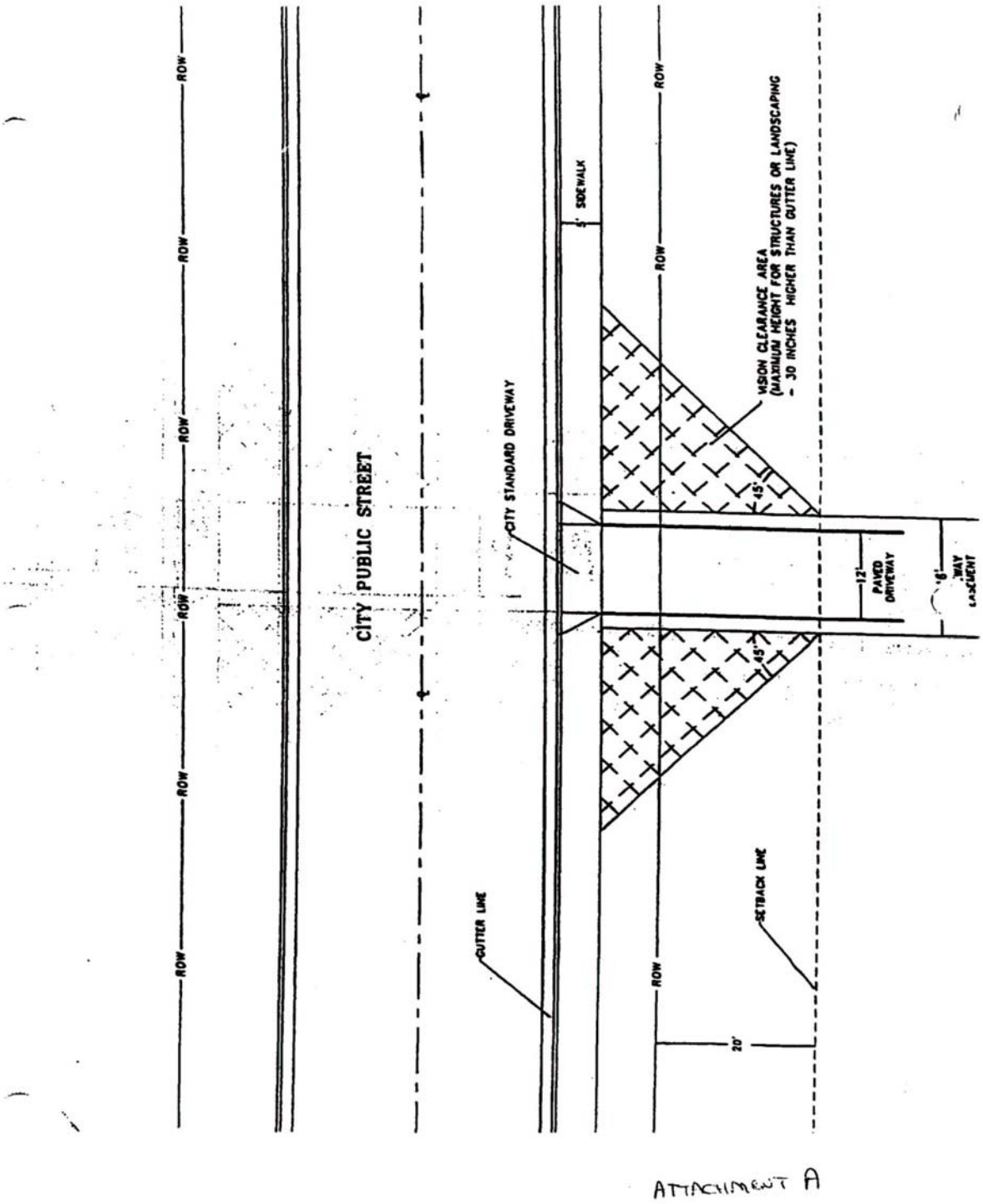
4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1 1/2) square feet. No off-premises signs are permitted.

5. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to applicable County ordinances.

6. A bed and breakfast facility shall be subject to approval by the County Health Officer, the Fire Marshal, and the Building Official.

7. The bed and breakfast facility shall be owner or manager occupied.

ATTACHMENT "A" VISION CLEARANCE DIAGRAM



CHAPTER 17.06 - CONDITIONAL USES

SECTIONS:

17.06.005 Purpose
17.06.010 Authorization of Conditional Uses
17.06.020 Application and Plan Requirements
17.06.030 Approval Criteria
17.06.040 Time Limit on a Permit for a Conditional Use
17.06.050 Appeals on Conditional Use decisions

17.06.005 PURPOSE

A conditional use permit is a mechanism by which the county may require specific conditions of development or of the use of land to ensure that designated uses or activities are compatible with other lawful uses in the same zone and in the vicinity of the subject property.

17.06.010 AUTHORIZATION OF CONDITIONAL USES

A. The conditional uses listed in this ordinance are common types of land uses that may have an impact on a neighborhood. A conditional use application is required for all uses listed as a conditional use in this ordinance. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise changed upon approval by the Planning Director in accordance with the standards and conditions in this section.
B. In the case of a use existing prior to the effective date of the ordinance codified in this ordinance and which is classified as a conditional use, any change in that use is subject to the provisions of this section.
C. As used in this section, changes in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

17.06.020 APPLICATION AND PLAN REQUIREMENTS

A. An application for a conditional use permit shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form prescribed by the county in accordance with Article 60 – Administrative Procedures of the County Zoning Ordinance and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below and a narrative explaining how the applicable criteria are satisfied or will be satisfied through conditions.

B. The plan or drawing accompanying the application shall include the following information:
   1. Dimensions and orientation of the parcel.
   2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required.
   3. Location and layout of parking and loading facilities.
   4. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic.
   5. Location of existing and proposed wall and fences and indication of their height and materials.
   6. Proposed location and type of exterior lighting.

7. Proposed location and size of exterior signs.
8. Site specific landscaping, including percentage of total net area.
9. Location and species of trees greater than six inches in diameter when measured four feet above the ground, and an indication of which trees are to be removed.
10. Topographic map of the subject property using two foot contour intervals (five foot contour intervals may be allowed on steep slopes).
11. Natural drainage and other significant natural features.
12. Legal description of the lot.
13. Percentage of the lot covered by all proposed and remaining structures, to include asphalt concrete and Portland Cement Concrete.
14. Locations and dimensions of all easements and nature of the easements.
15. Service areas for uses such as loading and delivery.
16. Grading and drainage plan.
17. Other site elements which will assist in evaluation of the proposed use.
18. A brief narrative on the nature of the activity shall accompany the site plan, including the number of employees, the method of import and export, the hours of operation including peak times, and plans for future expansion.

17.06.030 APPROVAL CRITERIA

A conditional use shall be granted if the Planning Director finds that the proposed use conforms, or can be made to conform through conditions, with the following approval criteria. For purposes of this section, the surrounding area includes all property within the applicable notice area for a use. In addition, any property beyond the notice area may be included in the surrounding area if the Planning Director finds that it may be adversely impacted by the proposed use.

A. Conditional Uses are subject to Site Plan Review Decision Criteria, in addition to the following:

B. **Impact.** The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:
   1. Any harmful effects on desirable neighborhood characteristics and livability.
   2. Bicycle and pedestrian circulation, access and safety.

C. **Nuisance.** The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

D. **Plan Consistency**: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.

E. **Scale:** The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

F. **Landscaping**: Landscaping shall be in conformance with the landscape regulations of this article.

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

H. **Final Plans**: If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the County.

17.06.040 TIME LIMITS ON A PERMIT FOR A CONDITIONAL USE

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

A single one-year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstances or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.

17.06.050 APPEAL

Final decisions on Conditional Uses may be appealed.

CHAPTER 17.07 - PLANNED DEVELOPMENTS (Adopted July 21,2003, HRC Ord. # 249)

SECTIONS:

17.07.010	Purpose
17.07.020	Applicability
17.07.030	Applicable Procedures
17.07.040	Applicability in Commercial and Industrial Zones
17.07.050	Allowed Uses
17.07.060	Applicability of the Base Zone Development Standards
17.07.070	Private Streets
17.07.080	Preliminary Development Plan Submission Requirements
17.07.090	Approval Criteria
17.07.100	Shared Open Space
17.07.110	Noncompliance and Bonding

17.07.010 PURPOSE

The purposes of the planned development are:

1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices;
2. To facilitate the efficient use of land;
3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways and thereby maximizes the opportunities for innovative and diversified living environments; and
6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River and a thoughtful site plan.

17.07.20 APPLICABILITY

A. Applicable in all zones. The planned development designation is applicable to all zones.

B. Minimum site size for residential development. Residential development in the R-1 zone shall have a minimum parcel size of .5 acre to apply the planned development process. There is no minimum size for R-2 and R-3.

C. Mandatory for Commercial and Industrial Developments. Developments with commercial uses that are greater than 2.5 acres and developments with industrial uses greater than 5 acres are required to use the planned development overlay.

17.07.30 APPLICABLE PROCEDURES

A. **Approval Process**.

1. Preliminary Development Plat Approval. Preliminary development plan approval shall be processed as a Quasi-Judicial Action.

2. Final Development Plan Approval. Final development plan approval shall be processed as a Ministerial Action.

B. **Concurrancy with Subdivision and Partition Application**. If the application involves the division of land the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval and the final development plan shall be submitted for approval and filed along with the final plat.

C. **Time limit on filing of final development plan**. Within 2 years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using approval criteria below:
   1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions by the Commission.

D. **Preliminary development plan changes**. The applicant may request modifications to the preliminary development plan approved following the procedures and criteria provided below.
   1. **Minor Modifications**.
      a. Minor Modification Defined. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:
         (1) There will be no change in land use;
         (2) There will be no increase in the number of dwelling units;
         (3) There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
         (4) There will be less than a 5 percent change in the floor area proposed for non-residential use where previously specified;
         (5) There will be a less than 5 percent change in the area reserved for common open space and/or usable open space; and
         (6) There will be a less than 5 percent change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.

      b. Minor Modification Request. An application for approval of a minor modification shall be reviewed as an Administrative Action and the review shall be limited in scope to the modification requested. A minor modification shall be approved or approved with conditions if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below.

2. **Major Modification**
   a. Major modification defined. All modifications to an approved development plan which are not minor modifications as provided above, shall be reviewed as a major modification.

   b. Major Modification Request. An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action and the review shall be limited in scope to the modification requested. A major modification shall be approved or approved with conditions if the preliminary development plan will continue to meet all applicable criteria.

E. **Extension**. Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one year provided that:
   1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;
   2. The applicant can show intent of applying for final development plan review within the one year extension period; and
   3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

F. **Phased development**.
   1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five years without reapplying for preliminary development plan review.
   2. A phased development plan proposal shall be approved subject to the following conditions:
      a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
      b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
      c. The final phase shall be completed and ready for occupancy no later than 5 years from the date of the final development plan approval.
   3. If the final phase is not completed within the 5-year time period the Planned Development will be in noncompliance with this chapter.

17.07.040 APPLICABILITY IN COMMERCIAL AND INDUSTRIAL ZONES

A. **By election**. An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.

B. **As condition of approval in commercial and industrial developments**. An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

17.07.050 ALLOWED USES

A. **In residential zones**. Planned developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:
   1. All uses allowed outright or by condition in the underlying zoning district;
   2. Single-family detached and attached residential units;
   3. Duplex residential units;
   4. Multi-family residential units;
   5. Manufactured homes;
   6. Public and institutional uses;
   7. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
   8. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
   9. Recreational vehicle storage area, for the Planned Unit Development residents only.

B. **In commercial zones.** Planned developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

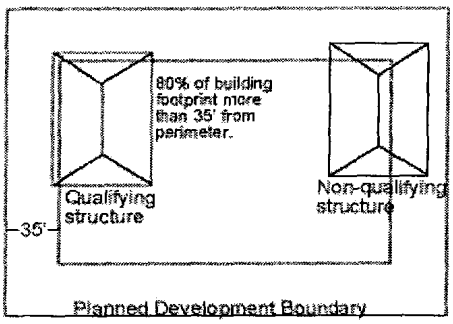
C. **In industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

17.07.06 APPLICABILITY OF THE BASE ZONE DEVELOPMENT STANDARDS

A. **Compliance to specific development standards.** The provisions of the base zone are applicable as follows:

   1. Lot dimensional standards: The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.

   2. Building height: Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings the height may be increased one foot for each additional foot of setback up to a maximum of 120% of the base zone height standard. To qualify a building shall have 80% of the building footprint more than 35 feet from the Planned Development site boundary. See diagram below. No height increases are allowed for residential buildings.



3. Structure setback provisions:
   a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
   b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
   c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
      (1) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.
      (2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

B. **Other provisions of the base zone**. All other provisions of the base zone shall apply except as modified by this chapter.

17.07.070 PRIVATE STREETS

Private streets are allowed as part of a Planned Development when they conform to the following standards:

A. Private streets shall have a minimum improved width of ten feet for each lane of traffic.
B. On-street parking spaces shall be improved to provide an additional eight feet of street width.

17.07.080 PRELIMINARY DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

A. **Preapplication Conference**. Prior to submittal of a planned development application, the applicant, or the applicant's representative shall attend a preapplication conference.

B. **General submission requirements**. The application shall contain all of the following:
   1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
   2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development, the approximated dates when each stage will be completed, and the area, location and degree of development of common open space that will be provided at each stage.

3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
5. A preliminary development plan.

C. **Additional information**. In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:
   1. A map showing street systems, lot or partition lines and other divisions of land for management use or allocation purposes;
   2. Areas proposed to be conveyed, dedicated or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
   3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around building and structures;
   4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
   5. The following plans and diagrams:
      a. An off-street parking and loading plan;
      b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
      c. A landscaping and tree plan;
   6. A copy of all existing or proposed restrictions or covenants.

17.07.090 APPROVAL CRITERIA

A. **Specific planned development approval criteria**. The following approval criteria shall apply to the planned development;
   1. All the provisions of the land division provisions, Title 16, shall be met.

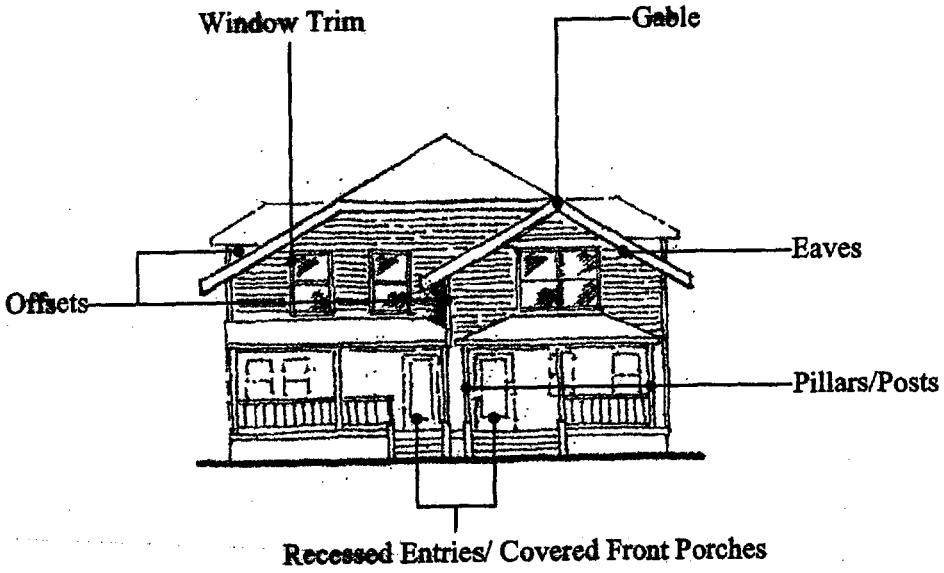
   2. Except as noted, the Conditional Use Decision Criteria shall be the approval criteria. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the Conditional Use Chapter. The developer may choose to provide or the commission may require additional amenities, landscaping or tree planting.

   3. In residential developments, a minimum of 30 percent of a planned development site area shall be reserved as common open space. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

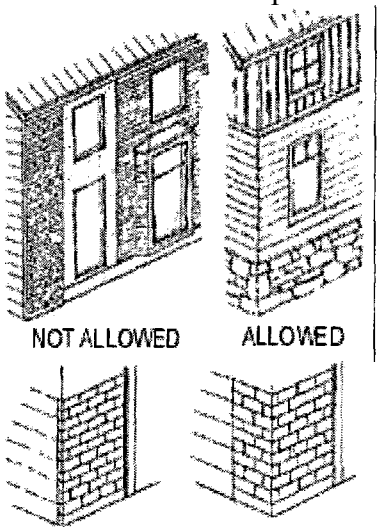
4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed 33 percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase which the Planning Commission may approve according to the following:
   a. A maximum of 10 percent is allowed for the inclusion of at least six of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
   b. A maximum of 20 percent is allowed for the inclusion of at least nine of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
   c. A maximum of 33 percent is allowed for the inclusion of at least twelve of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.

      Architectural Features

      (1) Dormers
      (2) Gables
      (3) Recessed entries
      (4) Covered porch entries
      (5) Cupolas or towers
      (6) Pillars or posts
      (7) Eaves (min. 18-inch projection)
      (8) Off-sets in building face or roof (minimum 16 inches)
      (9) Window trim (minimum 4-inches wide)
      (10) Bay windows
      (11) Balconies
      (12) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
      (13) Decorative cornices and roof lines (e.g., for flat roofs)
      (14) Facade articulation (Siding materials should only be changed along horizontal lines)
      (15) High quality exterior siding material (High quality means that there should be a single clearly dominant material for all exterior walls. Brick, stucco and stone front facades shall return at least 18 inches around sidewalls. Lap siding and shingles shall be exposed a maximum of 5 inches. Heavier materials shall appear only below lighter appearing materials.)
      (16) An alternative feature providing visual relief, similar to options (1)-(15) above.



Example of Facade Articulation Example of Exterior Siding Material



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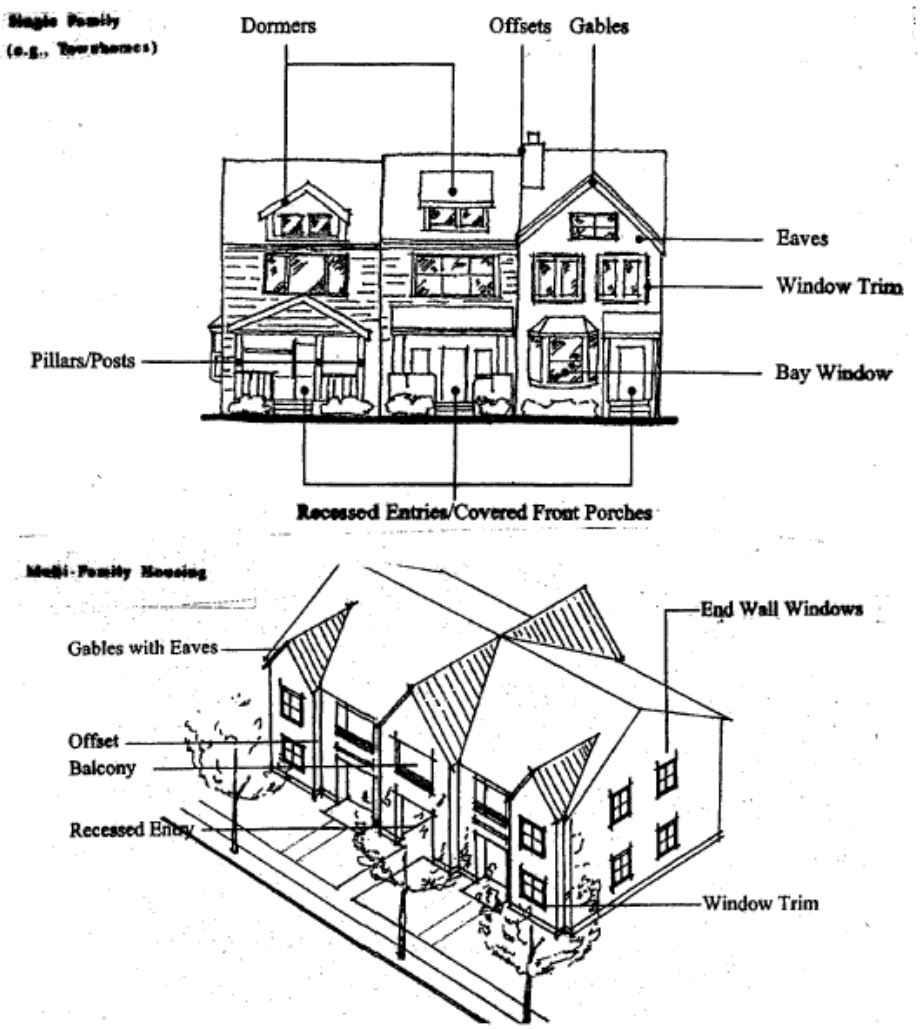


5. The following criteria shall apply to all Planned Developments unless otherwise specified as applicable only to certain specific uses.

a. Relationship to the natural and physical environment:

(1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible;

(2) Structures located on the site shall not be in areas subject to ground slumping and sliding;

(3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;

(4) The structures shall be oriented with consideration for the sun and wind directions, where possible; and

b. Private outdoor area -- multi-family use:
   (1) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet;
   (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
   (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

c. Shared outdoor recreation areas -- multi-family use:
   (1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
      (a) Studio units up to and including two bedroom units, 200 square feet per unit; and
      (b) Three or more bedroom units, 300 square feet per unit.
   (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;
   (3) The required recreation space may be provided as follows:
      (a) It may be all outdoor space; or
      (b) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or
      (c) It may be all public or common space; or
      (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.

d. Parking:
   (1) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

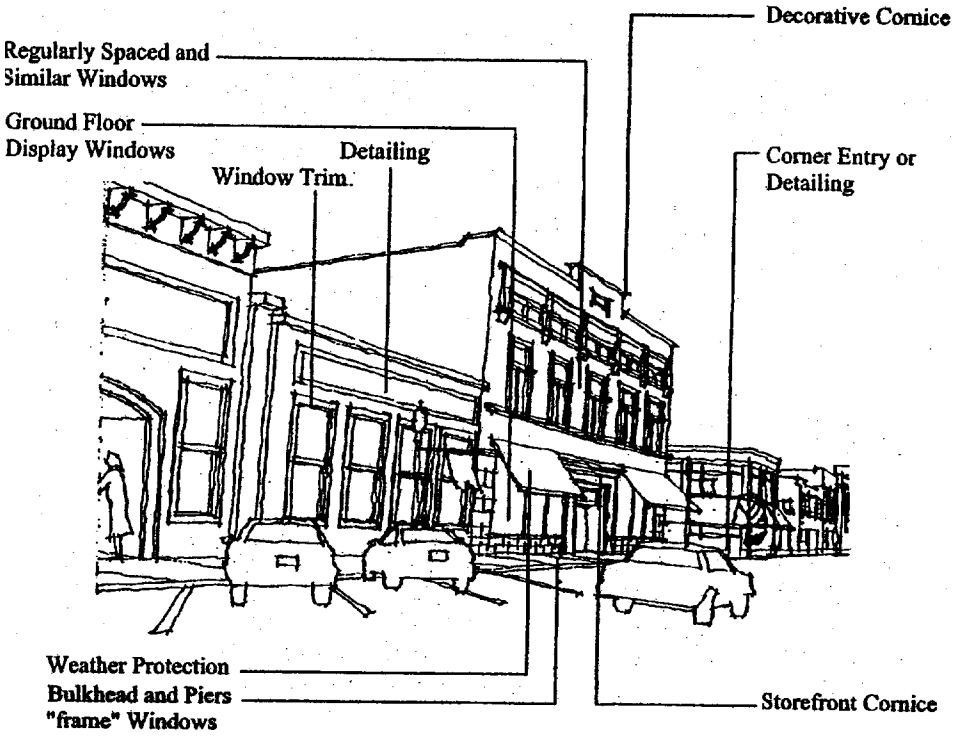
B. **Additional criteria for commercial and industrial development**. In addition to the specific planned development approval criteria above, planned developments with commercial and industrial uses shall meet the following criteria.

a. Privacy and noise: Commercial and industrial uses which abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.

b. Commercial projects are encouraged to include housing as a secondary use as appropriate.

c. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed in (1)-(4), below, along the front building elevation (i.e., facing the street), as applicable.
   (1) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
   (2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
   (3) Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown below).
   (4) Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

[Note: the example shown below is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]



d. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply;
   (1) Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
   (2) A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

e. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features to break up and articulate large building surfaces and volumes.

f. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

17.07.100 SHARED OPEN SPACE

Requirements for shared open space. The following shall apply to common open space in each planned development:

1. The open space area shall be shown on the final development plan; and
2. The open space shall be conveyed in accordance with one of the following methods:
   a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations;

b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
   (1) The continued use of such land for the intended purposes;
   (2) Continuity of property maintenance;
   (3) When appropriate, the availability of funds required for such maintenance;
   (4) Adequate insurance protection; and
   (5) Recovery for loss sustained by casualty and condemnation or otherwise.
c. By any method which achieves the objectives set forth in Subsection 2 above of this section.

17.07.110 NONCOMPLIANCE AND BONDING

A. **Noncompliance**. Noncompliance with an approved final development plan shall be a violation of this chapter.

B. **Issuance of occupancy permits**. The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one year.

CHAPTER 17.09 - MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS

17.09.010 PLACEMENT OF MANUFACTURED HOMES ON INDIVIDUAL LOTS – CLEAR AND OBJECTIVE CRITERIA

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

A. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than twelve inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve-inch limitation will not apply.

C. The manufactured home shall have a pitched roof with a slope of not less than a nominal three feet in height for each twelve feet in width.

D. The manufactured home shall have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community.

E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single-family dwellings constructed under the State Building Code.

17.09.020 ADDITIONAL CLEAR AND OBJECTIVE CRITERIA FOR MANUFACTURED HOMES IN THE R-1 ZONE

The following additional standards apply to manufactured homes on individual lots or parcels in the R-1 Zone:

A. All manufactured homes shall have a minimum eave extension of six inches.

B. Manufactured homes shall utilize at least five of the following design features to provide visual relief:

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas
6. Bay or bow windows
7. Garage

8. Window shutters
9. Skylights
10. Attached deck
11. Off-sets on building face or roof (min. sixteen inches)
12. Roof pitch of 5/12 feet or greater
13. Minimum eave extension of twelve inches, including gutters.

17.09.030 MOBILE HOME/MANUFACTURED DWELLING PARKS

Objective Criteria.

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

A. Parks are allowed in the R-1, R-2 and R-3 zones.
B. Parks are not permitted in commercial or industrial zones.
C. Minimum lot size of one acre with a maximum of two acres.
D. No park shall be established or expanded without first receiving approval of the Planning Commission.

17.09.040 INFORMATION REQUIRED FOR PRELIMINARY SITE PLAN REVIEW

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department on a form obtained from the Planning Director, and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one inch representing fifty feet. The drawing shall show the following information:

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

17.09.050 FINAL SITE PLAN AND SUBMISSION REQUIREMENTS

At the time of application for final approval to construct a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies:

A. New structures.
B. Water supply and sewage disposal system.
C. Electrical systems.
D. Road, sidewalk, and patio construction.
E. Drainage system.
F. Recreational area improvements.

17.09.060 GENERAL STANDARDS FOR MOBILE HOME PARK DEVELOPMENT

A. **Access**: A mobile home park shall be established on a site that has frontage on, or access, approved by the City Engineer, to a publicly owned and maintained street. If the street is not publicly maintained, a maintenance agreement approved by the City Engineer will be required.

B. **Park Streets**: Construct well-drained and paved streets at least twenty feet in width, unobstructed and open to traffic within the mobile home park. The park street width and alignment shall be designed such that it will accommodate the backing and placement of the homes, which may require a larger than twenty foot street. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least thirty feet in width.

C. **Sidewalks**: A paved public sidewalk of not less than four feet in width shall be provided from each mobile home site to public and private streets, common open spaces, recreational areas, and community-owned buildings and facilities.

D. **Paving**: Park streets shall be paved with an asphalt or concrete surfacing, according to the structural specifications established by the City Engineer.

E. **Off-street Parking**:
   1. Two off-street parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park, which shall be hard surfaced.

   2. Guest parking shall also be provided in every mobile home park, based on a ratio of one parking space for each four mobile home sites. Such parking shall be paved with an asphalt or concrete surface.

F. **Fencing and Landscaping**: A landscaping plan drawn to scale shall be submitted with the preliminary plan showing the following:

   Every mobile home park shall provide a visual buffer of evergreen, or other screening/planting along all boundaries of the mobile home park site abutting public roads or property lines except for points of ingress and egress with the exception of dwellings fronting and accessing a public dedicated street. Plantings shall not be less than five feet in height at the time of planting and shall be maintained in a healthy, living condition for the life of the mobile home park.

Landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

The landscaping plan shall show the location of all landscaped materials and include plant material, total number of individual plants being used and proposed watering system. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

G. **Site Development Standards**:

1. Acreage: There shall be a one-acre minimum and a two-acre maximum in the R-1, R-2 and R-3 zones.

2. Density:

R-1: 6-unit maximum per acre
R-2: 8-unit maximum per acre
R-3: 10-unit maximum per acre

3. **Setbacks:**

a. No mobile home shall be located closer than ten feet from a public dedicated street. Garages facing a public dedicated street shall be twenty feet from the property line.

b. No mobile home shall be located closer than ten feet from an interior park property line.

4. **Spacing:**

a. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of ten feet, end-to-end or side-to-side.

b. The distance between non-HUD approved mobile homes placed parallel to each other may be ten feet on one side, but must be at least fourteen feet on the other. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD approved mobile homes may be ten feet apart on both sides, but must be at least fourteen feet apart for half their length. See Attachment "B".

c. Adjacent mobile homes in all parks must be placed at least fourteen feet apart where a flammable or combustible fuel storage vessel is located on or between units.

5. Each mobile home shall have 120 square feet of one or more wooden decks or slabs of patios of concrete, flagstone or equivalent material.

6. All mobile homes within the park shall be provided with skirting.

7. New parks shall be placed at least 500 feet from another park excluding parks established prior to the effective date of this ordinance.

H. **Other Site Requirements**:

1. **Recreational area:** Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site, however, every mobile home park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.

2. **Accessories:** Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

3. **Utilities:** All utilities including sewer, water, power, cable, telephone and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

4. **Drainage:** A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed Engineer and shall be reviewed and approved by the City Engineer.

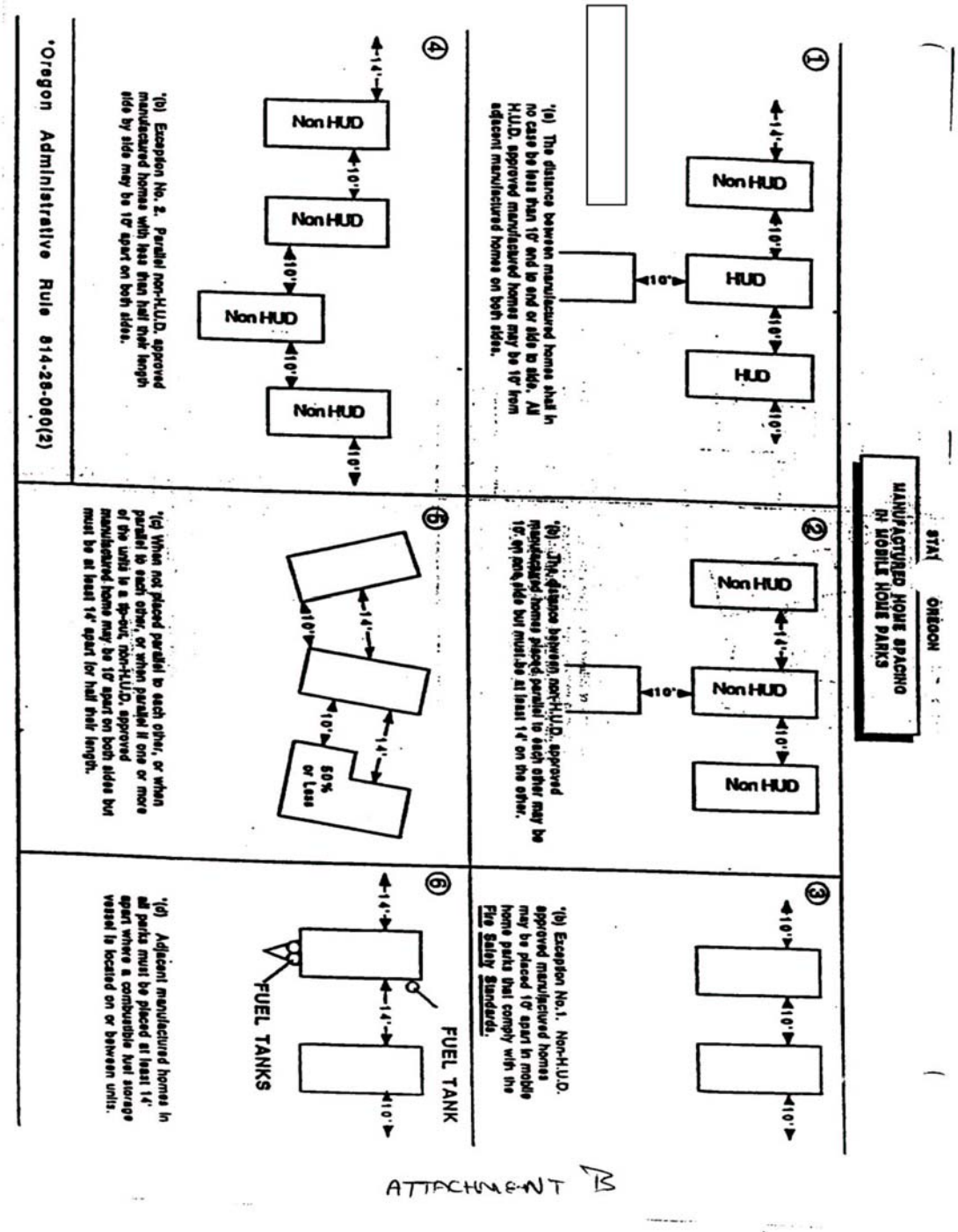
5. **Trash Areas:** All mobile home parks shall have shared trash and rubbish facilities and these areas must also contain areas for recycling. These facilities shall be visually screened.

6. **Lighting:** Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright.

7. **Addressing:** Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be four inches in size and labeled in the vertical position (reading left to right).

I. **State Requirements:** Rules and regulations governing mobile home facilities as contained in Oregon Revised Statute, Chapter 446, shall be applicable in the development and operation of a mobile home park, provided that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

ATTACHMENT "B"
FOR CHAPTER 17.09



CHAPTER 17.10 – SITE PLAN REVIEW

SECTIONS:

17.10.010 Applicability
17.10.020 Application Procedure
17.10.030 Submittal Requirements
17.10.040 Decision Criteria
17.10.050 Multi-Family and Group Residential Decision Criteria
17.10.060 Effect of approved site plan review permits
17.10.070 Expiration and extension
17.10.080 Appeal

CHAPTER 17.10 - SITE PLAN REVIEW

17.10.010 APPLICABILITY

A. A site plan review permit shall be required for the following circumstances:
   1. New construction.

   2. Expansion, remodel, or exterior alteration of any building or other structure.

   3. Change of use.

   4. Multi-family and group residential.

B. Exemptions from Site Plan Review are as follows;
   1. Any activity, which does not require a building permit and is not considered by the director to be a change in use.

   2. Any activity on the exterior of a building which does not exceed ten percent of the structure's total cost or fair market value or $75,000, whichever is less, as determined by the building official.

   3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.

   4. Normal building maintenance including the repair or maintenance of structural members.

   5. All residential development, except multi-family and group residential, as provided above.

17.10.020 APPLICATION PROCEDURE

The Planning Director shall review all site plan review applications. However, if the director determines that an application is unusually complicated or contentious due to site constraints or due to the complexity of the project, the director may request the planning commission to review the

application.

The county shall process a site plan review application in accordance with the following procedures:

A. Pre-application conference with county staff.

1. To assist in permit processing, an applicant for a site plan review permit shall meet with the county staff at a required pre-application conference.

B. An applicant may submit an application for a site plan review permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in Submittal Requirements of this chapter listed below.

C. Application Review.

1. A site plan review application for minor projects may be reviewed by county staff, as determined by the director. The final decision on an application is made by the director.

a. Upon receipt of a complete application, the director may determine, based on the complexity of the proposal, that it is appropriate for county staff to review the application and make a recommendation to the director.
b. The director will make the final decision based on the following:
   i. The recommendation of the county staff,
   ii. Consideration of any public comments received; and
   iii. The decision criteria in this chapter.

2. A site plan review application requiring planning commission review and decision shall be reviewed by county staff prior to the final decision by the Planning Commission.
The director shall forward a completed application to county staff.

County staff shall consider the application and make recommendation to the director.

The director shall review the staff recommendation and determine the major issues and specific aspects of the project, which the planning commission should review.

The planning commission shall review the application in relationship to staff recommendations. The planning commission shall consider the application at a public meeting.

The Planning Commission will make the final decision based on the following:
   i. The recommendation of county staff;
   ii. Consideration of any public comments received;
   iii. The decision criteria in this chapter.

17.10.030 SUBMITTAL REQUIREMENTS

A. The site plan shall be drawn to scale and indicate the following:
   1. Dimensions and orientation of the parcel;

   2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required;

   3. Location and layout of parking and loading facilities;

   4. Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns;

   5. Location of existing and proposed walls and fences and indication of their height and materials;

   6. Proposed location and type of exterior lighting;

   7. Proposed location and size of exterior signs;

   8. Site specific landscape plan including percentage of total net area;

   9. Location and species of trees greater than six inches in diameter when measured four feet above the ground and an indication of which trees are to be removed;

   10. Contours mapped at 2-foot intervals. (5 foot contours may be allowed on steep slopes);

   11. Natural drainage;

   12. Other significant natural features;

   13. Legal description of the lot;

   14. Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete;

   15. Locations and dimensions of all easements and nature of the easements;

   16. Service areas for uses such as loading and delivery;

   17. Grading and drainage plan;

   18. Other site elements which will assist in the evaluation of site development; and;

   19. A statement of operations shall accompany the site plan. A brief narrative on the nature of the activity, including:
      a. Number of employees;
      b. Method of import and export;

c. Hours of operation including peak times; and
d. Plans for future expansion.

17.10.040 DECISION CRITERIA:

1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include; pollution, soil contamination, siltation, and habitat degradation or loss.

2. **Air Quality**: The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.

3. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

4. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) storm water facilities will require a permit from ODOT District 2C. On-site detention or treatment of storm water may be required by ODOT.

5. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, and service) and to the potential types of traffic (i.e., vehicles, pedestrians, and bicycles).

    a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.

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

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

d. Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.

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

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

g. Traffic Impact Report - The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within 20 days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.

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

7. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the noise ordinance.

8. **Compatibility:** The height, bulk and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.

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

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

11. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.10.050 MULTI-FAMILY AND GROUP RESIDENTIAL DECISION CRITERIA:

1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses.

2. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

3. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) storm water facilities will require a permit from ODOT District 2C. On-site detention or treatment of storm water may be required by ODOT.

4. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, and service) and to the potential types of traffic (i.e., vehicles, pedestrians, and bicycles).

    a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.

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

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

    d. Whenever the level of service is determined to be worse than level C (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service C or better.

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

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

g. Traffic Impact Report - The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within 20 days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.

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

6. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

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

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

9. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.10.060 EFFECT OF APPROVED SITE PLAN REVIEW PERMIT

No building or development of any sort shall occur to the approved site plan review permit except as follows:

A. Minor adjustments to an approved site plan review permit may be made after review and approval by the director. Minor adjustments are those that entail minor changes in dimensions or siting of structures, location of public amenities, but do not entail changes to the intensity or character of the use.

B. Major adjustments to an approved site plan review permit require a new or amended application, as determined by the director. Major adjustments are those that change the basic design, intensity, density, use and the like.

17.10.070 EXPIRATION AND EXTENSION

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

B. A single one-year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.

17.10.080 APPEAL

Final decisions on Site Plan Review may be appealed.

CHAPTER 17.11 - LANDSCAPING AND DEVELOPMENT STANDARDS

17.11.010 SCOPE

A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of 4 spaces or more, public facilities and conditional uses.

B. For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance.

17.11.020 PROCEDURE

A. A landscaping plan shall be submitted to the planning director at the time of application. The planning director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.

B. A building permit, conditional use permit, or site plan review shall not be issued until a landscaping plan has been approved by the planning director.

C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.

D. A property owner shall be responsible for the establishment and maintenance of landscaping. All required landscaped areas shall be maintained according to the approved landscaping plan.

17.11.30 CONTENTS OF LANDSCAPING PLAN

A landscaping plan submitted to the planning director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:

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

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

17.11.040 GENERAL LANDSCAPING STANDARDS

The following landscaping standards shall apply:

A. The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.

B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.

C. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.

D. Plants that minimize upkeep and maintenance shall be selected.

E. Plants shall complement or supplement surrounding natural vegetation and fit the climate.

F. Plants chosen shall be in scale with building development.

G. Minimum landscaping as a percent of gross site area shall be as follows:

ZONE/USE	**PERCENT**
Commercial	15%
Conditional Uses:	15%
if a CUP in a residential zone	20%
Industrial	10%
Multifamily	20%
Parking lots	Requirement of base zone
Public Facilities	15%

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

I. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.

J. Shrubs shall be a minimum 18 inches in height and spaced not more than four (4) feet apart for planting.

K. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum 18 inches on center between plants and rows.

L. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

M. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

N. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location should be positioned closer than 10 feet to any existing street tree, and preferably, such locations will be at least 20 feet distant.

O. Trees shall not be planted closer than 2-l/2 feet from the face of the curb except at intersections, where it should be 5 feet from the curb in a curb return area.

P. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.

Q. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 4 feet by 4 feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.

R. Trees, as they grow, shall be pruned to their natural form to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

S. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.

T. Vision clearance hazards shall be avoided.

U. County or State right-of-way(s) cannot be used to satisfy the required landscaping requirement.

17.11.050 LANDSCAPING AND DEVELOPMENT STANDARDS FOR ENTRANCES INTO THE CITY OF HOOD RIVER

The following standards will be required for new commercial, multi-family, industrial uses, including change of use, and parking lots of 4 spaces or more on properties within the designated entrances to the City of Hood River.

A. For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expansion, e.g., if building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance.

1. **Entrances.**
   a. West: Parcels fronting along Highway 30 between and including the intersection of 13th Street and Highway 30 to the intersection of Country Club Road and Highway 30.

b. South: Parcels fronting 12th Street from the northern intersection of Brookside Drive/Eliot Road and 12th Street to the southern intersection of Belmont Drive and 12th Street.

c. East: Parcels including the northern intersection of the Old Columbia River Highway and Highway 35 to and including the intersection of Front Street and State Avenue, excluding lands within the Urban Renewal District which have been addressed in this streetscape plan.

d. North: Parcels including the intersection of Oak Avenue and Second Street and along the 2nd Street extension to and including its intersection with Portway Avenue excluding lands within the Urban Renewal District which have been addressed in its streetscape plan.

2. **Standards.**
   a. A average ten (10) foot wide landscaped area, at minimum, shall be planted along the perimeter of the parcel fronting the street right-of-way as part of the landscape requirement.

   b. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.

CHAPTER 17.12 - VARIANCES

SECTIONS:

17.12.010 Purpose
17.12.030 Criteria for Granting a Variance
17.12.040 Time Limits

17.12.010 PURPOSE

Where physical difficulties, unnecessary hardship, and results inconsistent with the general purpose of this Article may result from the strict applications of certain provisions thereof, a variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Article for the zone in which the land is located. In granting a variance, the County may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the County as a whole. A request for a variance shall be submitted in accordance with Article 60 – Administrative Procedures of the County Zoning Ordinance.

17.12.030 CRITERIA FOR GRANTING A VARIANCE

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

A variance may be granted if it meets all of the following criteria:

A. There are unique or unusual circumstances, which apply to the site, which do not typically apply elsewhere.

B. The proposal's benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this article and the Comprehensive Plan of the County.

C. The circumstances or conditions have not been willfully or purposely self-imposed.

D. The variance requested is the minimum variance, which would alleviate the hardship.

17.12.040 TIME LIMITS

A single one-year extension may be granted by the planning director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.

CHAPTER 17.13 - TOWNHOUSES

17.13.010 Applicable Zones
17.13.020 Criteria

17.13.010 APPLICABLE ZONES

Townhouses are permitted in the following zones:

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

17.13.020 CRITERIA

An application for a townhouse project shall meet the following criteria:

A. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.

B. Each townhouse building shall contain no more than two townhouses in the R-2 Zone; no more than four townhouses in the R-3, C-1, and C-2 Zones.

C. The townhouse project shall have a lot size of not less than 2,100 square feet per townhouse.

D. The site development standards for the proposed zone, setback requirements, building height restrictions and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.

E. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the City Engineer and recorded with the plat.

F. Common access drives must be at least sixteen (16) feet wide with a minimum of 12 feet of paved area with 1-foot minimum shoulders on either side.

G. No parking in common access drives. Parking in designated parking areas only.

H. At the intersection of the easement and public dedicated street, there shall be no visual obstruction, see vision clearance standards.

I. Each unit shall provide a minimum average size of 6 feet by 12 feet of private outside open area (patio/deck/lawn).

J. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a minimum 5000 square foot parcel or to the size of the parcel prior to the townhouse project.

K. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented.

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

CHAPTER 17.14 - SIGN REGULATIONS (Adopted 11-18-02, Ord. #244)

SECTIONS:

17.14.020 Purpose and Scope
17.14.030 Permits Required
17.14.040 Measurement
17.14.050 Maintenance
17.14.060 Inspections
17.14.070 Abatement of Abandoned Signs
17.14.080 Sign Sizes
17.14.090 Exemptions
17.14.100 Prohibited Signs
17.14.110 Non-conforming Existing Signs
17.14.120 Variance
17.14.130 Penalties
17.14.140 Severability

17.14.020 PURPOSE AND SCOPE

1. This ordinance provides reasonable and necessary regulations for the erection and maintenance of signs in order to:

   A. Maintain a balance between the need to identify buildings and activities and the negative impact on community image created by visual clutter;

   B. Protect the public health and safety;

   C. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City; and

   D. Prevent the interference of signage regulated herein with official traffic signs or signals.

2. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

3. It is not the purpose of this ordinance to regulate signs, which are regulated exclusively by federal or state law. In any case, in which federal or state law preempts this ordinance, federal or state law shall apply.

A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition,

electrical permits shall be obtained for electric signs. All signs are subject to review by the Hood River County Building and Planning Departments.

17.14.30 PERMITS REQUIRED

A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition, electrical permits shall be obtained for electric signs. All signs are subject to review by the Hood River County Building and Planning Departments.

17.14.040 MEASUREMENT

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

A. **AREA OF FACE:** "False fronts" and mansard roofs will be excluded when calculating the area of the primary face.

B. **HEIGHT:** The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.

C. **LEGAL SETBACK LINE**: A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.

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

E. **SIGN AREA:** The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

F. **VISION CLEARANCE:** Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

17.14.050 MAINTENANCE

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.

17.14.060 INSPECTIONS

All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this section after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

17.14.070 ABATEMENT OF ABANDONED SIGNS

Abandoned signs may be abated pursuant to Hood River County Code, Ordinance 8.08, as a nuisance.

17.14.080 SIGN SIZES

A. **COMMERCIAL AND INDUSTRIAL ZONES**:

1. **NUMBER:**

   a. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and

   b. There shall not be more than two (2) signs on any building face.

   c. Entities, which occupy more than one (1) building shall be treated as separate entities.

2. **AREA:**

   a. The total area of signs allowed on the primary face shall not exceed eight (8) percent of the building face, occupied by that entity, including windows.

   b. A sign constructed on a second building face of an entity shall not exceed four (4) percent of that building face.

   c. If an entity has three (3) building faces, the sign allowed on the second building face may be increased to eight (8) percent of that building face. If a third sign is placed on the third face, it shall not exceed four (4) percent of that building face.

   d. In no case shall the total area of all signs on any one building face exceed 200 square feet.

3. **HEIGHT:** The maximum height of all freestanding signs shall be 25 feet.

4. **FREE-STANDING SIGNS:**

   a. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.

b. Free-standing signs shall not exceed a total 64 square feet of area and not exceed two (2) faces.

c. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.

d. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.

5. **PROJECTING SIGNS:** A projecting sign shall not exceed 32 total square feet.

6. **ROOF SIGNS:** No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.

7. **AWNINGS:** Signs on awnings shall not exceed the permitted sign area.

8. **TEMPORARY SIGNS:**
   a. Temporary signs shall be limited to one (1) per parcel for up to 90 days.
   b. Temporary signs shall not exceed 32 square feet in size.

9. **SANDWICH BOARDS:**
   a. Only one (1) sandwich board on private property per entity shall be allowed.
   b. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.

B. **RESIDENTIAL ZONES**:

1. **SUBDIVISIONS:**
   a. Permanent signs are limited to a maximum area of 16 square feet.
   b. Maximum height of a permanent sign shall be six (6) feet.
   c. Permanent signs shall be limited to one (1) at each entrance to the subdivision.

2. **MULTI-FAMILY DWELLINGS:**
   a. A permanent sign for twelve (12) or more multi-family dwelling units may have a maximum area of sixteen (16) square feet.
   b. A permanent sign for eleven (11) or fewer multi-family units may have a maximum area of twelve (12) square feet.

3. **STANDARDS:**
   a. HEIGHT: Six (6) feet.
   b. ILLUMINATION: Signs may have external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface,

if properly shielded from direct glare onto streets and adjacent properties. Electric signs are prohibited.

4. **NON-RESIDENTIAL USES:** Hospitals, schools, churches and other institutional uses:
   a. Size: Maximum 24 square feet in size.
   b. Number: One (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totaling 24 square feet in size.

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

6. **BED AND BREAKFAST FACILITIES / HOME OCCUPATIONS:**
   a. Home Occupation –17.04.100 - A non-illuminated sign no larger than one (1) square foot.
   b. Bed and Breakfast Facilities – 17.04.110 – One (1) non-illuminated sign not exceeding one and one-half (1 ½) square feet.

C. **OPEN SPACE/PUBLIC FACILITIES ZONE**:
   a. Two (2) signs for each site or facility shall be allowed.
   b. Each sign shall not exceed 24 square feet in size.

17.14.090 EXEMPTIONS

The following signs shall not require review under this ordinance:

A. **DIRECTIONAL SIGNS:** Directional signs less than six (6) feet above grade and less than twelve (12) square feet or six (6) square feet per side in compliance with the vision clearance and vehicle criteria.

B. **BANNERS:** Banners attached to the City of Hood River's classic light poles

C. **MEMORIAL TABLETS OR SIGNS**: Signs carved into a building or which are a part of materials which are an integral part of the building.

D. **TRAFFIC SIGNS**: Traffic, municipal, or directional signs for hospital or emergency services, legal notices, railroad signs, and danger signs.

17.14.100 PROHIBITED SIGNS

The following signs are prohibited within the Urban Growth Area for the City of Hood River:

A. **MOVING SIGNS**: Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs and time or temperature signs.

B. **PORTABLE SIGNS**: Portable or bench signs, excluding sandwich boards located on private property.

C. **POLE AND TREE SIGNS**: Signs placed on, painted on, or affixed to any utility pole or tree.

D. **UNOFFICIAL SIGNS**: Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.

E. **CAR SIGNS:** A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.

F. **FLAGS AND BANNERS:** Flags, banners, and objects designed to move with the wind which are located on a roof or project above a roof by more than 45 feet if located on a free-standing pole.

17.14.110 NON-CONFORMING EXISTING SIGNS

A. Non-conforming signs are those signs lawfully installed prior to the effective date of this ordinance, which do not conform to the standards of this code.

B. All nonconforming signs will be considered non-conforming, pre-existing structures and may be retained pursuant to the provisions of Article 65 (Non-Conforming Uses) of the Hood River County Zoning Ordinance.

17.14.120 VARIANCE

Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of Article 66 (Variances) of the Hood River County Zoning Ordinance.

17.14.130 PENALTIES

Failure to comply with the provisions of this article will result in the initiation of enforcement proceedings pursuant to the provisions of Article 70 (Enforcement) of the Hood River County Zoning Ordinance.

17.14.140 SEVERABILITY

The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

CHAPTER 17.19 - TOWNHOUSES (Adopted July 21, 2003, HRC Ord. #249)

SECTIONS:

17.19.10 Applicable Zones
17.19.020 Criteria
17.19.030 Townhouse Process

17.19.10 APPLICABLE ZONES

Townhouses are permitted in the following zones:

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

17.19.20 CRITERIA

An application for a townhouse project shall meet the following criteria:

1. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.

2. Each townhouse building shall contain no more than two townhouses in the R-2 zone; no more than four townhouses in the R-3, C-1 and C-2 zones.

3. The townhouse project shall have a building site of not less than 2,100 square feet per townhouse for the first two townhouses and a minimum of 1,500 square feet for each additional townhouse.

4. The site development standards for the proposed zone, setback requirements, building height restrictions and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.

5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the City Engineer and recorded with the plat.

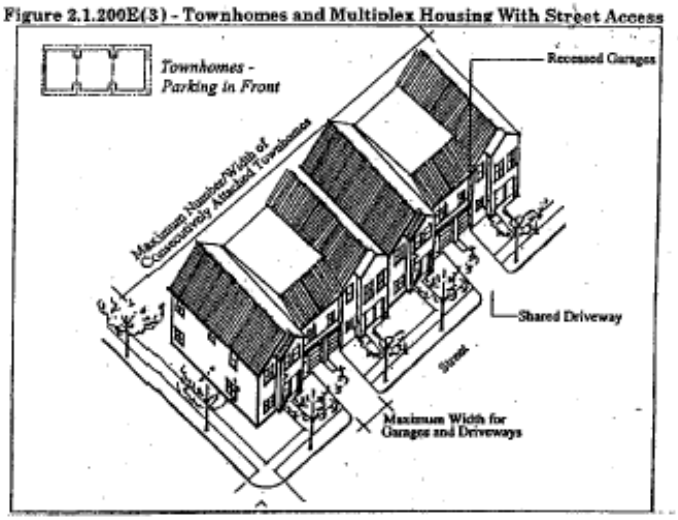
6. Common access drives must be at least sixteen (16) feet wide with a minimum of 12 feet of paved area with 1 foot minimum shoulders on either side.

7. No parking in common access drives. Parking in designated parking areas only.

8. At the intersection of the easement and public dedicated street, there shall be no visual obstruction, see vision clearance standards.

9. Street Access Developments. With the exception of the conversion of duplexes existing on or before February 8, 2001, townhouses receiving access directly from a public or private street shall comply with all of the following standards. These standards are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

Figure 2.1.200E(3) - Townhomes and Multiplex Housing With Street Access



   a. When garages face the street, they shall either be:
      (1) Recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet; or,
      (2) Flush with the front elevation, provided there is a balcony or living area above the garage that is either flush with the front elevation or projects beyond it.

   b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage frontage per unit is 50 percent of the total building frontage. For example, a unit with 24 feet of frontage onto the public street may have 12-feet of garage facing the street.

10. Each unit shall provide a minimum of 72 square feet of private outside open area (patio/deck/lawn). The minimum width or depth of the open area(s) shall be four feet.

11. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity to be formed pursuant to covenants, conditions and restrictions for the townhouse project. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be subject to review and approval by the Planning Director for compliance with this provision and shall be recorded prior to building permit approval.

12. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria, or the tax lots/parcels shall be legally combined to create a minimum 5,000 square foot parcel or to create a parcel the size of the parcel prior to the townhouse project.

13. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented for recording.

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

17.19.030 TOWNHOUSE PROCESS

A townhouse shall be processed as a partition, pursuant to the provisions of Title 16 - Land Divisions.

CHAPTER 17.20 - TRANSPORTATION CIRCULATION AND ACCESS MANAGEMENT (Adopted July 21, 2003, HRC Ord. #249)

SECTIONS:

17.20.010 Applicability
17.20.020 Definitions
17.20.030 Access Management Standards
17.20.040 Bicycle Parking
17.20.050 Standards for Transportation Improvements

17.20.010 APPLICABILITY

This chapter implements the City's adopted Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-12). The standards of this chapter are applicable to all proposed improvements to the public transportation system and to all development on the public transportation system.

17.20.020 DEFINITIONS

For the purposes of this Chapter the following definitions apply.

A. **Access**. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

B. **Access Connection**. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

C. **Access Management**. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

D. **Access Management Classification System**. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

E. **Accessway**. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

F. **Bikeway**. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

   (1) **Multi-use Path**. A paved 8 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

   (2) **Bike Lane**. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

   (3) **Shoulder Bikeway**. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

(4) **Shared Roadway**. A travel lane that is shared by bicyclists and motor vehicles.
(5) **Multi-use Trail**. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

G. **Cross Access**. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
H. **Easement**. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
I. **Joint Access (or Shared Access)**. A driveway connecting two or more contiguous sites to the public street system.
J. **Nonconforming Access Features**. Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.
K. **Reasonable Access**. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Hood River.
L. **Right-of-Way**. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.
M. **Stub-out (Stub-street)**. A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.
N. **Walkway**. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

17.20.030 ACCESS MANAGEMENT STANDARDS

This section shall apply to all development on arterials and collectors within city and UGA and to all properties that abut these roadways as part of 17.16 Site Plan Review process.

1. **Site Plan Review Procedures and criteria for Access Management**
   A. All site plans are required to be submitted for review pursuant to the provisions of this title shall show:

      1. Location of existing and proposed access point(s) on both sides of the road where applicable;
      2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
      3. Number and direction of lanes to be constructed on the driveway plus striping plans;
      4. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
      5. Parking and internal circulation plans including walkways and bikeways;
      6. A detailed description of any requested variance and the reason the variance is requested.

   B. All site plans shall comply with the following access criteria:
      1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
      2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.

C. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

ACCESS STANDARDS

2. **Access Spacing**. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures of Hood River Municipal Code Chapter 13.28.

3. **Joint and Cross Access**

A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

C. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

D. Pursuant to this section, property owners shall:
1. Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
2. Record an agreement that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement defining maintenance responsibilities of property owners.

E. The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   1. Joint access driveways and cross access easements are provided in accordance with this section.
   2. The site plan incorporates a unified access and circulation system in accordance with this section.
   3. The property owner enters into a written agreement with the city, which shall be recorded with respect to the subject property, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
   4. The City Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

4. **Driveway Design**. Driveways shall be designed pursuant to the requirements of the Hood River Municipal Code Chapter 13.28.

5. **Requirements for Phased Development Plans**
   A. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.

   B. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

6. **Nonconforming Access Features**. Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of the Hood River Municipal Code Chapter 13.28.

7. **Reverse Frontage**. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

17.20.040 BICYCLE PARKING

For all uses subject to Site Plan Review, a minimum of 2 bicycle parking spaces per use shall be required. In addition, the following Special Minimum Standards shall be considered as supplemental requirements for the number of required bicycle parking spaces.

1. Multi-Family Residences. Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 20 students and employees. High schools shall provide one bicycle parking space for every 20 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

4. Calculating the Number of Required Bicycle Parking Spaces.
    1. Fractional numbers of spaces shall be rounded up to the next whole space.

For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.

17.20.050 STANDARDS FOR TRANSPORTATION IMPROVEMENTS

1. **Permitted Uses not subject to site plan review.** Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
    A. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
    B. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
    C. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
    D. Landscaping as part of a transportation facility.
    E. Emergency measures necessary for the safety and protection of property
    F. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
    G. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. **Site Plan Review**
    A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

B. An application for site plan review is subject to review under 17.16 Site Plan Review, however the decision criteria does not apply. In order to be approved the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
   1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
   2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
   3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
   4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

HOOD RIVER COUNTY

SUBDIVISION ORDINANCE

ADOPTED FEBRUARY 16, 1966; HRC ORDINANCE No. 46
AMENDED AUGUST 19, 1974 – Ord. No. 48
AMENDED MARCH 3, 1986 – Ord. No. 146
AMENDED JULY 5, 1988 – Ord. No.173
AMENDED JULY 15, 2002 – Ord. No. 241
INCLUDED AND FORMATTED INTO THE HRC ZONING ORDINANCE AS ARTICLE 18 ON AUGUST 28, 2002
AMENDED AUGUST 22, 2003 – Ord No. 249

ARTICLE 18

SUBDIVISION ORDINANCE
HOOD RIVER COUNTY ORDINANCE
NO. 46

AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF HOOD RIVER COUNTY

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ARTICLE 18

HOOD RIVER COUNTY ORDINANCE NO. 46

AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF HOOD RIVER COUNTY

BACKGROUND INFORMATION

PURPOSE AND INTERPRETATION

Section 18.01 – Purpose of Adoption

The purpose of this ordinance is to provide standards and procedures to govern the development of land, to carry out the Comprehensive Plan of Hood River County, to promote the public health, safety and general welfare, to lessen congestion in the streets, secure safety from fire, flood, slides, pollution and other dangers, provide adequate light and air, prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewage, drainage, education, recreation and other needs of the people of Hood River County.

Section 18.02 – Subdivision Ordinance Interpretations, Urban Growth Area

A. The Hood River County Zoning Ordinance and Zoning Designations and Subdivision Ordinance apply to private, County and State ownerships, including lands within both Urban Growth Boundaries of the Cities of Hood River and Cascade Locks.

B. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appeals process specified in Hood River County Zoning and Subdivision Ordinances. The Cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the City's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director administrative decision-making process.

C. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the Cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretations relative to the following: uses permitted or conditionally allowed; and site development standards or requirements (e.g., maximum height, setbacks, minimum lot size for new lots or parcels, lot coverage, stream setbacks, distances between buildings, densities, etc.). However, the County reserves the right to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and the County) public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the City's and the County's Comprehensive Plans.

D. Cities' responses to County referrals will be specific regarding what site development standards are required. A brief statement that the request must comply with the City's Zoning Ordinance is not acceptable.

DEFINITIONS

Section 18.03 – Purpose of Definition

For the purpose of carrying out the intent of this ordinance, words, phrases, and terms used herein shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words in the singular number include the plural; words in the plural number include the singular. The word "shall" is mandatory and the word "may" is permissive.

Section 18.04 – Definitions

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

- A -

ABUT OR ABUTTING - Means contiguous with.

ACCEPTED FARM PRACTICE - A mode of operation that is common to farms of a similar nature necessary for the operation of such farms to obtain a profit in money and customarily utilized in conjunction with farm use.

ACCESS OR ACCESS WAY - The place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this chapter.

ACCESSORY BUILDING OR USE - A building or use which: (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principles use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports, or patio covers.

ADVISORY REVIEW COMMITTEE - The Director of Public Works, the Planning Director and the County Sanitarian or their authorized representatives. The Planning Director shall act as Chairman and Secretary.

ALLEY - A public or approved private way at the side or rear of property permanently reserved as a means of secondary vehicular access to abutting property.

AREA - A piece of land capable of being described with such certainty that its location may be established and boundaries definitely ascertained.

AREA - LOT OR PARCEL - The total net area within the property lines of a lot or parcel, including that area within any right-of-way, as described in a recorded deed.

- B -

BOARD OF COMMISSIONERS - "Board" means the Board of County Commissioners of Hood River County.

- C -

COUNTY CLERK - The Director of Records and Assessments of Hood River County.

COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this section) of any article, substance or commodity for livelihood or profit including shops for the sale of personal services (including professional services), and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMISSIONERS - The Hood River County Board of Commissioners.

COMMISSION, PLANNING COMMISSION, OR COMMISSION - The Planning Commission of Hood River County.

COUNTY - The County of Hood River.

CUL DE SAC - A type of dead end street, designed for limited use which cannot practically be extended with a suitable turn-around radius at the end.

- D -

DIRECTOR OF PLANNING - Refers to the Director of Planning of the County of Hood River and includes "Planning Director" or "Planner - Zoning Administrator".

- E -

EASEMENT - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

- F -

FARM USE - As used in this ordinance "farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof "farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

FLOODPLAIN - The 100-year floodplain of a river, stream or lake.

- G -

GOVERNING BODY - The Hood River County Board of Commissioners.

- I -

INDUSTRY - The manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof.

- L -

LEGAL DESCRIPTION - The method by which the outer boundaries of a building site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to establish points, monument, etc.

[1]LOT - A single unit of land that is created by a subdivision of land.

LOT, BUTT - A lot, the lot side lines of which abuts the lot rear line of two or more adjoining lots.

LOT, CORNER - A lot at the junction of two or more intersecting streets with a boundary line thereof abutting on each of the streets.

LOT, CUL DE SAC - A trapezoidal or wedge shaped lot wherein the minimum lot width shall be measured at the setback line.

LOT, DEPTH - The average horizontal distance between the front and rear lot line measured in the mean direction of the side lines of the lot.

LOT, EXTERIOR - A lot which is a corner lot.

LOT, FLAGPOLE - A building site with access to a street by means of a corridor or access way which is not less than as required by this ordinance.

LOT, INTERIOR - A lot which is not a corner lot.

LOT LINE, FRONT - On an interior lot, the “front lot line" means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the “front lot line” is the property line closest to and most nearly parallel with the street which serves the lot.

LOT OF RECORD - A lot, the legal description for which is recorded in the Department of Records and Assessments of Hood River County.

LOT THROUGH - A lot having frontage on two parallel or approximately parallel streets. The Commission shall determine which frontage shall be considered as the lot front for the purpose of compliance with yard and setback provisions of this ordinance.

LOT WIDTH - The average horizontal distance measured between the side lines of the lot.

- O -

[1]ORIGINAL LOT OR PARCEL - The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

- P -

[1]PARCEL - A single unit of land that is created: (a) by partitioning, as defined in ORS 92.010; (b) in compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or (c) by deed or land sales contract, if recorded prior to January 1, 1976.

PARTITION - Means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION, MAJOR - Means a partition that includes the creation of a road or Street.

PARTITION, MINOR - Means a partition that is subject to approval by the County under this ordinance and that does not include the creation of a road or street.

PARTITION, LAND - Means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include division of land resulting from the creation of cemetery lots, and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance.

PERSON - An individual, firm, co-ownership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate. the Federal or State Government, City, County, special district, or any other group or combination acting as an entity.

PLANNING DIRECTOR'S REVIEW PROCEDURE - Refers to provisions in Article 72 – Planning Director's Review Procedure, Hood River County Zoning Ordinance.

PLAT - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition, as defined in ORS 92.010.

PUBLIC UTILITY - Any company or firm under the jurisdiction of the Oregon State Public Utility Commissioner or County District under jurisdiction by a Board of Trustees.

- R -

RIGHT-OF-WAY - (1.) The exterior boundary of a street, public or private easement, or similar corridor of land where street and utility improvements, such as the improved road surface, sidewalks, planter strips, drainage ditches, and utility lines are located. When measuring setbacks, the edge of the right-of-way should be used, unless the setback is measured from centerline of the street. (2.) Is also defined as: Land that is owned in fee simple by the public, usually for transportation facilities.

ROAD OR STREET - A public or private way for travel by vehicles, bicycles and pedestrians, that meets County standards or descriptions in the County Transportation System Plan, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

[1] Amended on July 15, 2002, HRC Ord. 241.

- S -

STATEMENT OF WATER RIGHTS - Chapter 92, Oregon Revised Statutes requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, water control district, or district improvement company to file and record a statement of water rights. If a water right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

STREAM - Any perennial natural water course.

STREET - The principal means of access to abutting property as defined herein. "Streets" also include parkways, alleys and roads.

STREET, ROAD OR WAY - PRIVATE - Any area used for vehicular access and restricted from and/or not dedicated to the general public use or as further defined by any standards adopted by the Board of County Commissioners.

STREET, ROAD OR WAY - PUBLIC - Any street, road or way dedicated to the public, or the County, for and available to public use.

STREET, CENTERLINE - The centerline of the street as determined by official surveys or precise or specific plan of a highway alignment.

STREET, LOCAL - Any street dedicated, deeded or condemned as such serving as a principal means of access to abutting property, which street may be shown on or included in the circulation element adopted by and as amended by the County. Local streets typically include public streets or roads that serve local or neighborhood traffic and are not classified as arterials or collectors in the County's Transportation System Plan.

STREET, COMPREHENSIVE OR SPECIFIC PLAN - Any street or highway shown on the circulation element or adopted by and as amended by the County, including the Street Classification Map of the County's Transportation System Plan.

STREET, SIDE - The street bounding a corner lot and which extends in the same general direction as the lot line determining the depth.

STREET, ARTERIAL - A street used primarily for through traffic and identified as an arterial on the Functional Classification Map of the County's Transportation System Plan.

STREET, COLLECTOR - A street that connects two arterials or connects several local streets to an arterial and that is identified as a collector street on the Functional Classification Map of the County's Transportation System Plan. Collector streets typically serve a mix of local and through traffic.

SUBDIVIDE LAND - Means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION - Means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

APPLICABILITY OF OTHER ORDINANCES

Section 18.05 – Effects of Previous Subdivision Ordinances

A. Hood River County Subdivision Ordinance Number VI is hereby repealed. Any approval or conditional approval granted under the provisions of the Subdivision Ordinance Number VI or its amendments shall be valid in accordance with the provisions and conditions under which it was approved.

B. The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

SEPARABILITY

Section 18.06 – Separability

Should any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

GENERAL PROCESS

FILING FEES

Section 18.07 – Filing Fees Required

The filing fees for a land use application with the County Planning Department are reviewed by the County Board of Commission on an annual basis. To determine the fee for a particular application, see the most current County Fee Schedule.

Section 18.08 – Refund and Withdrawals

Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications. As such, refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Department shall authorize a refund based upon pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 18.09 – Waiver

The Planning Commission or Director may waive filing fees based upon the following:

A. Applications made by tax supported governmental agencies, i.e., School Districts.

B. The applicant is involved in an animal husbandry project in conjunction with a bona fide educational organization such as FFA or 4-H.

C. Any additional waivers of fees will be subject to review and approval by the Board of Commissioners.

Section 18.10 – Appeal of the Planning Commission

A. Any "party" having "standing" as provided by this section may appeal to the Board of Commissioners an action or ruling of the Planning Commission authorized by this ordinance.

B. Board of Commissioners review of final actions or rulings of the, Planning Commission shall be solely as provided by Section 18.10 of this ordinance.

C. No action for review by the Board of Commissioners shall be maintained as to the validity of any action or ruling of the Planning Commission, except a final order or ruling.

D. In order to have standing for review under this ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the hearing on which the Planning Commission based its action or ruling, and speak or introduce input in opposition to the Planning Commission's ultimate action or ruling at the hearing, unless the party can show to the Board good cause or reason why attendance at the hearing was not possible. The following only are hereby defined as "parties" having standing for review under this ordinance:

    1. A person or persons jointly or severally adversely affected or aggrieved in fact by an action or ruling of the Planning Commission.

    2. A governmental agency, civic or environmental organization that demonstrates to the Board that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.

    3. Any other person who demonstrates to the Board that his legal rights are affected by the outcome of the hearing and subsequent action on a specific application.

    4. The Board of County Commissioners shall make all decisions of who shall qualify as a party having standing under this ordinance prior to the time set for final hearing on review.

E. Jurisdiction for review of a final order or ruling of the Planning Commission is conferred upon the Board of Commissioners. Proceedings for review shall be instituted by filing a written "Petition for Appeal" on a form provided by the Planning Commission, with the Department of Records and Assessments within 30 days after the Commission has rendered its final order or ruling. The petition shall state the nature of the petitioner's interest, the facts showing how the petitioner is adversely affected or aggrieved by the Planning Commission' S order or ruling, and the ground or grounds upon which the petitioner contends the order or ruling should be reversed or remanded.

F. If no appeal is filed within the 30 day period, the order or ruling of the Planning Commission shall be final and not appealable.

G. The filing of the "Petition for Appeal" shall not stay enforcement of the Planning Commission's order or ruling, but the Board may do so upon requiring the giving of a bond or other undertaking or upon such other terms as it deems proper. Any bond or

other undertaking executed pursuant to this subsection shall be in favor of Hood River County, Oregon, for its benefit and for the benefit of whomever else it may concern and may be enforced by the Board or any other person concerned in an appropriate proceedings as their interest may appear.

H. If the application is denied, either initially or never taken, or upon review by the Board of Commissioners, or by the courts affirming denial, no new application for the same or substantially similar action shall be filed for at least one (1) year from the date of final order on the action denying the application.

I. Within 30 days after the filing of the "Petition for Appeal" the Planning Commission shall transmit to the Board of Commissioners the original or a certified copy of the entire record of the proceeding under review, but by stipulation of all parties to the review proceeding, the record may be shortened. The Board may require or permit subsequent corrections or additions to the record when deemed desirable.

J. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the County, not less than five days prior to the date of the hearing. Such notices shall also be sent by mail to all property owners within 250 feet of the exterior boundaries of the property which is the subject of the appeal.

K. If, not later than 15 days before the date set for the hearing on the petition, application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the Planning Commission, the Board may order the additional evidence to be taken before the Planning Commission upon such conditions as the Board deems proper. Notice of the time and place where the Planning Commission is to take the additional evidence shall be published in the same manner as in the original hearing. Planning Commission may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board, file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order as the cases may be.

L. The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects, at its option, to hear the application de novo and allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo, this fact shall be included in the notice of the hearing.

M. If the review of the Planning Commission's order is a review on the record and not a de novo hearing, the Board shall not substitute its judgment for that of the Planning Commission as to any issue of fact, and no additional evidence shall be received. However, in the case of disputed allegations of irregularities in procedure before the Planning Commission not shown in the record which, if approved, would warrant reversal or remand, the Board may take evidence limited to the alleged irregularities in procedure and make findings of fact and enter an order upon them.

N. The Board may affirm, reverse or remand the order. The Board shall reverse or remand the Planning Commission’s order only if it finds:

1. The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioning party were prejudiced thereby and defects in the content

of the notice required by this section, but not asserted at or prior to the commencement of the hearing before the Planning Commission, shall not be cause for reversal or remand; or

2. The rule or order to be unconstitutional; or

3. The order is not supported by reliable, probative and substantial evidence on the whole record; or

4. The order is not supported by sufficient probative and substantial findings of fact.

O. In the case of reversal, the Board shall make special findings of fact based upon evidence in the record and conclusions of law indicating clearly all respects in which the Planning Commission's order is erroneous. If the Board's decision upholds the decision of the Planning Commission, the Board shall make special findings substantiating their decision. The Board may adopt or include findings of the Planning Commission as it sees fit.

P. All decisions of the Board of Commissioners under this ordinance shall be final and shall be reviewed only upon writ of review as provided in ORS Chapter 34.

Section 18.11 — Appeal of the Planning Director

A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director's final report is completed.

B. Decisions of the Planning Director shall be final unless appealed. Appeals shall be submitted in writing to the Planning Commission within 15 days from the date of the Director's action by obtaining an appeal form from the Hood River County Planning Department.

C. Any "party" having "standing" as provided below may appeal to the Planning Commission.

D. In order to have standing for review, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the review on which the Director based his action or ruling and speak or introduce input in opposition to the Director's action or ruling, unless the party can show to the Planning Commission good cause or reason why attendance at the review was not possible. The following are hereby defined as "parties" having standing for review:

1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this ordinance prior to the time set for final hearing on review.
2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.
3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.

4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.

PLANNING COMMISSION HEARINGS & PLANNING DIRECTOR REVIEW

Section 18.12 – Notice of Public Hearings

Notice of public hearings before the Board of Commissioners and Planning Commission shall meet the following:

A. Board of Commissioners: Publication in a newspaper of general circulation in Hood River County at least 10 days in advance of the public hearing, and notification of each property owner listed on the latest equalized tax roll of the County of Hood River within 250 feet of the exterior boundary of the lot or parcel in question.

B. Planning- Commission: The same as for the Board of Commissioners.

Section 18.13 – Conduct of Public Hearings

The Board of Commissioners, Planning Commission and Advisory Review Committee shall individually adopt by resolution rules of conduct of public hearings. Said rules shall be available upon request from the office of the Planning. Commission and the Department of Records and Assessments. Copies shall be available at the public hearing and shall be distributed to each applicant and other individuals requesting same.

Section 18.14 – Planning Director's Review Procedure

Notice of Administrative Action before the Planning Director shall meet the following:

A. Notice shall be sent by mail to all property owners within 250 feet of The property which is the subject of the application (major partitions only).

B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

C. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.

D. Notice of decision shall contain: (1) identification of applicant; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Directors decision.

E. The Director shall notify the Planning Commission and Board of final decision(s)

F. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.

ENFORCEMENT AND PENALTIES

Section 18.15 – Enforcement and Penalties

A. Any individual, firm or corporation, whether as principal, agent or employee, violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or 50 days imprisonment in the County Jail or both per offence.

B. In addition, the Board of Commissioners, the Planning Commission, the District Attorney or a person whose interest in real property in Hood River County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the unlawful use.

SUBDIVISIONS

GENERAL PROVISIONS

Section 18.16 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to OHS 92.101 to 92.160 for the purposes of adopting regulations for the design and improvements of subdivisions and minimum lot standards for subdividing land within the unincorporated territory of Hood River County.

SUBDIVISION OF LAND INTO FOUR OR MORE PARCELS TENTATIVE PLAN

Section. 18.17 – Requirements, Compliance with Comprehensive Plan

A. No person, firm, corporation, partnership or association shall subdivide land in the unincorporated territory of Hood River County into four or more lots without first obtaining approval from the Planning Commission, Board of Commissioners or Director, pursuant to the requirements of Section 18.01, 18.02, 18.03 and 18.04 of this ordinance.

B. No person, firm, corporation, partnership or association shall cause a subdivision to be created and no County Official shall accept or approve a subdivision unless it meets the requirements of the Comprehensive Plan and the Zoning Ordinance.

C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until approval is obtained.

D. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until the plot of the subdivision has been acknowledged and recorded with the recording officer of the County in which the lot is situated. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat of such subdivision has been so recorded.

Section 18.18 – Preparation, Purpose and Filing of Tentative Plan

A. The initial action in connection with the making of any subdivision shall be the preparation of a tentative plan or plans conforming to the provisions of this chapter. A tentative plan shall be made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon the accurate or detailed survey of the property.

B. A tentative plan shall be filed with the Planning Department for any proposed division of land defined as a "subdivision" in Section 18.04.

Section 18.19 – Form and Contents for a Tentative Plan

A. A tentative plan shall be drawn to scale and shall conform to the design regulations contained in Design Standards, Sections 18.32 – 18.40.

B. Every tentative plan shall be clearly and legibly reproduced and shall show the following information:

1. A site sketch showing the location of the proposed subdivision in relation to the surrounding area or region.

2. The tract name, date, north point and scale.

3. Names, addresses and telephone numbers of record owner, subdivider and engineer or surveyor or other persons preparing the tentative map.

4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of adjacent parcels.

5. Location, names, present center lines, widths and grades of adjacent or abutting roads and streets.

6. Location and dimensions of all known easements, reservations and drainage ditches on or adjacent to the proposed subdivision.

7. The location of all existing structures to remain on the property.

8. Topography shown with sufficient detail for proper study of drainage, sewage disposal, building sites and road locations.

9. Approximate location of all areas subject to inundation or storm water overflow and the locations, width and direction of flow of all water courses.

10. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.

11. The approximate dimensions and area of all lots and radii of all curves.

12. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.

13. Source of water supply; volume of water available.

14. Natural factors such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Section 18.20 – Data to Accompany Tentative Plan

Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:

A. A preliminary title report prepared by a reputable Title Insurance Company stating rights and interest in the property being subdivided.

B. If domestic water supply proposed by the subdivider is from a private source, information on availability of water source shall be supplied.

C. When subsurface sewage disposal systems are proposed for sewage disposal, test data in accordance with the requirements of the latest adopted standards by the Department of Environmental Quality and any supplemental tests as required by the County Health Department shall be submitted. Requirements of the Department of Environmental Quality and the County Health Department shall be met. Detailed information on any proposed community sewage disposal system shall be submitted to the satisfaction of the County Health Department and the Department of Environmental Quality.

D. Information on the source of other public utilities.

E. Proposed drainage and flood control measures.

F. A general development plan of contiguous subdivision units and parcels Proposed for subdivision for the purpose of reference and information of the Planning Commission.

G. Existing and proposed uses of the property, including any public areas proposed.

Section 18.21 – Statement of Water Rights

A. Applicants proposing subdivisions or replats on lands outside the boundaries of an irrigation district, water control district, or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the subdivided lands, the water rights statement and a copy of the proposed subdivision shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved subdivision plat.

B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3 or the Oregon Water Resources Department.

Section 18.22 – Filing Prints of Tentative Plan; Filing Fees; Acceptance

A. There shall be filed with the Planning Director, twelve prints and one sepia; if a sheet size of 81" x 14" or smaller is used, a sepia is not required if the tentative plan conforms to the requirements of Section 18.19 and accompanying data required by Section 18.20 of this Section.

B. The subdivider shall at the time of filing a tentative plan, pay a filing fee as required by Section 18.07.

C. The time of filing a tentative plan shall be the time at which the plan is received by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with the provisions of law and this ordinance.

D. Upon acceptance, the Planning Department shall give a receipt for the plan, accompanying data and filing fee. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for proper consideration of the plan, nor does it insure that the plan does comply with the law and with this ordinance.

Section 18.23 – Distribution of Copies; Action on Tentative Plan by Agencies, etc.; Approval or Disapproval

A. The tentative plan shall be distributed by the Planning Department to public agencies and officials and public utility companies requesting same for review and report thereon.

B. Within not more than twenty eight days from receipt of a tentative plan, each officer or agency shall file a report with the Planning Department on his or its approval, conditional approval, recommendation or disapproval. Such recommendations shall be in writing and shall indicate what changes are necessary to make the proposed subdivision acceptable, including any typical drawings and specifications adopted as standards. The

recommendations as submitted may then become a condition of approval.

C. Prior to the public hearing by the Planning Commission, the Advisory Review Committee shall meet with the subdivider. The Advisory Review Committee shall prepare a report to the Planning Commission recommending appropriate action and/or conditions to be placed on the final plat.

D. Upon receipt of an adverse report or recommendation from the County Sanitarian pertaining to sewage disposal or potability or quantity of water supply, or from any district or agency that has jurisdiction over sanitary sewer systems or adequacy of water supply or water systems, the Planning Commission shall deny the tentative plan.

E. Within fifty days after receipt of a tentative plan from the subdivider, unless such time is extended by the Planning Commission and the subdivider or his agent is advised of such extension, the Planning Commission shall conduct a public hearing on the matter together with all reports pertaining thereto, and shall approve, conditionally approve or disapprove the same. Such action shall be endorsed upon the face of the tentative plan. In the event the tentative plan is disapproved, the reasons for such disapproval shall be stated upon a memorandum permanently attached to such map, together with a statement of what changes will render the plan acceptable. One copy of the tentative plan and memorandum shall be sent to the subdivider and one copy shall remain permanently in the files of the Planning Commission. If no action is taken by the Planning Commission within fifty days, or such longer period as required by the Planning Commission, the tentative plan shall be deemed approved and it shall be so attested by the Commission. The action by the Planning Commission is final unless appealed as provided in Sections 18.10 and 18.11 of this ordinance.

F. No tentative plan or plat of a subdivision shall be approved which bears a name using a word which is the same as, or similar to, or pronounced the same as a word in the name of any other subdivision in the same County, except for the words “town”, “city", "place", "court", "addition" or similar words unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name.

SUBDIVISION OF FOUR OR MORE PARCELS FINAL PLAT

Section 18.24 – Time of Preparing a Final Plat, Failure to File Within Time Limits; Tentative Plan Pre-Requisite to Recording; Filing Fees

A. Within a period of twelve months after approval or conditional approval of the tentative plan or plans, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final plat to be prepared in accordance with the tentative plan as approved. Upon application of the subdivider, an extension of not exceeding three years may be authorized by the Planning Commission. In the event the Planning Commission denies a subdivider's application for an extension, the subdivider may appeal to the Board of Commissioners.

B. Any such request for extension by the subdivider to file his final plat shall be made thirty days prior to the expiration date of the twelve month period following approval of the tentative plan. The request for extension shall be made by the subdivider in writing to the Planning Commission which must act upon such request prior to the expiration of the thirty days.

Section 18.25 – Form and Contents of the Final Plat

A. The final plat shall be clearly and legibly drawn, or reproduced by a process guaranteeing a permanent record in black upon tracing cloth or polyester film. All lines, letters and figures shall be clearly and legibly drawn in black water proof India ink. The plat shall be made in such condition that when filed, good legible prints can be made therefrom.

B. The size of sheets shall be eighteen inches by twenty six inches. The scale of the final plat shall be sufficiently large to clearly show the details of the plat.

C. Every sheet comprising the final plat shall bear the tract name, scale, north point, legend, sheet number and number of sheets comprising the plat. Below the north point shall be clearly noted the basis of bearing for the survey. When the final plat consists of more than two plat sheets, a key plan showing the relation of the sheets shall be placed on sheet one.

D. The final plat shall clearly show the exact location of all permanent monuments as required to be set per Section 18.81 of this Ordinance. The corners of adjoining subdivisions shall be identified by lot and block numbers, tract name and place of record, or by section, township and range or other proper designations.

E. The final plat shall show the side lines, total width, width of the portion being dedicated and width of existing dedications of all streets and ways and the width of railroad rights-of-way appearing on the map. Where there has been established the center line of an existing street or way, the data shall be shown on the final plat indicating all monuments found and making reference to a field book or map. If the points were reset by ties, that fact shall be stated.

F. All lots shall be numbered consecutively with no omissions or duplications throughout the subdivision, including all units of any subdivision which has the same tract name but is designated by different units. Block division or numbering is not permitted. Circles or other geometric figures shall not be drawn around numbers. Each lot must be shown

entirely on one sheet.

G. Sufficient data must be shown on the final plat to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to nearest hundredth. Bearings and distances of straight lines, and such radii and arc length for all curves as may be necessary to determine the location of centers of curves shall be shown.

H. The final plat shall show the location and width of all easements and building setback lines to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, the recorded reference given. If the easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements shall be designated by dashed lines. Distances and bearings of the side lines of lots cut by an easement must be arrowed to indicate clearly the actual lengths of the lot lines. The width of the easement and length and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication.

I. The final plat shall particularly define and designate all lots reserved for private purposes and all lots offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case. Any or all of the lots intended for any public use, except those lots.

Section 18.26 – Certificates and Acknowledgements

The following certificates and acknowledgements shall appear on the final plat and may be combined when appropriate:

A. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the preparation and recordation of the final plat. The signatures of parties owning the following types of interests may be omitted if their names and nature of interests are endorsed on the map;

   1. Right-of way, easements, or other interests, none of which can ripen into a fee.

   2. Right-of-way, easements of reversions, which by reason of changed conditions long disuse or negligence appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the map. Land including territory originally patented by the United States of this State, under patent reserving interest to either or both of those entities.

B. A certificate for execution acknowledged as above donating to the public all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply system; and land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

C. A certificate by the registered professional engineer or licensed surveyor responsible for the survey and final plat. The signatures of such Civil Engineer or licensed surveyor must be accompanied by his seal or stamp.

D. A certificate for execution by the Director of Public Works.

E. A certificate for execution by the County Recorder.

F. A certificate for execution by the Chairman of the Planning Commission attested by the Secretary thereof.

G. A certificate attesting that a tax bond, cash or other security guarantees in payment has been filed with the Clerk of the Board of Commissioners to cover taxes and assessments against the property which are a lien but not yet payable.

H. A certificate for execution by the Chairman of the Board of Commissioners, attested by the Clerk of such Board approving the final plat as submitted, and accepting, or not accepting, the areas offered for dedication for public use.

Section 18.27 – Official Not to Execute Certificates, etc., If He Has Interest in Subdivision

When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the plat, shall be exempt from the requirements of this section.

Section 18.28 – Data and Information to Accompany Final Plat

The following data and information shall accompany the final plat:

A. Evidence of title issued by a reputable title insurance company, showing the names of all persons having any right, title or interest in the lands being subdivided and whose consent is necessary to convey clear title to the land.

B. Deed restrictions to be recorded with the final plat.

C. A letter from the Director of Public Works stating that either street improvements shown on the approved improvement plan have been installed satisfactorily, or if such improvements have not been installed, the estimated cost of installing such improvements.

D. A letter from the County Health Department or Department of Environmental Quality and any public or private agency, company or district supplying water to the subdivision certifying that satisfactory arrangements have been made with them for the installation of an adequate and safe water supply for each lot within the subdivision, in accordance with provisions of Section 18.36 of this ordinance.

E. A letter from the County Health Department and Sanitary District or Sanitation District having jurisdiction, certifying that satisfactory arrangements have been made with them for adequate sewage disposal for each lot in the subdivision in accordance with any State Laws or County Ordinances pertaining thereto.

F. Any other evidence and material that are, or may be hereafter required by law, or by the conditions or approval of the tentative plan.

Section 18.29 – Recording Statement of Water Rights

The Statement of Water Rights and the acknowledgement from the Oregon Water Resources Department must be recorded with the County approved subdivision plat.

Section 18.30 – Filing of Plat

A. The final plat conforming to the requirements of Section 18.31 of this chapter and containing all (except the approval certificate by the Planning Commission and the Board of Commissioners) the necessary signatures affixed to the certificates and acknowledgements and all accompanying data and material, shall be filed with the Planning Department within one year after the tentative map has been approved, unless the subdivider has applied for and has been granted an extension of the time for filing by the Planning Commission.

B. At the time of filing the final plat, the Planning Department shall give a receipt for the map and accompanying data.

Section 18.31 – Action on Final Plat by County Officials

A. Either before or after recording the final plat, the subdivider shall file a report with the Real Estate Division, Department of Commerce and State of Oregon when required by Oregon State Law.

B. Approval of final plat by the Planning Director. After reviewing the final plat, the Planning Director shall:

1. Approve the plat if it substantially conforms to the adopted tentative plan

2. Deny the final plat if it does not substantially conform to the tentative plan.

C. Approving signatures. When the plat is approved by the Planning Director, the plat shall be sent to:

1. The Director of Public Works, whose signature shall certify that the platting laws of this State and of this Ordinance have been complied with.

2. The Director of Budget and Finance, whose signature shall certify that all taxes on the property have been paid, and a certification by the Director of Budget and Finance that a Security Bond. has been filed in the Department of Budget and Finance to cover any uncompleted improvements.

3. The Planning Commission Chair and attested by the Secretary that the plat substantially conforms to the approved tentative plan.

4. A majority of the Board of Commissioners, whose signatures shall certify that the plat is approved by them.

5. The County Sanitarian, whose signature shall certify that all State and County health requirements have been complied with.

D. Filing of the final plat. After obtaining all the required approvals and signatures, the

subdivider shall file the approved final plat with the County Recorder. The County Recorder shall record the pl.at within 10 days after receipt of the plat.

E. Upon filing of the final plat, the developer shall provide five copies to the County Planning Department.

DESIGN STANDARDS

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

Section 18.32 – Streets

A. The alignment of street centerlines shall be continuations of centerlines of existing streets.

B. Any two streets intersecting on a given street shall have a continuous centerline or be separated by one hundred and fifty feet minimum. Block corners shall be rounded by a radius of twenty feet. The angle of intersection shall be between 60◦ and 90◦. Intersecting streets shall have at least fifty feet of tangent adjacent to the intersection.

C. The following factors will be considered by the Planning Commission or Director in granting approval for streets:

1. The relationship of the streets to existing and planned streets.

2. Topographical conditions.

3. Public convenience and safety and to the use of the land to be served by the street.

D. Streets and roads dedicated to the public or intended to be accepted into the County maintained road system shall meet the minimum standards as established by the Board of Commissioners; however, this does not guarantee acceptance into the County-maintained road system. Criteria for acceptance of a public road into the County-maintained road system are included in an addendum to the County Road Standards Document.

E. Road maintenance agreements are required for new private streets, and for new public streets, unless the public street has been accepted into the County road maintenance system.

F. Within the Urban Growth Area of Hood River, transportation standards of the City of Hood River shall apply as described in the City of Hood River's Transportation System Plan.

G. Within the Urban Growth Area of Cascade Locks, transportation standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks' Transportation System Plan.

H. Within designated unincorporated communities outside the Urban Growth Areas of Hood River and Cascade Locks, urban local street standards shall apply to roads in all "urban density developments," defined as new residential subdivisions and partitions that present both the potential to serve more than 10 parcels/lots (via build-out or street connectivity) and have an average potential lot size of 10,000 square feet or less. Within these areas, the following additional standards also shall be met:

1. The maximum block size shall be 600 ft. in length with a 1,600 ft. perimeter.

2. All residential developments shall provide a continuous pedestrian and/or multi-use pathway system that extends throughout the development and connects to all future phases of development as well as all adjacent trails, public parks, and open space whenever possible.

3. Road right-of-way shall not be considered part of a parcel's area.

4. Urban local streets shall be constructed to meet one of the four design standards identified in the following table and pursuant to subsection H.5 of this ordinance section. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

Table 18-1. Urban Local Road Standards

Classification	ROW	Roadway	Travel lanes	Center lane	Bike lanes	Parking	Planting strip	Sidewalk	Utility easement*
Urban Local Residential Option "A"	60'	34'	NA	None	None	Both sides	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "B"	50'	28'	NA	None	None	One or both sides*	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "C"	50'	24'	NA	None	None	One side*	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "D"	50'	20'	NA	None	None	None	Two 6'	Two 6' minimum	One or two 0-10'

*Access control required per design guidelines.

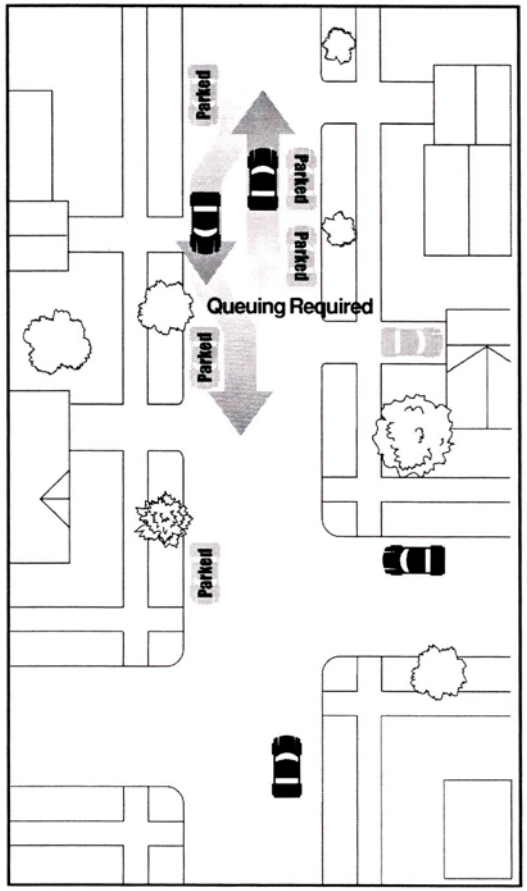
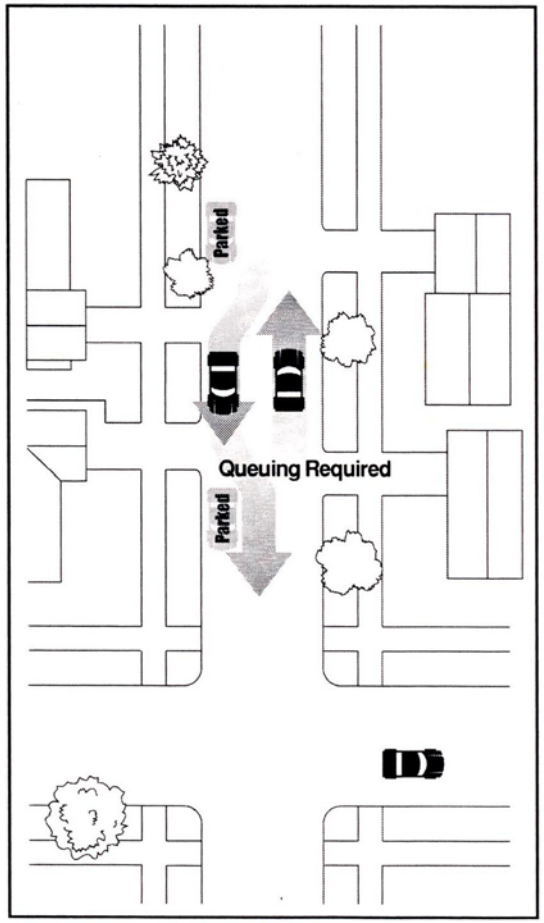
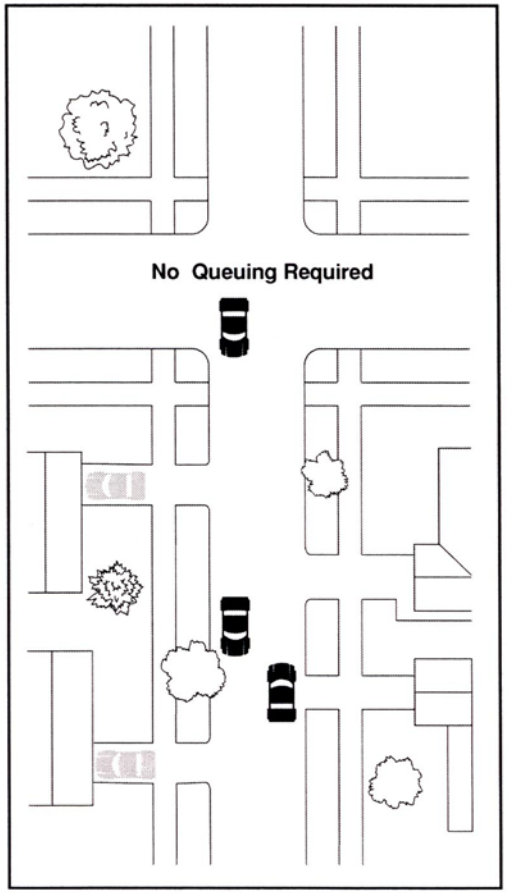
5. The narrower local street options (Options B through D) shall be allowed only if all of the following conditions (a through d below) and those in subsection I are met:

   a. On-street parking is restricted within 20 feet of each intersection; additional restrictions up to 50 feet may be applied by the County Engineer, as needed. In order to maintain adequate vehicle passage, parking restrictions shall be enforced in all places where parking is restricted. The developer is responsible for providing striping of curbs and signage to indicate parking restrictions.

   b. Adequate off-street parking shall be provided to serve the needs of residents and visitors when there is no on-street parking or on-street parking is limited to one side of the street by providing visitor parking areas, or larger lots to allow for four off-street parking spaces per lot.

   c. Planting strips, or other areas, shall provide adequate space for snow removal.

   d. Driveway access spacing follows the guidelines set forth in Figures 18-1 through 18-3 below:

Figure 18-1. Queuing guidelines, parking allowed both sides, Local Street Option B	Figure 18-2. Queuing guidelines, parking allowed one side, Local Street Option C	Figure 18-3. Queuing guidelines, no parking allowed, Local Street Option D
		

6. Sidewalks shall be included on all urban streets.

7. Stub streets shall be allowed to maintain opportunities for future connectivity. Temporary turnarounds may be required in constructing stub streets.

8. Cul-de-sacs shall be used only where topographical or other environmental constraints prevent street connections. Pedestrian and bicycle connections should be used to connect cul-de-sacs to adjacent streets or other cul-de-sacs, where practical. Cul-de-sacs will have a maximum length of 500 feet.

9. Streets and accessways need not be required where one or more of the following conditions exist:

   a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

   b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

   c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

I. Access management standards for local streets shall be met in all new urban density developments as defined in subsection H of this ordinance section. Driveway access spacing shall be maintained to allow queuing, as illustrated in Figures 18-1 through 18-3 (shown in subsection H.5.d). The guidelines found in subsection H.5 shall be used by the County Public Works Department to review and approve the use of narrow street standards on a case-by-case basis.

   Additional access management standards are located in Article 19 of the Hood River County Zoning Ordinance.

J. Outside the Urban Growth Areas of Hood River and Cascade Locks, rural local street standards shall apply to new roads constructed in all new residential subdivisions and partitions that: a.) have the potential (via build-out or street connectivity) for no more than 10 parcels/lots total; and/or b.) Have an average potential lot size of more than 10,000 square feet. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

Table 18-2. Rural Local Road Standards

Classification	ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
Rural Local Residential Option A	60'	22'	Two 11' (paved)	None	3' gravel shoulder both sides	None	None	None	One or two 5-10'	12' ditch, one or both sides
Rural Local Residential Option B	50'	20'	Two 10' (gravel)	None	None	None	None	None	One or two 5-7'	Unpaved
Rural Local C	30'	20'	Two 10' (gravel)	None	None	None	None	None	One or two 5-7'	Unpaved
Rural Local Residential Cul de sac	Rural Option A, B, or C	Rural Option A, B, or C	NA	NA	3' for Option A	None	None	None	One or two 5-10'	

1. Public or private roadways designed to serve no more than four parcels shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 30 feet. (See Table 18-2, Rural Local Option "C".) At the discretion of the County Engineer or Planning Director, based on input from the Fire Chief, the travel width may be reduced to 16 feet, under certain circumstances.

2. A roadway that has the potential to serve five to 10 parcels, with no further potential for street connectivity, shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 50 feet. (See Table 18-2, Rural Local Option "B".)

3. Any roadway designed to serve more than 10 parcels, where the average potential lot size is greater than 10,000 square feet, shall be constructed according to the recommended rural local residential street standard of 22' paved road surface width with a 60' right-of-way. (See Table 18-2, Rural Local Option "A".)

4. Turn-arounds, turn-outs, and additional access roads may be required for any of the above Rural Local Road Standards (Table 18-2, Options A-C) and shall comply with the requirements of the County Engineer and with the Fire District's Fire and Life Safety Requirements.

5. Road right-of-way may be considered part of a parcel's area for Rural Residential parcels with an average potential lot size of 2 acres or greater.

K. Streets in Planned Unit Developments (PUDs) are not covered by this ordinance.

L. The Planning Commission or Planning Director may require the developer to create a reserve strip controlling access to and from a street to be placed under the jurisdiction of the County whenever the Planning Commission or Director determines that such a reserve strip is necessary to:

1. Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.

2. Prevent access to the side of a street on the side of a street where additional width is needed.

3. Prevent access to land abutting the street of the development; or

4. Prevent access to land unsuitable for building developments.

M. Whenever existing streets adjacent to or within a tract have inadequate width, additional right-of-ways may be required.

N. Roads that have the potential to serve more than 4 parcels/lots shall be dedicated to the public.

O. Private roads may be constructed if they serve, or have the potential to serve, no more than four potential parcels/lots and are not intended to provide through access to any other road, at the discretion of the County Engineer.

P. New roads constructed within subdivisions shall be dedicated to the public, and accepted by the Board of Commissioners. New public roads constructed to county road standards within major partitions shall be dedicated to the public via a declaration on the face of the plat, with the signature of the Planning Director on the plat signifying the County's acceptance.

Q. Vacation of easements for public right-of-way shall be processed according to the procedures defined in ORS 368.326 – 368.426 (County Roads), and ORS 92.234 – 92.245 (Subdivisions and Partitions).

R. Street extensions, conforming to alignment, grade and width requirements shall be provided for access to acreage adjacent to the subdivision. Stub streets which are reserved for future extensions not exceeding one lot in depth shall not be required to have a cul de sac, provided all lots adjacent to such stub streets have adequate frontage on and access to another street.

S. All street names shall be subject to the approval of the Planning Commission or Director. Duplication of street names will not be permitted unless the streets are obviously in alignment.

T. All streets and right-of-ways shall be subject to the approval of the Planning Commission or Director.

U. The creation of streets shall be in conformance with the required standards for an approved subdivision except, the Planning Commission or Director shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivision provided any of the following conditions exist:

1. The establishment of the street is initiated by the County Board of Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

2. Creation of a new road, which is proposed outside of the partitioning or subdivision

process shall be considered a "Major Partition for Access Only" and shall follow the "Street Design Standards" of the Subdivision Ordinance (Section 18.32), as well as the applicable criteria identified in Sections 18.32(H) and (J). Private residential roads as described in Section 18.32(O) are exempt from this requirement, although the owners with an interest in such roads should still construct them to Fire District standards, obtain access approval from County Public Works, if necessary, and record easements with County Records and Assessment.

Section 18.33 – Drainage and Floodplains

Where land in the subdivision area is or will be periodically subject to accumulations of surface water, including floodplains, or is traversed by any water course, channel, stream or creek, the Commission or Director may require the subdivider to provide for adequate unrestricted drainage by dedicating to the public, drainage easements. On site drainage, including but not limited to drainage tiles may be required for each lot.

Section 18.34 – Public Utility Easements

A. Public Utility Easement, ten feet in total width, shall be approved to accommodate public utility drainage and sanitary structures.

B. Alignment of easement and additional easements for appurtenances to utility lines shall conform to the standards of the public utility company or district providing service to the subdivision.

Section 18.35 – Lot Standards

A. All proposed lots in a subdivision shall not be divided less than the minimum requirements of the Zoning Ordinance. The County Health Officer shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety. The County shall not approve the proposed lots or parcels with less than the minimum area recommended by the Health Officer.

B. When a Planned Unit Development project is proposed, lot standards may be deleted upon approval of the planning Commission or Director.

C. Key, flagpole and butt lots will be kept to a minimum and shall be eliminated where feasible.

D. As far as practicable, lot side lines shall run perpendicular to the street or radial to a curved portion of the street.

E. Where the subdivision will create lots in excess of one half acre, the Commission may require a particular lot line arrangement if in the judgment of the Commission or Director, the lots may be further divided at a later date.

F. The following provisions are applicable to Lands within the City of Hood River's Urban Growth Area:

1. If applicable, subdivision proposals shall show, through use of a plot plan, how proposed lots can be reduced to future Urban Densities (5,000 to 7,000 square

feet).

2. The Director shall submit subdivision proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use, service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

Section 18.36 – Water Supply and Distribution Requirements

Water supply systems shall meet the requirements as to quantity, quality, specifications and standards as to materials and manner of construction of any district having jurisdiction. and the County Health Department and the Department of Public Health. When domestic water will not be used for irrigation purposes, irrigation water to supply the anticipated needs of the subdivision shall be supplied when located in an irrigation district.

Section 18.37 – Conformance to Comprehensive Plan

No subdivision or partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

Section 18.38 – Provision for Parks

The Planning Commission may require that land be set aside for parks and recreation purposes, or for open space. Such dedication shall be in compliance with the Comprehensive Plan.

Section 18.39 – Provisions for Schools

If in the opinion of the Planning Commission, upon the recommendation of the appropriate school district, a school site is needed, the Planning Commission may require the subdivider to reserve land suitable for a school for up to five years.

Section 18.40 – Underground Utilities

The Planning Commission shall require that certain utilities be placed underground except high power lines.

IMPROVEMENTS

Section 18.41 – Improvement Plans

Prior to commencement of any construction and submittal of the final plat, two copies of improvement plans shall be submitted to and approved by the Director of Public Works. The plan shall include the following:

A. A plan and profile of the proposed roads and streets shall be made to a suitable scale and must show the ground surface line, finish grade surface, rates of grade, vertical curves, elevation of grade points and fifty foot stations. The ditch grade shall be shown by broken lines, and location and flow line elevation of all culverts shall be shown with diameter and length given thereon. The plan and profile shall be submitted to and subject to approval of the Director of Public Works.

B. Detailed drawings and specifications of all public utilities right-of-way and easements, conforming with the standards and specifications of the company or district providing service to the subdivision, shall be submitted to any such agency, company and district for approval thereof. A copy of such approved improvement plan shall be submitted to the Director of Public Works before construction is started.

C. Prior to the approval of the final plat, the subdivider shall sign a statement that he will install improvements subject to the conditions of the tentative plan and improvement plan. The subdivider shall sign a compliance agreement.

Section 18.42 – Drainage and Flood Control

Provisions shall be made to drain surface and storm water from the subdivision on the basis of computation of anticipated 100 year frequency storms for maximum periods of intensity for the entire drainage basin served by the given drainage or flood control system. Drainage structures and ditches shall have sufficient open area to carry the calculated storm water from such drainage areas based on standard engineering principles. Where free fall of water occurs, provisions shall be made to prevent erosion of soil. Natural drainage shall be preserved whenever possible.

Section 18.43 – Regulations Governing Supply of Water; Fire Protection Standards

Prior to the approval of the final plat, the Planning Director shall receive and accept either:

A. Proof of water supply to each lot in accordance with the standards, regulations and specifications of the County Health Department and the Department of Public Health. Fire hydrants, gated connections and appurtenances shall be furnished for fire protection in accordance with the standards of the fire district in which the subdivision is located or the standards of the American Insurance Association, whichever is greater.

   If a private water supply is to be used, feasibility information on availability of water shall be supplied.

   If the proposed subdivision is located outside the boundary of a water district, the Planning Director may require the developer to construct the supply and system in accordance with the district's requirements with consideration towards ultimate

annexation of the subdivision to the water district. Such requirements may be a condition of approval of the tentative map.

B. Enter into an agreement with the County, including a bond, subject to the requirements of Section 18.51 and Section 18.52.

C. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water source may exist. A copy of any such statement signed by the subdivider and endorsed by the Planning Director, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the Commission in any public report made f or the subdivision.

If the making of a public report has been waived, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement; shall immediately send a copy of the receipt to the commission and shall keep any such receipt on file in this State, subject to inspection by the Commission, for a period of three years after the receipt is taken.

Section 18.44 – Sewage Disposal

Sewage disposal improvements will be required for each lot prior to the issuance of any building permit which needs sewage disposal. Improvements shall be subject to the requirements of the County Health Department, the Department of Environmental Quality and any sanitation district (if the proposed development is within the district boundary or is proposed for annexation to a district)

Section 18.45 – Installation of Improvements; Duty of Subdivider

The subdivider shall install all improvements specified on the approved improvement plan, or agree to install such improvements as a condition precedent to the approval and acceptance of the final plat of the subdivision.

If the installation of all improvements is not completed satisfactorily before the final plat is filed, the subdivider shall concurrently with the approval of such plat, enter into an agreement with the Board of Commissioners to have the work completed within the time specified in such agreement. Such agreement shall be secured in an amount to cover the estimated cost of improvements as provided in Section 18.52.

Section 18.46 – Street Improvements

The subdivider shall provide street improvements pursuant to the approved tentative plan and approved improvement plan. No street shall be constructed that does not comply with the approved improvement plan or tentative plan.

SURVEYING AND STAKING

Section 18.47 – Limit of Error

A traverse of the boundaries of the tract and all lots and blacks must close within a limit of error on one in ten (10) thousand.

Section 18.48 – Monument

A. The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be Less than 2 inches in diameter and 3 feet long. The monument shall be set or driven 6 inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States Survey.

B. The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe or iron or steel rods. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than one inch in diameter and 30 inches long, and if iron or steel rods are used, they shall not be less than 5/8 of an inch in least dimension and 30 inches long.

C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe, not less than 1/2 inch in diameter or iron or steel rods, not less than 1/2 inch in least dimension and 2 feet long

D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within 1/10 of a foot.

E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plan of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection (2) of ORS 92.070 and if the person subdividing the land furnishes to the governing body of the County or City, by which the subdivision was approved, a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in this Ordinance.

Section 18.49 – Surveyor Affidavit

A. Except as otherwise provided in this section, all plats or diagrams designating the location of land in the County, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he marked a proper monument as provided in CR5 92.060 indicating the initial point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks are laid out.

B. If the person subdividing any land has complied with this Ordinance, the surveyor may

prepare the plat pursuant to this Ordinance of the subdivision for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with this Ordinance and referenced on the plat for the subdivision as approved by the City or County.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under paragraph "A" of this section, the surveyor performing such work shall within 5 days after completion of such work, notify the person subdividing the land involved, the surveyor or engineer of the County and the governing body of the County.

Section 18.50 – Bond or Cash Deposit for Post Monuments

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to recording the plat, to the governing body of the County a bond or cash deposit, at the option of the governing body, in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing the lands described in this Ordinance, pays the surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body, within three months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from monies within a cash deposit held by it for such purpose and return the excess of the cash deposit, if any, to such person.

C. In the event of the death, disability or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the failure or refusal of such surveyor to set such monuments, the governing body may direct the County surveyor, in his official capacity, or contract with a surveyor in private practice to set such monuments for recording as provided in this Ordinance.

Section 18.51 – Agreement for Improvements

Before the final plat may be approved, the subdivider shall either:

A. Install required improvements and repair existing streets and other public facilities damaged in the construction of the subdivision; or

B. Execute and file with the Board of County Commissioners an agreement between himself and the County, and specifying the time within which the required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified that the County may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 18.52 – Improvement Bond

A. The subdivider shall file with the agreement for improvements to assure his full and faithful performance thereof, one of the following:

   1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.

   2. A personal bond co-signed by at least (1) additional person together with evidence of financial responsibility and resources of those signing the bonds sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

   3. Cash or certified check.

B. Such assurance of full and faithful performance shall be for a sum determined by information submitted to the County Engineer and/or Planning Department as sufficient to cover the cost of improvements and repairs and all related engineering and incidental expenses which the County may sustain on account of the failure of the owner to carry out and execute all the provisions of the performance agreement.

C. If the subdivider fails to carry out all the provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County can call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the costs and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider shall be liable to the County for the difference.

Section 18.53 – Maintenance Agreement

Prior to the approval of the final plat, the subdivider may be required to enter into an agreement with the Hood River County Board of Commissioners. The agreement shall specify the method by which improvements shall be maintained. The methods may include, but not be limited to, special assessment districts, homeowners association and bonding agreements.

MAJOR PARTITIONS

(Revised 07/21/03 as part of TSP adoption; HRC Ordinance 249; effective 8/22/03

GENERAL PURPOSE

Section 18.54 — Purpose of Chapter

This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for the design and improvements of major partitions and minimum lot standards for major partitioning land within the unincorporated territory of Hood River County.

Section 18.55 — Compliance Requirement

A. No person, firm, corporation, partnership or association shall partition land in the unincorporated territory of Hood River County into two or three parcels creating a road without first obtaining approval pursuant to this chapter.

B. The Planning Commission or Planning Department will require that the partition allow for the future development of other parcels that could be created through further partitions of the original property as allowed under the existing zoning. Approval of the plat may require providing for the opening and extension of adjacent streets and utilities to service future partitions of the subject property or adjacent property via such mechanisms as public or private easements, stub streets, or reserve strips.

C. No person, firm, corporation or association shall cause a major partition to be created and no County Official shall accept or approve a major partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.

Section 18.56 – Applicability of Shadow Platting Requirement

Additional data shall accompany the tentative plan (as per Section 18.60) for major partitions proposed within the Urban Growth Areas of the City of Hood River and the City of Cascade Locks and within designated unincorporated communities.

TENTATIVE PLAN

Section 18.57 — Tentative Plan Submission

A tentative plan for the purpose of a major partition shall be submitted to the Planning Department for action in conformance with these regulations and in compliance with ORS 92.090(2).

Section 18.58 — Form and Contents for a Tentative Plan

A. Every tentative plan shall be drawn to scale and shall conform to the design regulations contained in the Design Requirements section of this Chapter. Every tentative plan shall be clearly and legibly reproduced and shall show the following information:

1. Section, township, range and tax lot.

2. Date, north point and scale.

3. Names, addresses and telephone numbers of the record owners, partitioners, agent, and

person(s) who prepared the tentative plan.

4. Location, width of rights-of-way, and names of abutting roads and streets.

5. Location and width of all known easements and other existing rights-of-way on the proposed partition, including water lines, power lines, and power poles.

6. Location, outline, and setback distances of all existing structures to remain on the property or to be removed, and of all structures proposed to be built upon the property.

7. Approximate location of all known areas subject to inundation or storm water overflow and the location, width and direction of all existing and proposed water courses and drainage ways, and any ponds or other natural features.

8. The location, names, width and approximate grades of all streets proposed or existing on the property, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities, including illustrations of how both proposed streets and utilities align with existing or planned streets and public utilities on adjacent properties.

9. The approximate dimensions and area in acres of all lots under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.

10. Topographic detail when percent of slope exceeds 12%.

11. Indicate which streets are intended to be public or private on the plan.

Section 18.59 — Data to Accompany Tentative Map

A. A legal description.

B. Source of water supply.

C. Method of sewage disposal.

D. Information on the source of other public utilities.

E. Proposed drainage and/or flood control measures, if applicable.

F. Existing and proposed uses of the property.

Section 18.60 – Additional Data to Accompany Tentative Map

Within the Urban Growth Areas and designated unincorporated communities, the following additional data shall accompany the applicant's Tentative Map:

A. A plan for the property shall be drawn, using dashed lines to represent how it would look if partitioned to the fullest extent allowed under the existing zoning. Indicate all future lot patterns,

utility line locations and easements, road and/or street locations and right-of-way including major arterials. The following statement shall be included on the tentative plan: "Dashed lines represent future lots and streets based upon the projected densities and zoning for the area being developed."

B. A supplemental narrative may be required describing soil conditions, indicating where they are most and least acceptable for sanitary sewer systems.

C. A supplemental narrative may be required describing how the proposed partition will allow for future build-out of the remainder of the property at the maximum density allowed by the existing zoning, including provisions for future street and utility extensions that will align with existing roadways and public facilities.

D. A Future Street Plan (FSP) demonstrating (in the form of site plans, maps or diagrams) that proposed future roadways on the property will align with existing and planned roadways adjacent to the property, including those identified on previously recorded tentative plans or Future Street Plans. The FSP shall provide for the logical extension, continuation, and interconnection of existing and planned streets, and accomplish the following local transportation objectives:

1. Adequately serve local traffic.

2. Provide multi-directional access and circulation.

3. Balance traffic distribution within an area.

4. Minimize impact on natural resources.

5. Provide access points for autos, pedestrians, and bicycles.

6. Identify locations for future pedestrian ways and bike-ways in areas zoned for urban levels of residential development (10,000 square foot lots or less).

D. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed public facilities are aligned with existing and planned public facilities on adjacent properties, including those defined in relevant water, sewer, or stormwater master plans or on any previously recorded tentative plans.

E. Locations of planned public facilities shown in tentative plans are intended to be conceptual. Locations may be adjusted as tentative plans are implemented at the discretion of the County Planning Director.

Section 18.61 — Statement of Water Rights

A. Applicants proposing major partitions on Lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Right Statement and a copy of the proposed major partition shall be submitted to the Oregon Water Resources

Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved major partition.

B. Statement of Water Right forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3, or the Oregon Water Resources Department.

Section 18.62 Filing Tentative Plan

A. There shall be filed with the Planning Department six copies of the tentative plan conforming to the requirements of Section 18.59 of this Ordinance.

B. The partitioners shall at the time of filing a tentative plan, pay the appropriate filing fee as required in Section 18.07 of this Ordinance.

C. The time of filing a tentative plan shall be the time at which the plan is accepted by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with provisions of law and this Ordinance.

D. Acceptance of the tentative plan does not insure that the map complies with the law or this Ordinance.

Section 18.63 - Distribution of Tentative Plan, Time Limits

A. Upon receipt of the map, the Planning Director shall distribute one copy each to the Advisory Review Committee and such other affected local, state, and federal agencies and individuals.

B. Within 21 days from the receipt of the map by the Planning Department, each member or agency shall prepare a written report to the Planning Director. Such report shall state whether or not the partition conforms to all applicable local, State, Federal regulations which concerns the particular agency or committee and further make such recommendations as is deemed necessary in the public interest.

Section 18.64 — Review by the Planning Director

A. Following receipt of the written reports as prepared pursuant to Section 18.64, the Planning Director shall review the proposed partition and approve, disapprove or conditionally approve. The Planning Director shall render his decision within 25 days from the receipt of the tentative plan. The Planning Director may continue the decision for not more than 25 days to receive additional information. The partitioner shall be notified of such extension.

B. Prior to consideration of approval by the Planning Director, property owners within 600 feet of the subject property, and those within 600 feet of the future potential extension of any road proposed in the tentative plan that eventually would cross adjacent or other properties, shall be notified of the review process and provided with an opportunity to comment on the tentative plan.

C. The Planning Director shall disapprove the tentative plan if any of the following exists:

1. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.

2. The proposed partition is a subdivision as defined in Section 18.04.

3. The proposed partition does not comply with the law or this Ordinance.

D. If the Planning Director disapproved the plan, the Director shall deliver in writing to the partitioner, a statement of the reasons for disapproval.

E. If the Planning Director approves the tentative plan, final approval, pursuant to Sections 18.66 – 18.70 of this chapter, will be required before any sale.

F. Subsequent to approval of the tentative plan, a note will be added to the plat indicating that a Future Street Plan pertaining to the partition is on file with County Planning.

Section 18.65 - Survey May Be Required

Upon recommendations of the Director of Public Works, the Planning Director may require a survey of the exterior boundaries of any or all of the proposed parcels. Monumentation pursuant to Oregon State law may also be required.

CERTIFICATE OF COMPLIANCE

Section 18.66 - Time Limit to Comply With Conditions

Within 180 days from the approval of the tentative plan, the partitioner shall comply with the tentative plan conditions, and the requirements of ORS 92.010 through ORS 92.160. The partitioner may bond for any or all improvements required by Ordinance or conditions pursuant to Section 18.52 of the Ordinance. A six month extension may be granted by the Planning Director.

Section 18.67 — Recordation of Certificates of Compliance

A. Providing the requirements of Section 18.66 have been met, the Planning Director shall sign a Certificate of Compliance.

B. If the requirements of Section 18.66 have not been met, the Planning Director shall inform the partitioner in writing that the tentative plan approval has expired.

C. Within three working days from the signing of the Certificate of Compliance, the Planning Director shall submit the Certificate to the Department of Records and Assessments for recordation. Appropriate recordation fees shall be supplied by the partitioner prior to recordation.

Section 18.68 — Recording Statement of Water Rights

The Statement of Water Rights and the acknowledgement must be recorded along with the County approved major partition.

Section 18.69 — Form and Contents of Certificate of Compliance

A. The size of sheet or sheets shall be eight and one-half inches by fourteen inches.

B. The following certificates shall be included on the face of the Certificate of Compliance:

1. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the recordation of the Certificate of Compliance.

2. A certificate for execution acknowledged as above, offering certain parcels of land for dedication for certain specified public use, subject to reservations as may be contained in any such offer.

3. If a survey is required, a certificate by a licensed surveyor responsible for the survey and legal description on the Certificate of Compliance. The signature of such licensed surveyor must be recognized by his seal or stamp.

4. A certificate for execution by the Planning Director.

5. A tax certificate.

6. A certificate for execution by the County Recorder.

Section 18.70 — Official Not to Execute Certificate, etc., If He Has Interest in Subdivision

When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the survey or legal description shall be exempted.

DESIGN REQUIREMENTS FOR MAJOR PARTITION

Section 18.71 — Requirements for Farm Use or Mineral Excavation Partition

If the proposed partition is created for farm use or mineral excavation purposes, the Design Requirements for Major Partition Section shall not apply.

Section 18.72 — Streets

The standards enumerated in Section 18.32 for street standards in subdivisions shall apply to major partitions unless otherwise specified in this section and as required by the Director.

Section 18.73 — Drainage

Where the land in the proposed partition is subject periodically to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Director may require a building setback from these areas or enlargement of lots.

Section 18.74 — Public Utility Easements

The standards enumerated in Section 18.34 for Public Utility Easements in subdivisions, shall apply to major partitions.

Section 18.75 — Lot Standards

A. Lot standards for major partitions shall be the same as those enumerated for subdivisions found in Section 18.35.

B. The following provisions are applicable to lands within the City of Hood River's Urban Growth Area:

1. If applicable, a major partition proposal shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).

2. The Director shall submit major partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use and service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

Section 18.76 — Water Supply and Distribution Requirements

Water supply and distribution design requirements for major partitions shall be the same as those enumerated for subdivisions found in Section 18.36.

Section 18.77 — Conformance to Comprehensive Plan

No partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

IMPROVEMENTS FOR PARTITIONS

Section 18.78 – Requirements for Farm Use or Mineral Excavation Partition

A. If the partition is for farm use or mineral excavation, the improvement requirements of this section shall not apply.

B. In lieu of completing improvements prior to the approval of the Certificate of Compliance, the Planning Director may require that improvements be completed prior to the occupancy of any structure requiring a building permit.

Section 18.79 — Street Improvements

Prior to approval of the Certificate of Compliance, the partitioner shall complete or bond for street improvements, pursuant to the standards established in Section 18.32 and improvements listed in Section 18.46 of this Ordinance; or street improvement plans pursuant to Section 18.41 shall be submitted to the Director of Public Works prior to the commencement of any construction.

Section 18.80 - Drainage and Flood Control

Adequate measures enumerated in Section 18.42 shall be met for any partition prior to the approval of the final plat.

Section 18.81 - Compliance Agreement

Prior to the approval of the Certificate of compliance, the partitioner shall sign a statement that he will install improvements subject to the tentative plan and improvement plan.

SURVEYING AND STAKING, BONDING

Section 18.82 - Survey

If a survey is required for a major partition pursuant to Section 18.64, the requirements of Section 18.47, 18.48, 18.49 and 18.50 will apply.

Section 18.83 - Agreement for Improvements

Before the Certificate of Compliance is approved, the partitioner shall either:

A. Install the improvements; or

B. The Director shall require the applicant sign a contract within 30 days after conditional approval is granted, provided, however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no partition application shall be approved until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent administrative actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare. A bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County. Failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.

C. Execute and file with the Board of Commissioners an agreement establishing or annexing to a special assessment district or homeowners association, which shall be responsible for all construction and maintenance of improvements.

EXCEPTIONS

Section 18.84 — Exceptions

Whenever land involved in a subdivision or partition is of such size or shape or is subject to such title limitation of record, or is affected by such topographical variation or is subject to such regulation by the Zoning Ordinance, that it is impractical to conform to the strict application of the Subdivision Ordinance, the owner or his authorized agent may make application to the Planning Director. The Planning Director may at the time of review of the tentative plan, approve the exception, providing such an exception conforms to the general spirit of this Ordinance. The Board of Commissioners shall be notified in writing within 15 days of the exception permitted by the Planning Director.

MINOR PARTITIONS

GENERAL PURPOSES

Section 18.85 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for minor partitions within the unincorporated territory of Hood River County.

Section 18.86 – Compliance Requirement

A. No person, firm, corporation, partnership or association shall create a minor partition in the unincorporated territory of Hood River County without first obtaining approval pursuant to this chapter.

B. No person, firm, corporation, partnership or association shall cause a minor partition to be created and no County Official shall accept or approve a partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.

C. The provision of this chapter shall not apply to parcels legally established by recorded instrument prior to the effective date of this Ordinance.

APPROVAL REQUIREMENTS

Section 18.87 – Submittal of Legal Descriptions and Site Sketch

A. Applicants proposing minor partitions on lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Rights Statement and a copy of the proposed minor partition shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved minor partition.

B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District (3) or the Oregon Water Resources Department.

C. Prior to the recordation of any sale or creation of a minor partition, the partitioner shall prepare a legal description of the partition and a sketch showing the proposed parcels and their location. The legal description and sketch shall be submitted to the Planning Director.

D. Within three working days, the Planning Director or his authorized agent shall either:

   1. Certify that the proposed minor partition conforms with the Comprehensive Plan and Zoning Ordinance, and that the partition is a minor partition. Said certification shall be recorded by the Planning Director in the Department of Records and Assessments.

2. Notify the partitioner that:

   a. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.

   b. The proposed partition is a subdivision as defined in Section 18.04.

   c. The proposed partition is a major partition.

E. As a condition of approval, additional footage abutting an existing dedicated road or County road may be required.

F. No sale or recordation of a minor partition or the creation of a minor partition shall be made without complying with this section.

LOT STANDARDS (UGA/CITY OF HOOD RIVER)

Section 18.88 – Lot Standards

The following provisions are applicable to lands within the City of Hood River's Urban Growth Area.

A. If applicable, minor partition proposals shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).

B. The Director shall submit minor partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments based upon adopted service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

AGREEMENT FOR IMPROVEMENTS

Section 18.89 – Agreement for Improvements

Compliance, if applicable, with requirements in Section 18.83 - Agreement for Improvements.

PROPERTY LINE ADJUSTMENTS
(Adopted: July 15, 2002) HRC Ordinance #241
(Effective: August 14, 2002)

A property line adjustment is a ministerial action to relocate a common property line(s) between at least two lawfully established lots or parcels, where no new lots or parcels are created. The submission requirements and approval process and criteria are as follows:

Section 18.90 – Definitions. The following definitions shall be used in implementing this and other portions of the County Zoning Ordinance:

A. Lot: A single unit of land that is created by a subdivision of land.

B. Parcel: A single unit of land that is created:
   1. By partitioning, as defined in ORS 92.010;
   2. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or
   3. By deed or land sales contract, if recorded prior to January 1, 1976.

B. Ministerial Action: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon's quasi-judicial process.

C. Non-Ministerial Action: A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an "administrative action" or "land use decision," as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (Director's Review Procedures).

D. Nonconforming Lot or Parcel: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.

E. Original Lot or Parcel: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

Section 18.91 – Submission Requirements. An applicant for a property line adjustment shall submit:

A. A completed application, signed by all property owners, on a form provided by the County Planning Department;

B. Proof of fee ownership in the subject parcel. (When one or more of the property owners is a contract purchaser, they must obtain written consent from the legal property owner(s) prior to making application for property line adjustment.)

C. A preliminary site plan that is drawn to scale and that contains, at minimum, the following information: all existing and proposed property lines and dimensions; footprints and dimensions of existing structures (including accessory structures); distance from existing buildings to proposed property lines; location and dimensions of driveways and public and private streets within or abutting the subject parcels; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with the County Zoning Ordinance;

D. A signed statement explaining the purpose of the proposed property line adjustment; and

E. Payment of application fee. (Per Planning Department approved fee schedule)

Section 18.92 – Approval Process.

A. Except as otherwise allowed in Section 18.93(C)(1) below, property line adjustments shall be reviewed by means of a ministerial action using approval criteria contained in Section 18.91, below.

B. The approval for a property line adjustment shall be effective for a period of one (1) year. An extension of time may be allowed subject to the provisions of Section 18.95, below. Within this time frame, at minimum, the requirements of Section 18.94 below shall be completed.

C. The property line adjustment approval shall become void if one of following occurs:

1. The property line adjustment is not recorded within the time limit in Section 18.92(B) above;

2. The property line adjustment has been improperly recorded with the County without the satisfactory completion of all requirements associated with the approval; or

3. The final property line adjustment configuration is not the same configuration that was approved, unless the change was approved by the Planning Director as a minor amendment in accordance with Section 18.96, below.

Section 18.93 – Approval Criteria. A request for a property line adjustment shall be approved by the Planning Director if the following applicable criteria are met:

A. The proposed property line adjustment will not result in the creation of any new lot(s) or parcel(s).

B. A lot or parcel that currently conforms to the minimum lot size and dimensional requirements of the zone in which the lot or parcel is located shall not become nonconforming as a result of the property line adjustment.

C. Except in zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved if the following exist:

1. The existing nonconforming lot(s) or parcel(s) is reduced by no more than 10 percent of the size of the original lot or parcel, as defined in Section 18.90(E), above. A request to reduce an existing nonconforming lot(s) or parcel(s) by more than 10 percent may be allowed by the Planning Director as a non-ministerial property line adjustment if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure) and the other applicable criteria from Section 18.93; and
2. If the nonconforming lot(s) or parcel(s) contains an existing dwelling, evidence shall be provided that at least one of the following exists:

   a. The lot(s) or parcel(s) is located within the boundaries of a public sewer

system;

b. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system; or

c. The size of the proposed lot(s) or parcel(s) is greater than 5 acres.

D. In zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved as a non-ministerial property line adjustment, if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure), the other applicable criteria from Section 18.93, and the following:

1. The lot(s) or parcel(s) is located within the boundaries of a public sewer system; or

2. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system.

E. A property line adjustment or series of property line adjustments that would enlarge an existing nonconforming lot(s) or parcel(s) in the Exclusive Farm Use, Forest, or Primary Forest zones is not allowed unless one of the following conditions exist:

1. The parcel to be enlarged is currently enrolled in a farm or forest deferral program and the reason for the adjustment is to accommodate the expansion of their existing farm or forest operation;
2. The property to be acquired comes from a lot or parcel that is not enrolled in a farm or forest deferral program and is able to comply with the requirements of Section 18.93(C)(2), above;
3. Physical limitations exist, such as roads, rivers, canals, steep terrain, etc., that

would restrict the reasonable access and/or use of the adjusted property by the current property owner; or

4. The enlargement would cause the nonconforming parcel to increase to 20 acres or more.

F. Adjusted property lines may cross zone boundaries unless the adjustment will increase the number of lots or parcels which could potentially be created by the density requirements of the base zones. Furthermore, a property line adjustment shall not be used in combination with a zone boundary adjustment as a mechanism to enlarge existing zone boundaries.

G. The proposal shall not cause any existing development to be placed in violation of the property development standards (setbacks, buffer requirements, etc.) of the zone or force a violation of the County Zoning Ordinance.

H. The property line adjustment or series of property line adjustments shall not have the net result of physically relocating a lot or parcel to a completely new location beyond an existing common boundary line.

I. The property line adjustment shall not cause a lot or parcel to lose its required frontage along a dedicated road right-of-way or other legal access route, unless a new form of legal access is created in its place. The creation of new or replacement legal access will require compliance with the minimum right-of-way width and improvement requirements of the County Road Standards (adopted April 1, 1985) or those regulated by the local Fire District, whichever are greater.

Section 18.94 – Recording Property Line Adjustments. Final property line adjustment approval shall occur when the following actions are successfully completed, as determined by the County Planning Director. The recording process shall occur in the following sequence:

A. Prior to final property line adjustment approval:

1. The applicant shall have the common boundary line(s) surveyed and monumented, in accordance with ORS 92.060(3), and a survey map filed, in accordance with ORS 209.250, with the County Surveyor. Pursuant to ORS 92.060(8), if all property affected by the property line adjustment is greater or becomes greater than ten (10) acres, the requirement of a survey, monumentation, and map shall be waived.

2. The applicant shall record metes and bounds descriptions of the property line

adjustment, deeds, and other information (as further described below) with the County Department of Records and Assessment.

a. If the proposed property line adjustment involves two or more parcels in the same legal ownership, the applicant/owner shall record with the County Department of Records and Assessment a new metes and bounds legal description for each adjusted parcel, the original PLA application form (available at the Planning Department), and the original Planning Department approval letter; or

b. If the proposed property line adjustment involves two or more parcels in different legal ownership, the applicant/owner shall record a deed with the County Department of Records and Assessment with a metes and bounds description of those portions of property being transferred between the affected property owners. In this instance, the deed is the mechanism to transfer property between owners.

B. Upon recording the information required as part of Section 18.94(A) above, the applicant/owner shall file a "cancel and combine" statement with the County Department of Records and Assessment to combine the transferred property with the new parent parcel.

Should the County Department of Records and Assessment be unable to combine the affected properties due to mapping constraints, the owner shall record a "Deed Declaration" statement (forms available at the Planning Department). Recording of this statement will require an additional metes and bounds description to be prepared, that describes the transferred property and the new parent parcel together as a single unit of land. The purpose of recording a Deed Declaration statement is to ensure that future owners understand that portions of their property may not be sold separately (regardless of their tax lot status), unless in compliance with applicable requirements of the Hood River County Zoning Ordinance and Oregon Revised Statute, Chapter 92.

Section 18.95 – Extensions.

A. The County shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period, not to exceed one (1) year, provided that:

1. No changes are made on the original plan as approved by the Planning Director, except as provided in Section 18.96, below;

2. The applicant is making progress on meeting the requirements of the approval; and

3. The extension request is made before the expiration of the original approval.

Section 18.96 – Minor Amendments.

A. A minor amendment may be approved as a ministerial action by the County Planning Director if it involves the minor adjustment of one or more of the property lines previously approved for adjustment and if it conforms with the approval criteria from Section 18.93, above.

ARTICLE 19 – ACCESS MANAGEMENT STANDARDS

(Adopted 07-21-03 as part of TSP, effective 8-22-03)

Section 19.10 – Access Management

A. The following access management standards shall apply:

1. For state highways, access management standards are regulated by the current Oregon Highway Plan (OHP). The spacing of highway access points is regulated according to the category of highway, posted highway speed, and urban vs. rural location. The standards applying to Hood River County are outlined in the OHP and Oregon Administrative Rules (OAR), Division 51.

2. For arterial, collector and local roads that are not designated as state highways, the following standards shall apply:

   a. Within the Urban Growth Area of Hood River, access management standards of the City of Hood River shall apply as described in the City of Hood River's Transportation System Plan.

   b. Within the Urban Growth Area of Cascade Locks, access management standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks' Transportation System Plan.

   c. Within all other areas of the County, the following standards and policies shall apply:

      i. New development shall accommodate on-site traffic circulation needs on the site and not by circulating on and off the site through multiple access points using the public road system.

      ii. Construction of new private driveways onto roads under County jurisdiction will be allowed only upon approval of a road approach permit.

      iii. Spacing of new access points onto roads under County jurisdiction shall comply with spacing standards and policies in this section.

Table 19-1
Spacing Standards for New Accesses.

Classification of Intersecting Road	Minimum Spacing Between Public Roads	Minimum Spacing Between Private Driveways
Collector	300 feet	100 feet
Local	150 feet	50 feet from Public Road

      iv. Spacing standards shall be measured from center-line to center-line of roads and driveways on the same side of the roadway.

      v. Any two public roads intersecting on a given road shall have a continuous centerline or be separated by one hundred and fifty feet minimum

vi. Access will be allowed to a property at less than the designated spacing standard only if that property does not have reasonable alternative access and the designated spacing cannot be accomplished. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided with the following restrictions:

1. If possible, joint access should be considered;

2. Not more than one access point will be permitted;

3. For corner lots, access shall be limited to the intersecting side street with the lowest expected traffic volume. If traffic volume is the same or undetermined for either road, access shall be taken from the road with the lower functional classification.

vii. Approach roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations at areas of restricted sight distance or at points which interfere with the placement and proper functioning of signs, guardrail, or other traffic control devices will not be permitted.

viii. Site plans for new development shall show access locations to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions between driveways shall be shown to scale and labeled on the site plan.

ix. If either safety or environmental factors, or the unavailability of a distance between access points requires placing access points at lesser intervals, then access shall be denied or the best alternative placement shall be chosen. On road segments that are already severely impacted by numerous access points, adherence to the above standards may be either unreasonable or counter-productive to infill. In such cases, these standards may be relaxed by the County Engineer to accommodate the afore-mentioned special conditions.

B. Access management standards will be applied as new development occurs and to existing developments and accesses under the following conditions:

1. A change in zoning or request for new access is proposed;

2. A safety or capacity deficiency is identified requiring specific mitigation;

3. A specific access management strategy or plan is developed; or

4. A major construction project is begun on the road.

ARTICLE 21 - COMMERCIAL ZONE (C-1)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 21.10 - Uses Permitted Outright

In a C-l Zone, the following uses and their accessory uses are permitted outright:

A. Any use permitted in a R-2 zone, including those listed as conditional uses, excluding there from single-wide mobile homes and mobile home parks.

B. Retail trade establishment.

C. Commercial and professional service establishments unless otherwise listed.

D. Signs and billboards.

E. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

Section 21.20 - Conditional Uses Permitted

In the C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

A. Animal hospital.

B. Trailer park. Mobile home parks shall comply with applicable provisions in Article 16.

C. Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.

Section 21.30 - Limitations on Use

In a C-l zone, the following conditions shall apply:

A. All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

C. Light from a sign shall be directed away from a lot in a farm or residential zone.

D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-2 zone.

Section 21.40 - Lot Coverage Requirements

In the C-1 zone buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 21.50 - Setback Requirements

In the C-1 zone, setbacks shall be as follows:

A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.

B. No building shall be constructed closer to the centerline of a street than 50 feet.

C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 21.60 - Site Design Standards[1]

At the time of new development, or change of use, the applicant shall demonstrate:

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 21.65 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads only apply outside of the Urban Growth Areas and shall apply to new streets built within the C-1, M-1 and M-2 zones for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'–70'	30'– 42'[1]	Two 11'	12' min., if needed.	None	8' one or both sides	See note 2	Two 6'-8'	One or two 5'-10'

1. 42' with center turn lane
2. 4'- 6' wide planting strip, or tree wells with 8 foot sidewalk

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

[1] Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to C-1.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the C-1, M-1, and M-2 zones for new developments outside the Urban Growth Areas with a proposed or potential average lot size of more than one-half acre:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60'-68'	32'- 40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 21.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

ARTICLE 22 - RURAL CENTER ZONE (RC)

Section 22.10 - Purpose and Intent

This zone is intended to maintain rural communities as rural service centers. Uses will provide limited housing, business, cultural, and governmental services to the surrounding area without creating land use or traffic conflicts.

Section 22.15 - Permitted Uses

A. In a Rural Center Zone, pre-existing commercial and residential uses shall be considered conforming uses. If an existing business or dwelling wishes to enlarge, it may do so without being subject to a Conditional Use Permit. However, no non-farm structure shall be enlarged tx exceed three thousand (3000) square feet.

B. Pursuant to compliance with the Farm Stand Development Standards listed below, Farm Stands are permitted uses in the Rural Center Zone. (See Article 3, Farm Stand Definition.)

1. Adequate off-street parking will be provided pursuant to provisions of the County Off-Street Parking and Loading Ordinance.

2. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets, or highways.

3. No building or parking will be allowed within the right-of-way.

4. All egress and access points shall be clearly marked.

5. Vision clearance at all street intersections shall be 35'.

6. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access

7. Off-premise signs to be approved by affected property owner.

8. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.

9. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety and welfare.

10. Compliance with the County Sanitarian or Department of Agriculture requirements.

11. Obtain an approved County building permit, if necessary, or County Building Official approval.

12. Compliance with the dimensional standards of the Rural Center Zone.

Section 22.20 - Conditional Uses Permitted

Any change in use of a pre-existing structure shall be subject to a Conditional Use Permit. Such permit shall be granted by the Planning Director if the conditions outlined in Section 22.25 are met.

Section 22.25 - Conditional Use Criteria

The Planning Director may grant a Conditional Use Permit for uses described in Section 22.20 if each of the below criteria is met, as determined by the Director:

A. The use will primarily serve the rural population in the immediate surrounding area.

B. The use will not discharge smoke, fumes, noise, sewage or other nuisances beyond the property on which it is located. Discharges solely attributed to highway vehicle traffic are excluded. The use shall comply with all Limitations of Use and Dimensional Standards applicable to this zone.

Section 22.30 - Limitations of Use

In a Rural Center Zone, the following conditions shall apply:

A. Use Standards:

1. All limitations on use in the C-l zone.

2. All non-farm commercial uses and operations in a Rural Center Zone shall be predominantly retail or service establishments serving the rural population of the immediate surrounding area.

3. Any non-farm use and operations, which cause nuisance due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or other similar causes shall be prohibited.

B. Lighting
All exterior lighting shall be hooded and directed away from adjoining zones.

C. Parking:

1. Site plan submitted with an application for a land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns and ingress and egress provisions.

2. A change of use requiring a conditional use permit shall follow the Zoning Ordinance for required number of parking spaces.

3. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided, as determined by the Planning Director.

D. Signs:
In a Rural Center Zone, all new signs must meet the following conditions:

1. Any exterior sign displayed shall pertain only to the use conducted within the building.

2. In no case shall any sign extend above the roofline of the building.

3. All signs must conform with additional conditions set forth in Article 52.

Section 22.50 - Dimensional Standards

A. Setback Requirements:

1. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or twenty feet, whichever is greater.

2. No building shall be constructed closer to the centerline of a road than fifty feet.

3. Vision clearance setbacks from all road intersections shall be thirty-five feet.

B. Maximum Floor Area:
The gross floor area of a main building and its accessory buildings exclusive of off-street parking, shall not exceed three thousand (3000) square feet except uses allowed either outright or conditionally in an Exclusive Farm Use Zone, which may be larger.

C. Height Maximum:

Height maximum shall be two and one half stories or thirty-five feet, whichever is higher, excluding antennas, chimneys or windmills.

D. Minimum Lot Size: One half acre.

ARTICLE 31 - INDUSTRIAL ZONE (M-1)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 31.10 - Uses Permitted Outright

In an M-l zone, the following uses and their accessory uses are permitted outright:

A. Other than a dwelling or mobile home except when exclusively connected with the business involved, any use permitted in a C-l zone (Amended 6-21-73).

B. Manufacturing, repairing, compounding, processing, packing or storage.

C. Wholesale distributing or outlet.

D. Railroad facilities such as switching yards, spur or holding tracks.

E. Kennels.

F. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

Section 31.20 - Conditional Uses Permitted

In an M-l zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60.

A. Motor vehicle wrecking yard.

B. Junk yard.

Section 31.30 - Limitations on Use

In an M-l zone erection of a building or the use of property within 100 feet of a lot in farm or residential zone shall be subject to the review and approval of the Commission. The Commission may impose limitations on openings, access or other restrictions in order to reduce any adverse effects the use may be on adjacent properties.

Section 31.40 - Setback Requirements

In an M-1 zone, the setbacks shall be as follows:

A. The front yard shall be a minimum of 20 feet from the edge of the right-of-way.

B. No building shall be closer to an Exclusive Farm Use (EFU), R-1 or R-2 zone property line than the height of the building in the Industrial Zone or to the required setback of buildings in the EFU, R-1 or R-2 zones, whichever distance is greater.

C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 31.50 - Lot Coverage

In the M-1 zone, buildings, except covered parking or loading areas, shall not cover more than 60 percent of the lot area.

Section 31.60 - Site Design Standards[1]

At the time of new development, or change of use, the applicant shall demonstrate:

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 31.65 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads shall apply outside the Urban Growth Areas to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'–70'	30'– 42'[1]	Two 11'	12' min., if needed.	None	8' one or both sides	See Note 2	Two 6'-8'	One or two 5'-10'

1. 42' with center turn lane
2. 4'- 6' wide planting strip, or tree wells with 8' sidewalk

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or more:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60' -68'	32'- 40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

1. Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to M-1.

Section 31.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

ARTICLE 32 - LIGHT INDUSTRIAL ZONE (M-2)

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 32.10 - Purpose and Intent

The purpose of this zone is to provide for types of manufacturing or other industries which, because of their characteristics, can be permitted in relatively close proximity to residential, commercial, and farm zones. The development standards for the M-2 zone are more stringent than those of the M-l zone.

Section 32.15 - Uses Permitted

In an M-2 zone, the following uses and their accessory uses are permitted subject to the standard set forth in a land use permit. Permitted uses shall not be obnoxious for reasons of smoke, fumes, noise, sewage or other nuisances or threats to man or property.

A. Commercial:
Commercial uses incidental and directly related to the services and operations of the permitted industrial use.

B. Manufacturing and Assembly:

1. Automotive - Trucking
    a. Assembly
    b. Body and fender works
    c. Repair
    d. Painting
    e. Trailers
2. Boats
3. Ceramic Products
4. Electrical parts
5. Engines
6. Garments
7. Gas and electric fixtures
8. Machinery shops
    a. Carpentry and cabinet shops
    b. Machine shops
    c. Paint shops

d. Sheet metal shops

9. Manufacturing, compounding, processing, and/or packing of products such as:

a. Bakery goods

b. Candy

c. Cosmetics

d. Food products

e. Fruit and vegetables

10. Signs

11. Manufacturing, compounding, assembly or treatment of articles made from the following: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, shell, textiles, wax, and yarns.

12. Radio and television storage, assembly repair, rebuilding and wholesale.

13. Rubber and metal stamps

14. Shoes

15. Textiles

16. Furniture

C. Processing

1. Creameries

2. Laboratories

3. Cleaning, laundry and dying plants

4. Tire retreading

D. Fabrication

1. Products made of finished rubber

2. Assembly of electrical or electronic equipment

E. Wholesaling and Warehousing of All Types

F. Utilities

1. Distribution plants and substations

2. Service yards

G. Other

l. Research and development facilities

2. Printing and publishing

3. Building material yards, excluding lumber manufacturing and planer mills.

4. Contractors' equipment yard. Repair facilities shall be enclosed.

5. Single family dwelling, or mobile home, for security purposes only, subject to compliance with applicable provisions in Article 16.

6. Recycling center

Section 32.20 - Conditional Uses Permitted

A. Junk yards

B. Motor vehicle wrecking yards

C. Parks or Community facilities

D. Other uses determined by the Planning Commission or Director to be in keeping with the purpose and intent of this zone may be permitted as conditional uses, providing they meet the requirements of Sec. 32.25.

Section 32.25 - Conditional Use Criteria

The Planning Commission may grant a conditional use permit for uses described in Sec. 32.20 if each of the below criteria is met, as determined by the Planning Commission:

A. The use shall not discharge smoke, fumes, sewage or other nuisances beyond the property line on which it is located. Discharges, which are maintained and utilized solely to serve as warning devices or originate from highway vehicles, and will not cause nuisance on adjacent properties, are excluded.

B. The use must primarily manufacture, assemble, process, fabricate, wholesale, or store materials or products.

C. The use shall comply with all Limitations On Use and Dimensional Standards applicable to this zone.

Section 32.30 - Limitations on Use

In addition to State Department of Environmental Quality and Federal Environmental Protection Agency regulations, and all other applicable State and Federal Statutes, the following Limitations on Use shall apply to all uses in the M-2 zone.

A. Liquid and Solid Wastes:
Animal, vegetable, or other wastes shall not be stored in a way which attracts insects or rodents or otherwise create a health hazard shall be prohibited.

B. Discharge Standards:
There shall be no emission of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant, or animal life, or to properties as determined by the County Planner. Discharges created by highway vehicles or trains are excluded.

C. Lighting:
Sign lighting and exterior lighting shall not project into an adjoining residential zone.

D. Landscaping:

1. Site Plans submitted with an application for a land use permit must include a landscaping plan, which shows the location and type of plant materials.

2. New industrial uses, which abut a residential zone, shall provide and maintain a dense evergreen landscape buffer, landscaped berm, or site obscuring fence which effectively screens the operation and which attains a (mature) height of at least six (6) feet. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

3. All unused property shall be maintained in native or existing vegetative ground cover or planted grass, shrub and barkdust, or other suitable ground cover in an uncluttered manner.

4. Responsibility for establishment and maintenance of landscaping rests with the industrial property owner.

E. Noises from within any site shall not be permitted which produce disturbing or obnoxious sounds for extended time periods beyond the property line. Noise devices which are maintained and utilized solely to serve as warning devices and noise created by highway vehicles or trains are excluded.

F. Drainage

1. Site plans submitted with an application for a land use permit shall include a drainage plan which identifies the location and flow direction of all surface and subsurface waterways, the 100-year flood plain of any stream(s), the location of any standing water during wet seasons, and all improvements which will mitigate any potential flooding outside of the 100-year flood plain.

2. The installation of uses and improvements shall not substantially change the flow of surface water during future flooding.

3. A storm drainage system of sufficient quality to mitigate all flooding outside the 100 year flood plain shall be required to preclude future flooding.

G. Parking

1. Any site plan submitted with an application for land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.

2. All uses within a Light Industrial zone shall provide at least two parking spaces for every three employees on the major shift during normal season.

3. All parking lots shall have an all weather surface.

4. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided.

Section 32.35 - Dimensional Standards

A. Minimum street frontage of lots: Fifty (50) feet.

B. Minimum front yard setback: Twenty (20) feet from the edge of the right-of-way.

C. Vision clearance setback from all street intersections: Thirty-five (35) feet.

D. No building shall be closer to a residential or farm zone than the height of the building in the M-2 zone.

E. Maximum height: Two (2) stories or 30 feet, whichever is less, if not equipped with a sprinkler system. Three (3) stories or 45 feet, whichever is less, if equipped with a sprinkler system approved by the Fire Marshall.

Section 32.40 - Site Design Standards[1]

At the time of new development, or change of use, the applicant shall demonstrate:

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

[1] Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to M-2.

Section 32.45 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads shall apply outside the Urban Growth Areas to new streets built within the M-1, M-2, and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'–70'	30'–42'[1]	Two 11'	12' min., if needed.	None	8' one or both sides.	See note 2	Two 6'-8'	One or two 5'-10'

1. 42' with center turn lane
2. 4'- 6' wide planting strip, or tree wells with 8' sidewalk

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or more:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60'-68'	32'– 40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 32.50 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

ARTICLE 33 - AIRPORT DEVELOPMENT ZONE (AD)

Section 33.10 - Purpose and Intent

The purpose of this zone is to protect airport facilities from incompatible uses; to provide for future airport expansion; and to preserve lands adjacent to airports for future commercial and light industrial uses which will be directly dependent on air transportation.

Section 33.15 - Uses Permitted

The following uses are permitted subject to issuance of a land use permit:

A. Accepted Farming Practices.

B. Air cargo terminals.

C. Aircraft sales, repair, service, storage and schools relating to aircraft operations, and facilities on the airport property essential for the operation of airports, such as fuel storage, hanger use, F.B.O. offices, etc.

D. Air passenger terminals.

E. Public and semi-public buildings, structures and uses essential to the welfare of an area, such as fire stations, pump stations, and water storage.

F. Taxi and bus terminals.

G. Snack-shop for airport clientele with a total floor area of no larger than 1,000 square feet.

H. Other uses where the ongoing operations and the use must be directly dependent upon and directly associated with the Airport.

33.20 - Uses Subject to a Conditional Use Permit

The following conditional uses will be permitted by the Planning Director, providing they meet all the criteria outlined in Section 33.25 and meet the requirements of Article 60:

A. Light industrial, as permitted in the M-2 zone.

B. Truck terminals.

Section 33.25 - Conditional Use Criteria

The Planning Director may grant a Conditional Use Permit for uses described in Section 33.20 if each of the below criteria is met, as determined by the Planning Director. The ongoing operations or the use must be directly dependent upon and directly associated with the airport. The use shall not discharge smoke, fumes, noise, sewage or other nuisances beyond the property on which it is located. The use shall not conflict with any present or planned operations of the airport.

Section 33.30 - Limitations of Use

In an AD zone, the following conditions shall apply.

A. Liquid and Solid Wastes:

Storage of animal, vegetable, or other wastes which attract insects, rodents, or birds or otherwise create a health hazard shall be prohibited.

B. Discharge Standards:

There shall be no emission of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant or animal life, or to property, or that may conflict with any present or planned operations of the airport.

C. Lighting:

1. Sign lighting and exterior lighting shall not project directly into an adjoining residential zone.

2. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project directly into the runway, taxiway, or approach zone.

D. Landscaping:

1. Site plan submitted with an application for a land use permit must include a landscaping plan, which shows the location and type of plant materials.

2. New uses, which abut a residential zone, shall provide and maintain a dense evergreen landscape buffer, sight obscuring fence, or landscaped berm which attains a (mature) height of at least six (6) feet.

3. All unused property shall be maintained in native or existing vegetative ground cover or planted grass, shrub and barkdust, or other suitable ground cover in an uncluttered manner.

4. Responsibility for establishment and maintenance of landscaping rests with the property owner.

E. Parking

1. Site plan(s) submitted with application for a land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.

2. All industrial uses within an Airport Development zone shall provide at least two parking spaces for every three employees on the major shift during normal season.

3. All Commercial Uses shall follow the Zoning Ordinance for the required number of parking spaces.

4.All parking lots shall have an all weather surface.

5. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided.

F. Glare and Electro-magnetic Interference:

1. Building materials shall not produce glare which may conflict with any present or planned operations of the airport.

2. No use may produce electro-magnetic interference, which may conflict, with any present or planned operation of the airport.

Section 33.35 - Dimensional Standards

A. Minimum street frontage of lots: Fifty- (50) feet.

B. Vision clearance setback from all street intersections: Thirty-five (35) feet.

C. No building shall be closer to a residential or farm zone than the height of the building in the AD zone.

D. Maximum height:
Two (2) stories or 30 feet, whichever is less, if not equipped with a sprinkler system.
Three (3) stories of 45 feet, whichever is less, if equipped with a sprinkler system approved by the Fire Marshall. Structures on the airport property necessary for the operation of the airport may be higher.

ARTICLE 34 - AIRPORT HEIGHT COMBINING ZONE (AH)

Section 34.10 - Purpose and Intent

The purpose of the Airport Height Combining Zone (AH) is to protect the public's safety and welfare and to protect property adjacent to and surrounding both the Cascade Locks State Airport and the Hood River Airport through the use of height restrictions and other provisions in this ordinance. The AH Zone shall regulate various types of air space obstruction and other hazards which may interfere with safe landing and taking off of aircraft including: (a) the height of structures and objects of natural growth; (b) conditions or activities which may cause electronic interference with air navigation communication systems; (c) lights which may interfere with airport lighting systems; (d) conditions or activities which produce levels of smoke, dust and glare that would interfere with safe operations; and (e) conditions or activities creating bird strike hazards. The AH Zone is an overlay zone to be used in conjunction with any base zone.

Section 34.20 - Application

The provisions of this ordinance shall apply to all lands in Hood River County under the following surfaces: (a) airport approach; (b) conical; (c) horizontal; and (d) transitional, which are shown in Appendix "A", Cascade Locks State Airport Plan, Cascade Locks, Oregon (4/18/83); and Appendix "B" Hood River Airport, Approach and Clear Zone Plan, Hood River, Oregon, 1977 (12/27/77).[1] (Originals at a larger scale are available in the Hood River County Planning Department.) Dark shaded or diagonal lines and irregular bounded areas as noted in both Appendices show topography penetrating the imaginary surfaces making it difficult to apply provisions of this ordinance.

Section 34.30 - Height Limitations

No structure or tree shall be erected, altered, allowed to grow, or be maintained in the Airport Height Combining Zone to a height in excess of height limitations established by each of the following goals which underlie each designated surface as shown in Appendices "A" and "B":

A. Utility Runway Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

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1. Applies only to lands outside the Cascade Locks Urban Growth Boundary. It is recommended (see County Policy Document and Goal 12- Transportation) that the City of Cascade Locks update their Comprehensive Plan to apply the Airport Height Combining Zone to Cascade Locks State Airport in the UGA and designate the airport in their plan.

B. Transitional Zones: Slopes seven (7) feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 301 feet above mean sea level at the Cascade Locks Airport and 780 feet at the Hood River Airport.

C. Horizontal Zone: Established at 150 feet above the airport elevation or at a height of 301 feet above mean sea level at the Cascade Locks Airport and 780 feet at the Hood River Airport.

D. Conical Zone: Slopes twenty (20) feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

E. The Plan Diagram in both of the Appendices shall be utilized to assist in determining any air space obstructions.

Section 34.40 - Permitted Uses

Any use in the base zone subject to compliance with the provisions of the AH Zone including provisions in Section 34.60 below.

Section 34.50 - Uses Subject to a Conditional Use Permit

Conditional uses listed in the base zone shall be subject to compliance with provisions of the AH Zone including provisions in Section 34.60 below.

Section 34.60 - Other Conditions to Use and Occupancy

A. Uses permitted in the base zone will also be governed by the following restrictions:

B. No building, pipe, chimney, tower, steeple, stand, platform, pole, wire or structure or erection or object of natural growth, or obstruction of any kind of nature whatsoever, shall be built, placed, hung, or permitted to grow or allowed to be built, placed or hung which shall at any point project into the zones as delineated in Appendices "A" and "B" to this ordinance.

C. No searchlight, beacon light, or other glaring light shall be used, maintained, or operated within one-half mile of said airports, so that the same shall reflect, glare, or shine upon or in the direction of said airports.

D. No glare producing materials shall be used on the exterior of any structure located within or below the Airport Height Combining Zone.

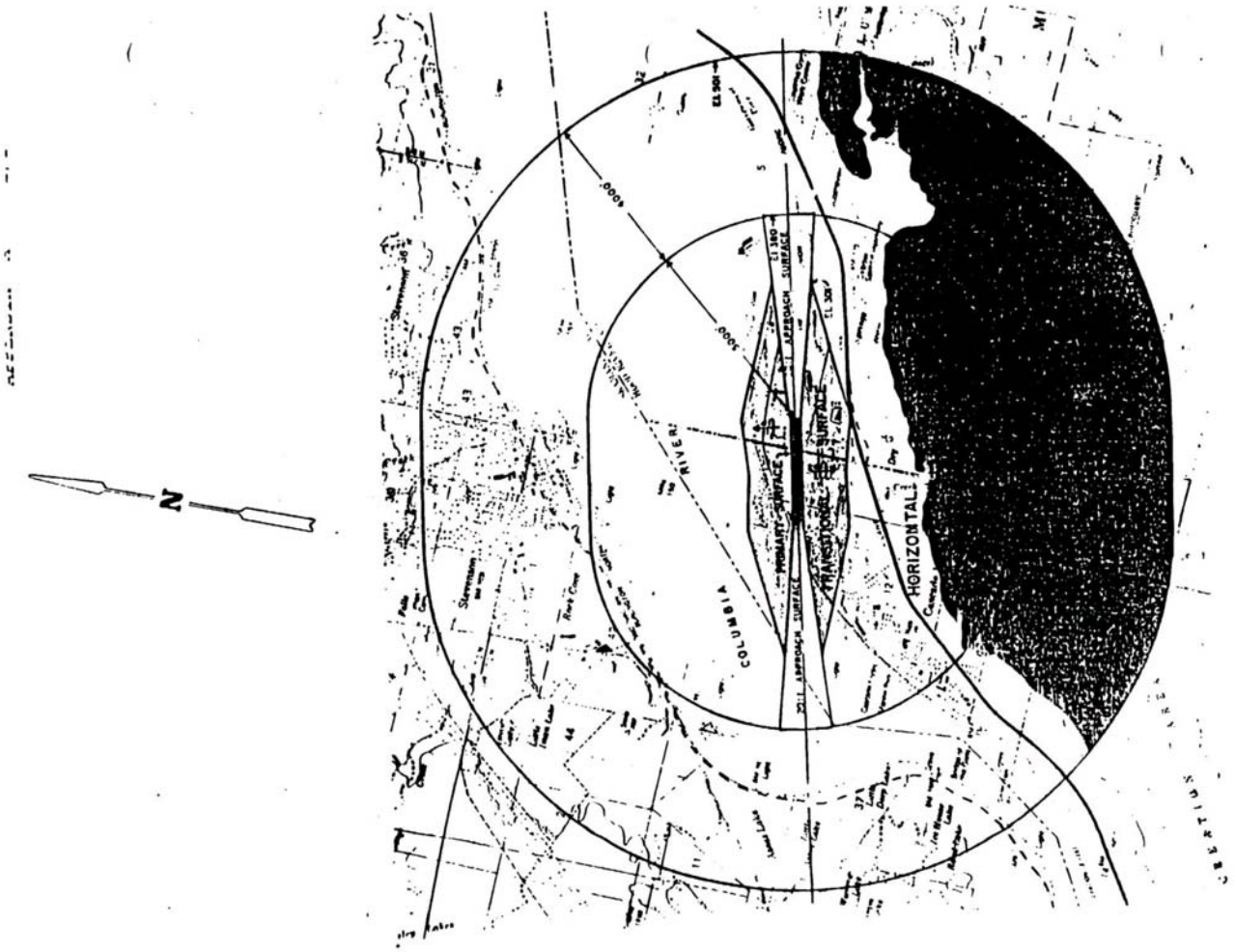
E. Any electromagnetic radiation that would interfere with normal aircraft communication is prohibited.

F. Any land use or activity that produces smoke or haze to a degree that would interfere with normal aircraft operations is prohibited.

G. Any land use or activity that produces excessive bird strike hazard in the designated zones is prohibited.

H. Where a zone is covered by more than one height limitation the more restrictive shall prevail.

Appendix “A” 1 of 2



Appendix “A” 2 of 2

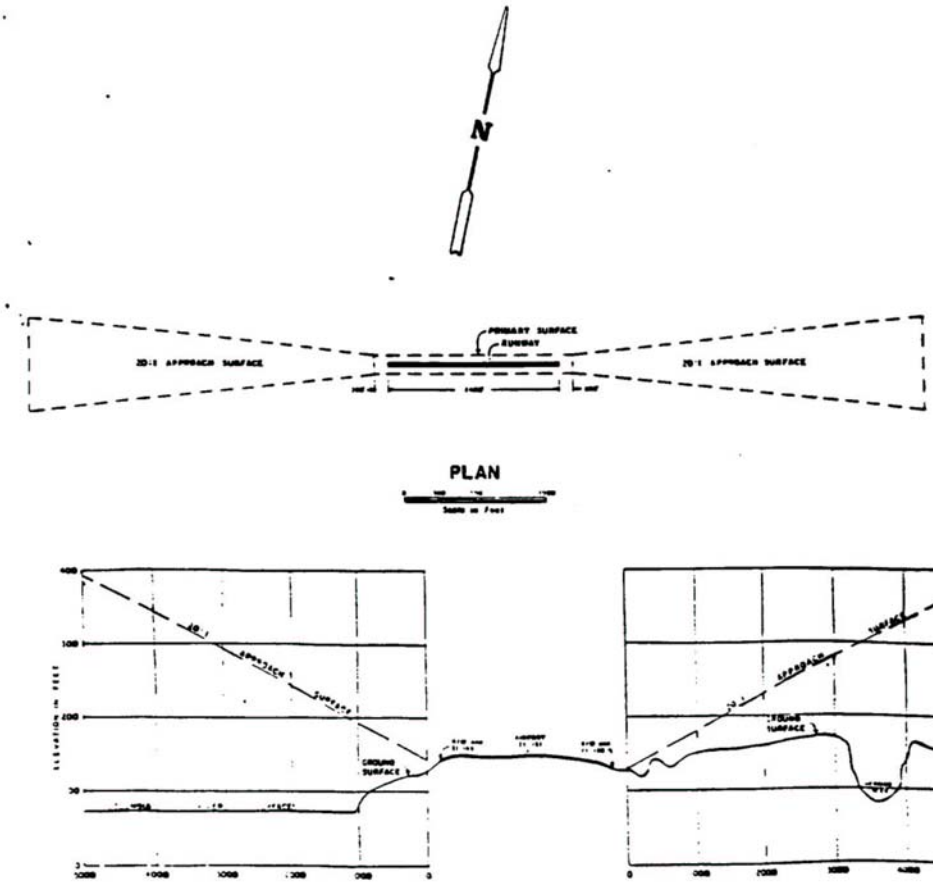
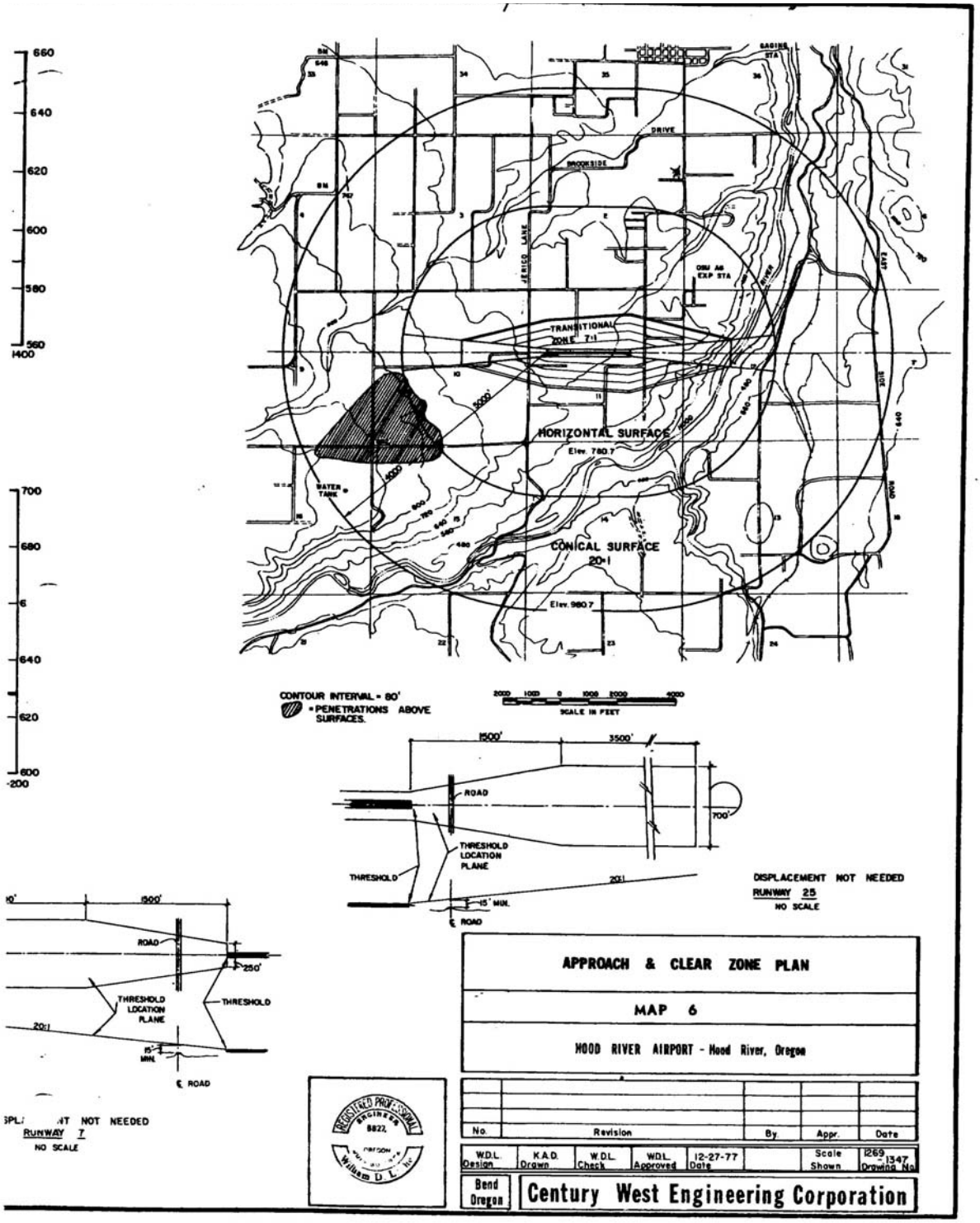
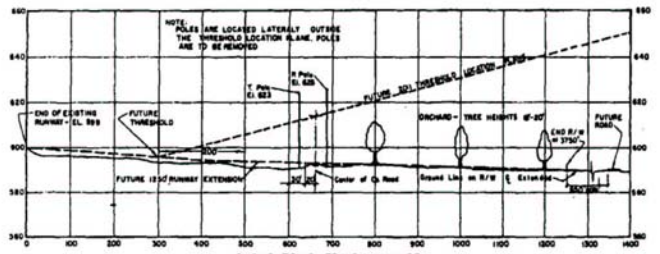


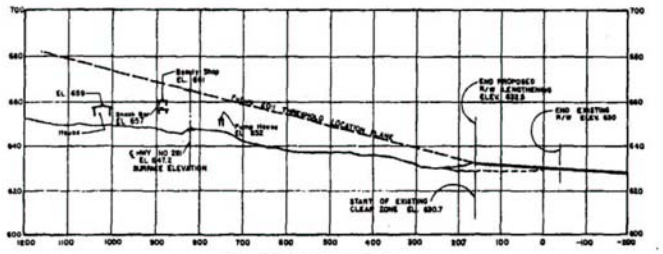
Diagram from the Hood River Airport Master Plan 1977-2000





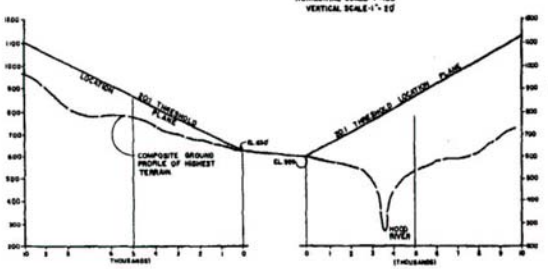
CLEAR ZONE FOR RUNWAY 25

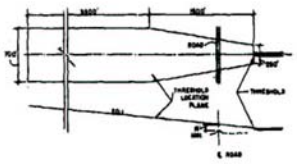
HORIZONTAL SCALE - 1" = 100'
VERTICAL SCALE - 1" = 20'



CLEAR ZONE FOR RUNWAY 7

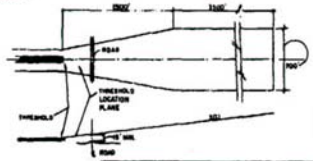
HORIZONTAL SCALE - 1" = 100'
VERTICAL SCALE - 1" = 20'





DISPLACEMENT NOT NEEDED
RUNWAY 7
NO SCALE

CONTOUR INTERVAL = 20'
+PENETRATIONS ABOVE SURFACE



DISPLACEMENT NOT NEEDED
RUNWAY 25
NO SCALE

APPROACH & CLEAR ZONE PLAN

MAP 6

HOOD RIVER AIRPORT - Hood River, Oregon

No.	Revision	By	Appr.	Date
WDL Drawn	KAS Traced	WDL Checked	WDL Approved	12-27-77 Date	Scale	Job No.

Century West Engineering Corp

Hood River

ARTICLE 35 - NATURAL AREA ZONE (NA)

Section 35.10 - Purpose and Intent

To protect Natural Areas (NA) identified in the Comprehensive Plan from conflicting use. The NA Zone is designed to protect identified natural areas by allowing only uses, which will not adversely impact or destroy the Natural Area. This zone is used to implement the Natural Area Plan designation.

Section 35.20 - Permitted Uses

A. Uses that will maintain, enhance, protect and conserve water quantity and quality.

B. Utility facilities necessary for public service except commercial facilities generating power for public use by sale.

C. Public or private conservation areas or structures for the retention of water, soil, open spaces or wildlife resources.

D. Uses existing at the effective date of this ordinance provided, however, that any change or alteration of such use shall require approval by the Director subsequent to affirmative findings being documented and presented showing that criteria for approval in Section 35.30 and 35.50 below have been met and the use complies with a County Land Use Permit.

Section 35.30 - Approval Standards

In the evaluation of any use or activity, affirmative findings will be submitted to the Planning Commission via the Planning Director demonstrating that the proposed use complies with Section 35.50 - Criteria for Approval, and will not damage the area designated Natural Area. If a proposed use or activity would result in the permanent destruction of the Natural Area, then the request would be denied.

Section 35.40 - Uses Subject to a Conditional Use Permit and Criteria for Approval Specified in Section 35.50

A. Accepted timber practices.

B. Farm uses and accessory uses.

C. Development within 800 feet of a withdrawal point of a public water supply.

D. Operations conducted for the exploration, mining and processing of aggregate, geothermal and other mineral resources.

Section 35.50 - Criteria for Approval

A. No building or subsurface disposal system will be allowed in the surface drainage basins of Crystal Springs and that area east of the spring to Highway 35 or 1,200 feet whichever is closer.

B. The natural vegetative fringe along all water sources and within watershed areas shall be protected and enhanced to the maximum extent practical to assure protection from erosion.

C. Operations conducted for timber harvesting or farm use that will adversely impact (short term) or destroy (long term) the water source capabilities, or systems within the water resource sites are not permitted. Only selective cutting is permitted.

D. The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical.

E. Areas of annual flooding (floodplain, water areas, or wetlands) shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural processes.

F. Areas of erosion or potential erosion shall be protected from loss by appropriate means.

G. The design bulk, construction materials, color and lighting of buildings and structures shall be compatible with the character and visual quality of areas of natural significance.

H. Applicable policies of the Comprehensive Plan shall be satisfied (Goal 5: Water Areas, Wetlands, Watersheds, etc.).

I. New buildings shall be set back 100 feet from ordinary high water line except for those uses in conjunction with a water-related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Director to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance of the setback requirement; or (2) the protection, maintenance and retention of riparian vegetation are not applicable to the proposal. If a conflict is noted among setback requirements, the more restrictive will be used.

J. Operations conducted for the exploration, mining and processing of aggregate, geothermal and other mineral resources or subsurface resources that will adversely impact (short term) or destroy (long term) the water source, capabilities, or systems within the Parkdale Lava Bed and other identified resource sites are not permitted. The proposed use will comply with the following additional conditions:

    1. Bonding to ensure adequate payment for any damage to water sources, capabilities or water systems (physical or natural) resulting from the proposed use or activity.

    2. Compliance with the requirements and provisions of the Surface Mining Zone (Article 46). (Parkdale Lava Beds are shown on Geological Survey Sheets: (1) Dog River,

Oregon; 1962 photo, revised, 1979; (2) Mt. Hood North, Oregon 1962 photo; revised 1980; (3) Dee, Oregon, 1977; and (4) Parkdale, Oregon, 1974; all 7.5 minute series.)

Section 35.60 - Site Development Standards

A. Maximum height: 35 feet.

B. Setbacks:

1. Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

2. Rear: 20 feet.

3. Side: Interior: 10 feet. Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

ARTICLE 36 - HISTORIC PRESERVATION (HP)

Section 36.10 - Purpose and Intent

To preserve, protect, maintain and enhance those historic resources that trace the evolution of man's influence in Hood River County. Historic resources are the sites, buildings, structures, objects, natural features or specific districts that relate to events or conditions of our past. This includes archaeological sites, which possess evidence of prehistoric culture. Protected sites will provide educational value, enjoyment, and economic diversification as well as beautification of the County and enhancement of property values. This ordinance is intended to allow the County to review building or demolition permits to ensure that these and other historic structures and sites identified in the future are preserved. The Historic Preservation Ordinance can be used to implement the Historic Preservation Plan designation or can be used as an overlay zone.

Section 36.20 - Historic Resources

Historic resources located within unincorporated Hood River County that are listed in the Statewide Inventory of Historic Sites and Buildings, Hood River County, and sites designated in the Hood River County Comprehensive Plan as having important historic significance are subject to the provisions of Section 36.30 - Exterior Remodeling or Alteration, and Section 36.40 - Demolition or New Construction, of this ordinance. Other resources evaluated through the Goal 5 process and determined to be important historic resources shall comply with the provisions in the Historic Preservation Ordinance. The historic resources are listed in Appendix "A" to this ordinance.

Section 36.30 - Exterior Remodeling or Alteration

The Building Official shall submit to the Director all building permit requests for exterior alteration for a historic building. The Director shall, within 30 working days, review the permit application for compliance with the requirements in Section 36.50 of this ordinance, and make the following determinations:

A. If the Director finds the proposed alterations to be in compliance with Section 36.50, he shall submit to the Building Department a statement that the requirements of this section have been satisfied.

B. If the Director finds the proposed alterations to be in non-compliance with the requirements of Section 36.50, he shall issue a statement to the Building Official and schedule a hearing before the Hood River County Planning Commission to review the application. The Director shall also inform the County Historical Museum Board, the State Historical Preservation Office and the County Parks and Recreation Committee. The Commission shall complete the following:

    1. The Commission shall meet within 30 working days of the date the completed permit application was submitted to the Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present. A failure to review within 30 working days shall be considered as an approval of the application.

2. If the Commission finds the proposed alterations to be in compliance with Section 36.50, they shall direct the Planning Director to submit to the Building Department a statement allowing exterior remodeling or alteration.

3. If the Commission finds the proposed alterations to be in non-compliance with Section 36.50, they must:

    a. Approve the application subject to compliance with conditions, which will bring the application into conformance with Section 36.50; or
    b. Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners; or

    c. Provide the applicant with information concerning local, state, and federal preservation programs.

Section 36.40 - Demolition or New Construction

The Building Official shall submit all requests for demolition of a historic building and new construction on historical sites on which no structure exists to the Director who shall, within 30 working days, schedule a hearing before the Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other act of God, a demolition permit may be approved by the Building Official without processing the request through the Planning Commission. A failure to review within 30 working days shall be considered as an approval of the application.

The Commission shall complete and consider the following: The Commission may approve the issuance of the demolition permit or building permit or it may delay the issuance of the demolition permit or building permit for up to 60 days from the date the request is received by the Building Department. The Commission's decision shall be based upon consideration and completion of at least the following factors:

A. Reasonable efforts will be made to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state and federal preservation programs.

B. Reasonable effort shall be made to maintain the historic structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

C. Consideration shall be given to the Guidelines listed in Section 36.50; and

D. The Commission shall seek assistance through referrals from at least the following County Departments and agencies: County Historic Museum Board, the State Historic Preservation Office, and the County Parks and Recreation Committee.

Section 36.50 - Guidelines for Exterior Alteration of a Historic Building

Affirmative findings will be documented addressing the following guidelines based upon their relative importance.

A. Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.

B. Height. Additional stories may be added to historic buildings provided that:

1. The added height complies with requirements of the building and zoning codes.

2. The added height does not exceed that which was traditional for the style of the building.

3. The added height does not alter the traditional scale and proportions of the building style.

4. The added height is visually compatible with adjacent historic buildings.

C. Bulk. Horizontal additions may be added to historic buildings provided that:

1. The bulk of the addition does not exceed that which was traditional for the building style.

2. The addition maintains the traditional scale and proportion of the building style.

3. The addition is visually compatible with adjacent historic buildings.

D. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

E. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with the traditional architectural character of the historic building.

F. Material, Color, and Texture. The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.

G. Signs, Lighting, and Other Appurtenances. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

Section 36.60 - Process for Designation of Historic Resources

A. The Director, upon request from the Board or Planning Commission or upon a request by a property owner or the contract purchaser to designate a particular building or site as a historic resource, shall advise the owner of such building or site. The Director shall also inform the County Planning Commission, the County Historical Museum Board, the County Parks and Recreation Committee, and State Historic Preservation Office.

B. The Director shall fix a date and time for a public hearing before the Planning Commission pursuant to Article 60, Administrative Procedures, County Zoning Ordinance.

C. The Commission's determination as to whether a site or building shall be designated a historic resource shall be based upon at least consideration of the following:

1. Evaluation of the proposed site through the Goal 5 process as outlined in OAR 660-16-000.

2. Testimony from the owner of the site.

3. Comments from the owners of abutting property, representatives of the County Historic Museum Board, the County Parks and Recreation Committee, the Building Official, the State Historic Preservation Office and other interested parties.

4. Other considerations deemed necessary by the Commission to assist in their decision making.

5. If the Commission determines that a site or building shall be designated as Historic Resource, it shall complete one of the following actions:

   a. Add the resource to the Historic Resources List noted in Section 36.20 - Historic Resources; or

   b. Apply the Historic Preservation Zone as an overlay; or

   c. Recommend to the Board to apply the Historic Preservation Plan designation to the historic resource.

D. If any designated historical building or site has been demolished or destroyed, the Planning Commission, upon direction from the Board or upon it's motion, may remove the historical building designation. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as specified in A., B., and C. above.

Section 36.70 - Building Official Powers
Nothing in this chapter may be interpreted to mean that the Commission may issue building permits as that is an ability reserved to the Building Official.

Section 36.80 - Appeals
Actions of the Planning Commission can be appealed to the Hood River Board of County Commissioners as outlined in Article 61 - Review by the Board, County Zoning Ordinance.

Section 36.90 - Site Development Standards
Compliance with the Site Development Standards required by the base zone (i.e., setbacks for front, rear, side and between buildings; off-street parking, minimum lot or parcel size; vision clearance) or compliance with the site development requirements of the predominant surrounding and adjacent zone, shall be required.

APPENDIX "A"[1]

1.	Potter (Miles) House (Cooper, Emma House)	2N 10E 3B #300
2.	Hazel Rebekah Lodge 156 and Kemp I.O.O.F. Lodge 181 (same)	2N 10E 26B #800
3.	Kollas House ("Starvation Flats")	2N 10E 28 #3700
4.	Kroeger (John) House (same)	2N 10E 27 #4200
5.	McCan (Capt. Charles P.) House (same)	2N 10E 2A #1900
6.	Mt. Hood School (Mt. Hood Town Hall and Recreation Center)	1N 10E 27 #2100
7.	Methodist Episcopal Church (Odell United Methodist Church)	2N 10E 26C #3600
8.	United Church Upper Hood River Valley (Parkdale Community Church)	1N 10E 32DD #2500
9.	Morton (J.W.) House (Struck, Sheldon House)	3N 10E 28 #402
10.	Tucker (Barton R.) House (same)	2N 10E 15 #3500
11.	Connaway (Harry) and Lafferty (I.U.) store (Weber Bros. Hardware)	2N 10E 22DD #700
12.	First Congregational Church (Windmaster Community Church of God)	2N 10E 10 #1900
13.	Union Church (Church of Christ)	2N 10E 22DD #800
14.	English House (same	2N 10E 21 #6002
15.	Oak Grove School House	2N 10E 16 #3800

1. Sites listed by historic name, then common name as they appear in the Statewide Inventory of Historic Sites and Buildings, Hood River County, 1976.

ARTICLE 41 - PLANNED UNIT DEVELOPMENT (PUD)

(Amended 10/21/85)

Section 41.00 - Purpose & Intent

The purpose of this Planned Unit Development Ordinance shall be to prescribe procedures under which a planned unit development may be submitted for review and approval by Hood River County. The intent of the Planned Unit Development Ordinance is to recognize and provide the following: (a) Permit lowering of land development costs where space devoted to streets, sidewalks and utilities can be reduced; (b) Reduce monotony of individual lot development generated by normal partitioning or subdividing; (c) Permit flexibility by allowing exceptions from standard setback and lot size limitations; (d) Allow greater intensity and density of use in certain locations, while retaining usable common open space; and (e) Allow protection of environmental sensitive areas and protection of the public from hazardous areas.

Section 41.05 - Definitions

A. Planned Unit Development: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations otherwise required by the County Zoning Ordinance.

B. Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Common open space land will be maintained in perpetuity.

Section 41.10 - Applicability

A. Approval of the final planned unit development plan will constitute zoning requirements for the property.

B. A planned unit development shall be permitted on a tract of land of sufficient size to accommodate a planned unit development pursuant to provisions in Article 41 - Planned Unit Development.

C. Pursuant to compliance with provisions in Article 41, planned unit developments may be applied to County zoning districts not listed below.

1. A planned unit development is not applicable to land zoned Exclusive Farm Use (EFU) unless a Goal 2 Exception can be justified.

2. A planned unit development is not applicable to land zoned Primary Forest (F-2).

3. A planned unit development is not applicable to lands zoned Environmental Protection (EP), Floodplain (FP) or Geologic Hazard (GH), however lands so designated can be used for computation of density requirements within a planned unit development.

D. Planned unit developments proposed in the Forest Zone (F-1) shall provide affirmative findings through documentation that the following provisions are met:

1. All uses either permitted or conditionally allowed in the F-1 Zone are permitted.

2. The planned unit development will meet the density standard of the F-1 Zone. The density standard is one dwelling per 40 acres, only if all provisions in Article 5 – Forest Zone (F-1) are affirmatively met.

3. Proposed uses shall comply with provisions in Article 5 - Forest Zone, Section 5.30 - Criteria and Standards for Approval.

4. The above findings shall be submitted with other information required in Section 41.25 - Preliminary Planned Unit Development Plan Application Requirements.

Section 41.15 - Permitted Uses

A. Planned Unit Residential Developments: Single-family dwellings, multi-family dwellings, two family dwellings, uses permitted or conditionally allowed in the parent zone, and commercial uses as specified under Section 41.35 - Planned Unit Development Standards.

B. Planned Professional, Civic, Commercial and/or Industrial Developments: Uses permitted or conditionally allowed in the parent zone and accessory buildings and uses.

C. Parent Zone: Uses permitted or conditionally allowed in the parent zone.

Section 41.20 - Planning Director's Conference and Review

A. The applicant shall have a preapplication conference with the Planning Director or his designate.

B. Based upon the preapplication conference, the applicant shall make a formal application. The applicant is required to pay a filing fee and present affirmative findings addressing applicable provisions in Article 41 - Planned Unit Development. The applicant and Director shall meet and determine whether the requirements in Article 41 have been met.

C. The Director shall send referrals to applicable agencies, prepare a report and schedule a public hearing before the Planning Commission.

Section 41.25 - Procedure for Review

A. The procedure for review and approval of a planned unit development requires making application for a conditional use permit and a public hearing by the Hood River County Planning Commission pursuant to provisions in Article 60, Hood River County Zoning Ordinance. The Commission shall determine whether the request is complete and complies with at least the following provisions:

1. Applicable provisions of Article 41 - Planned Unit Development.

2. Applicable elements of the County Comprehensive Plan (County Background Report, County Policy Document, County Subdivision and Zoning Ordinances, County Plan and Zoning Maps).

3. The parent zoning designation.

4. County Planning Department's report and referral comments from applicable agencies, special districts, and the cities of Hood River and Cascade Locks.

B. Only after affirmative findings are presented addressing the above provisions, shall the Commission approve or conditionally approve the preliminary planned unit development plan. If affirmative findings cannot be made, the Commission will deny the application or require further information to substantiate affirmative findings.

C. Approval of the preliminary planned unit development shall be binding on both the County and the applicant. However, no construction shall commence on the

D. The decision of the Planning Commission is final unless an appeal is filed within 15 days with the Director of Records & Assessments, or if three members of the Board of Commissioners order review within 15 days of the Planning Commission's action.

Section 41.30 - Preliminary Planned Unit Development Application Requirements

A preliminary development plan shall be prepared and submitted to the Hood River County Planning Department and include at least the following information:

A. A letter of intent to initiate a planned unit development.

B. A written statement setting forth the sources of water supply, methods of sewage disposal, fire protection, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas, lands to be devoted to various uses, and unit densities per net acre and per gross acre.

C. A schematic drawing, drawn to a minimum scale of one inch equals two hundred feet (1" = 200') showing the general relationship contemplated among all public and private uses and existing physical features.

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

E. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

F. A plot plan for each building site and common open space area, showing the approximate location of building structures and other improvements and indicating the open space around buildings and structures.

G. Elevation or perspective drawing of proposed structures.

H. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.

2. The stages in which the project will be built, and the date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code as of the date of issuance of the building permit.

3. The anticipated rate of development.

4. The approximate dates when each stage of development will be completed.

5. The area location and degree of development of common open space that would be provided in each stage.

I. Agreements, provisions or covenants which cover the use, maintenance and continued protection of the planned unit development in any of its common open space areas.

J. The following plans and diagrams:

1. An off street parking and loading plan.

2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development, and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.

3. A landscape and tree plan.

K. A written statement which is part of the preliminary plan shall contain the following information:

1. A statement of the present ownership of all land included within the planned unit development.

2. A general indication of expected schedule of development.

L. A letter designating the professional design coordinator.

Section 41.35 - Planned Unit Development Standards

A. Density in Excess of Parent Zone:

1. Planned unit developments proposed in urban growth boundaries may result in a density of 33% in excess of density requirements of the parent zone.

2. Planned unit development proposals outside urban growth boundaries may result in a density 25% in excess of density requirements of the parent zone.

3. If the County finds that any of the following conditions would be created resulting from the above density increases, it will either prohibit any increase in density, or limit the increase in density by an amount, which is sufficient to avoid the creation of any of the following conditions:

a. Inconvenient or unsafe access to the planned unit development.

b. Traffic congestion in the streets, which adjoin the planned unit development.

c. An excessive burden on sewage, water, parks, recreational areas, schools, or other public facilities, which serve or are proposed to serve the planned unit development.

B. Common Open Space Land:

1. Land shown on final development plan as common open space shall be conveyed to an association of owners or tenants, created as a non-profit corporation under the laws of the state. The homeowners association shall adopt and impose articles of incorporation and by-laws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continued care of the space. The association shall be formed and continued for the purpose of maintaining the common open space.

2. Open space shall be usable.

3. At least 40% of the gross project area shall be devoted to common open space.

C. Dimensional and Bulk Standards:

1. The minimum lot area, width, frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from planned unit development exterior property lines as required by the zone shall be maintained.

2. The building's off street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of a development in the zone.

3. The maximum building height shall not exceed building heights prescribed in the zone in which the planned unit development is proposed.

D. Accessory Uses of the Planned Unit Development: In addition to conditional uses and accessory uses allowed in the parent zone, additional accessory uses approved as part of a planned unit development may include the following areas: (1) golf course; (2) private park, lake or waterway; (3) recreation area; (4) recreational building, clubhouse or social hall; (5) other accessory structures which are designed to serve primarily the residents of the planned unit development and are compatible.

E. Combination Commercial/Residential Development:

1. Commercial service supported mainly from the planned unit development on parcels of land, which are suitable for, and of sufficient size.

2. Based upon the Planning Commission's affirmative findings, the uses are primarily for the servicing and convenience of residents within the development and the immediate neighborhood.

3. Commercial uses will not change or alter the predominant residential character of the planned unit development.

4. The amount of commercial use to be established by the Planning Commission.

F. Completion:

1. The applicant must begin and complete the planned unit development within two years of the date of final development plan approval, or within provisions of an approved phase schedule established by the Planning Commission.

2. If the two year time limit of phasing schedule are not complied with, the PUD shall be reviewed by the Planning Department and a recommendation given to the Planning Commission recommending the planned unit development be revoked, the planned unit development be extended, or that the planned unit development be amended. The applicant shall be given notice of the pending

review. The Planning Commission review will be conducted pursuant to Article 60.

Section 41.40 - Approval of Final Planned Unit Development

A. The final development plan shall be submitted to the Director within six months of the date of approval of the preliminary development plan by the Commission. The Director may extend for six months the period for filing the final development plan. After review, the Director shall approve the final development plan if he finds the plan is in accordance with the approved preliminary development plan.

B. Deviations from the approved preliminary development plan shall require the plan to be re-examined by the Planning Commission pursuant to Article 60 (public hearing).

C. Within 30 days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Hood River County Department of Records & Assessments. The final approved development plan shall continue to control the planned unit development after the project is completed.

D. After the Building Official issues the certificate of completion, no change shall be made in development contrary to the approved final development plan, except as follows: (1) Minor modifications of existing buildings or structures; and (2) A building or structure that is totally or substantially destroyed may be reconstructed.

E. An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the County as reflected by the Comprehensive Plan or related land use regulations. Amendments shall be processed pursuant to Article 60 (public hearing).

F. Failure to comply with the approved final development plan or any conditions of approval will result in the Commission, after giving notice and conducting a hearing, revoking building permits issued for the final development plan.

ARTICLE 42 – STREAM PROTECTION OVERLAY ZONE – SPO
Adopted February 17, 2004 – HRC Ordinance #253
Effective March 19, 2004

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Section 42.00 – Purpose and Intent

The purposes and intent of the Stream Protection Overlay Zone are:

A. To implement the goals and policies of the Hood River County Comprehensive Plan for the protection and conservation of fish and wildlife areas and habitat, and rivers, streams and riparian areas.

B. To protect and restore Hood River County's water areas, streams and riparian areas, thereby protecting and restoring the hydrologic, ecologic and land conservation functions these areas provide.

C. To accommodate the historical lateral migration of stream channels due to natural processes.

D. To protect water areas, fish habitat, adjacent riparian areas and to control erosion, limit sedimentation, and reduce the effects of flooding.

E. To establish clear and objective standards that allow reasonable economic use of property while protecting fish-bearing streams and their riparian areas.

F. The Stream Protection Overlay Zone is intended to meet the requirements of Statewide Planning Goal 5 (Natural Resources) and the provisions of the Goal 5 administrative rule (OAR 660, Division 23) for riparian corridors. These provisions require that significant riparian corridors be protected. The requirements in this Article are based on the "safe harbor ordinance" approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8).

Section 42.02 – Definitions

A. Agricultural Activities and Farming Practices: The raising or production of livestock or livestock products, poultry or poultry products, milk or milk products, fur-bearing animals; or for the production of crops such as, but not limited to, grains, small grains, fruit, vegetables, forage grains, nursery stock, Christmas trees; or any other agricultural or horticultural use or animal husbandry or any combination thereof whether for profit or not. These practices are regulated to protect water quality under ORS 561.191, ORS 568.900 through 568.933, and OAR 603 Division 95.

B. Bankfull Stage: The elevation at which water overflows the natural banks of rivers and streams and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation (e.g. oak, Douglas fir) to bare soil or substrate, a change in vegetation from upland (e.g. oak, fir) to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones, seeds), or the presence of water-borne litter and debris, water-stained leaves or water lines on tree trunks.

C. Base Zone: One of the categories of land use into which the land area of the county is divided, such as residential, farm or forest use.

D. Fish Bearing: Waterways upon which fish depend in order to meet their

requirements for spawning, rearing, food supply, and migration.

E. Forest Practice: Any commercial operation conducted on or pertaining to forestland that is regulated by the Oregon Forest Practices Act (ORS Chapter 527), including but not limited to:
1. Reforestation of forestland;
2. Road construction and maintenance;
3. Harvesting of forest tree species;
4. Application of chemicals; and
5. Disposal of slash.

F. Impervious Surface: Any surface where material is applied which prevents absorption of water into the ground.

G. Lawn: Grass or similar materials generally maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

H. Maintenance: Periodic repair or upkeep of a structure in order to maintain its function. Maintenance does not include any modification that changes the footprint of the structure, or increases the adverse impact to the riparian corridor.

I. Native Vegetation: Plant species indigenous to Hood River County. The County will maintain a list of native plants.

J. Non-conforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion or re-construction may be regulated.

K. Overlay Zone: A zoning designation that includes allowances and/or requirements for activities in addition to those of the underlying base zone.

L. Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, beginning at the bankfull stage of the river, lake, or stream and extending upland.

M. Riparian Corridor: A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

N. Significant Riparian Corridor: A riparian corridor that has been identified by Hood River County as meeting Goal 5 significance criteria.

O. Significant Wetland: A wetland that has been identified by Hood River County as meeting the Goal 5 significance criteria in Oregon Administrative Rules 141-86-0300 to 0350.

P. Stream: A channel that carries flowing surface water and was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation and drainage channels that are human-created.

Q. Stream Protection Overlay Zone: Has the same meaning as "significant riparian corridor".

R. Structure: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

S. Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 42.05 – Applicability

The Hood River County Stream Protection Overlay Zone shall be implemented as reflected in the Hood River County Comprehensive Plan, Article 42 of the Hood River County Zoning Ordinance and County zoning maps.

A. This Article applies to all streams, or portions thereof, identified on the Hood River County Fish-Bearing Streams Maps.

B. This Article does not apply to streams or lakes within the Mount Hood National Forest, the Columbia River Gorge National Scenic Area (CRGNSA), or the Hood River and Cascade Locks urban growth areas.

C. Structures or uses that do not conform to the standards of this ordinance which have been in continuous existence from prior to the date of adoption of this ordinance up to the present are not considered violations and are generally allowed to continue. Expansion of non-conforming structures or uses in Stream Protection Overlay Zones is subject to the requirements of this Article.

D. The Stream Protection Overlay Zone requirements are in addition to the requirements of the base zone and other Hood River County ordinances. In cases of conflicting or overlapping requirements, the more restrictive requirements shall apply.

Section 42.10 – Exempt Activities

The following activities within Stream Protection Overlay Zones are not required to meet the standards of this section:

A. Forest practices regulated by the Oregon Forest Practices Act.

B. Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces, that are regulated by the Oregon Department of Agriculture to protect water quality and are on lands zoned for farm or forest use.

Section 42.20 - Stream Protection Overlay Zone Locations

The Hood River County Fish-Bearing Streams Inventory contains information on stream locations, stream flows, and fish presence and maps of fish-bearing streams. Based on the information contained in the inventory and maps, Stream Protection Overlay Zones are established as follows and as depicted in Figure 1:

A. Along all streams with average annual stream flow of 1,000 cubic feet per second (cfs) or greater the Stream Protection Overlay Zone shall extend 75 feet upland from the bankfull stage, measured horizontally, except as specified in paragraph C of this section.

B. Along all fish-bearing streams with an average annual stream flow less than 1,000 cubic feet per second (cfs), the Stream Protection Overlay Zone shall extend 50 feet upland from the bankfull stage, measured horizontally, except as specified in paragraph C of this section.

C. If the Stream Protection Overlay Zone identified in paragraph A or B of this section includes all or portions of a significant wetland identified in the Comprehensive Plan, the Stream Protection Overlay Zone shall include the significant wetland and extend upland the distance specified in paragraphs A or B of this section, measured horizontally from the edge of the significant wetland.

D. General locations of Stream Protection Overlay Zones are shown on the Hood

River County Fish-Bearing Streams Maps.

1. Property owners can request site inspections by county planning staff to determine more precisely the location of Stream Protection Overlay Zone boundaries for land use applications and for assistance in complying with the provisions of this Article.

2. Land use applications for properties in Stream Protection Overlay Zones shall include scaled maps showing the locations of rivers and streams, their bankfull stage locations and the boundaries of the Stream Protection Overlay Zone(s). The County may require that supporting information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

3. Property owners who believe that errors in mapping have resulted in the location of a Stream Protection Overlay Zone on their property may request a map correction. Requests shall be in writing and shall include scaled maps showing the locations of rivers and streams, their bankfull stage locations, the boundaries of Stream Protection Overlay Zone and property boundaries and other information necessary to support findings that the mapping is in error. The County may require that information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

E. The Hood River County Fish-Bearing Streams Maps may be updated to incorporate new information on fish presence and use of waters from the Oregon Department of Fish and Wildlife.

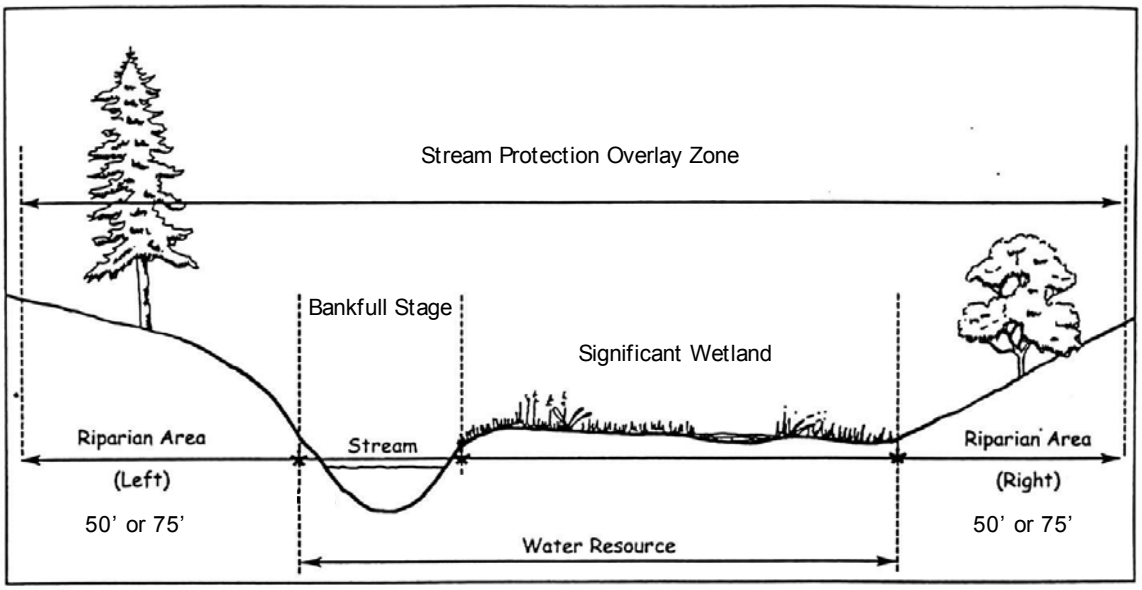

Figure 1. Stream Protection Overlay Zone cross-section

Section 42.25 – Allowed Activities

The following activities in Stream Protection Overlay Zones are allowed provided they are conducted in accordance with the standards in Section 42.30:

A. Continued maintenance and use of areas developed at the date of adoption of this Article or its amendments, although such use does not conform to these provisions. However, if such a use is discontinued for a period of one year, any such future use of such areas shall comply with the provisions of this Article. "Developed" means areas such as lawns, ornamental plantings, gardens, orchards, crop land and improved pastures or hayfields that are no longer dominated by native vegetation. Expansion of existing developed areas is not permitted within the Stream Protection Overlay Zone. New development activities shall not justify replacement of native vegetation with lawn or other non-native vegetation in Stream Protection Overlay Zones.

B. Maintenance and use of buildings, roads, fences, shoreline stabilization and flood control structures, and other structures that existed prior to the date of adoption of this ordinance or that were previously approved under this Article.

C. Replacement or improvement of existing structures with structures in the same location that do not disturb additional Stream Protection Overlay Zone surface area.

D. Structures or other alterations existing fully or partially within the Stream Protection Overlay Zone may be expanded provided the expansion can occur outside the Stream Protection Overlay Zone.

E. Planting of native vegetation.

F. Removal of non-native vegetation and replacement with native plant species.

G. Removal of noxious weeds and plants (including poison oak) consistent with County or State regulations.

H. Vegetation mowing or management consistent with County or State regulations for the prevention of fire hazards.

I. Cutting of individual trees in danger of falling and posing a hazard to life or property. Landowners and operators are encouraged to leave trees, once felled, in the riparian area to improve fish and wildlife habitat, if no hazard will be created.

J. Incidental removal of understory vegetation associated with temporary activities including recreation, education, scientific research, environmental restoration and land survey.

K. Paths. The use of permeable surfaces is encouraged.

L. Fence construction that does not include mechanized land clearing.

M. Installation, operation and maintenance of irrigation pumps regulated by the Oregon Water Resources Department.

N. Drainage facilities and utilities.

O. Water-related and water-dependent uses.

P. Streets, roads, driveways and bridges where no other locations outside the Stream Protection Overlay Zone exist and that are designed to minimize intrusion into the Stream Protection Overlay Zone.

Section 42.30 – Standards for Activities in Stream Protection Overlay Zones

The following standards apply to proposed land uses and activities in Stream Protection Overlay Zones:

A. The proposed activity is allowed under the requirements of the base zone.

B. No other practicable options or locations outside the Stream Protection Overlay Zone are feasible for the proposed activity on the subject parcel.

C. The proposed activity shall be designed, located and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities shall be located as far from rivers and streams, and use as little of the surface area of the Stream Protection Overlay Zone, as practicable.

D. Excavation, grading and vegetation removal shall be avoided within the Stream Protection Overlay Zone on stream beds or banks within the bankfull stage, in wetlands, and on slopes of 25 percent or greater, except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

E. The removal of vegetation in the Stream Protection Overlay Zone is limited to the minimum amount necessary to accommodate the activity.

F. The following standards shall apply when construction activity is proposed in areas where vegetation is to be preserved within the Stream Protection Overlay Zone.

1. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation. Temporary construction fencing should be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging or stockpiling shall occur outside of designated work areas.

2. Trees shall not be used as anchors for stabilizing equipment.

3. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments are not transported to adjacent surface waters (see section X.30.H for guidance).

G. Water, drainage and sewer systems shall be designed, located and constructed to avoid the infiltration of floodwaters into the system, and to avoid accidental discharges to rivers, streams and wetlands.

H. Erosion control measures shall be employed to ensure sediments are not transported to adjacent surface waters. Erosion control measures shall be installed prior to site preparation or ground-disturbing activities, where applicable. Access

roads, staging areas, storage areas and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in place permanently. Guidance on appropriate erosion control measures is contained in the Department of Environmental Publication Best Management Practices for Storm Water Discharges Associated With Construction Activities (DEQ Northwest Region 2003, or current upgrade). A copy of this document is available for review at the Hood River County Planning Department .

I. Revegetation activities should follow these guidelines:

1. Revegetation should include ground cover, understory and tree canopy layers unless the site soils or substrate do not typically support the growth of one or more vegetation layers.

2. Native plant species indigenous to Hood River County should be used. A list of native plant species and native plant material sources is maintained by Hood River County.

3. Planting densities and species composition should be consistent with native riparian area plant communities in the immediate vicinity. Use of a reference site (a nearby site with an intact native riparian plant community) as guidance for developing a revegetation plan is recommended.

4. A large revegetation project should include a planting plan map and description of the proposed plant species, size of plant materials, number of plants, spacing and installation methods.

5. Native plant species that do not survive the first two years after planting should be replaced.

Section 42.40 – Prohibited Activities Within Stream Protection Overlay Zones

Except for those activities listed in this Article as exempt or allowed, the following activities are prohibited within Stream Protection Overlay Zones:

A. Cutting, clearing or removal of live native vegetation.

B. Ground alteration, grading, excavation, or the placement of fill material in riparian areas.

C. Construction, installation or placement of new structures or impervious surfaces in riparian areas.

D. Dumping, disposal or storage of materials, including but not limited to, garbage, yard debris, construction debris, vehicles or hazardous materials.

E. Construction activity or creation of temporary roads in riparian areas.

F. Creation of a parcel that would be wholly within the Stream Protection Overlay Zone and would result in an unbuildable parcel due to the stream protection overlay zone setback requirements of this Article, unless the parcel is included in a conservation easement that prohibits development on the site.

G. Creation of a parcel that would be partially within the Stream Protection Overlay Zone and would result in an unbuildable parcel due to the combination of the stream protection overlay zone setback requirements of this Article, other requirements of the Zoning Ordinance and natural constraints of the site, unless the parcel is included in a conservation easement that prohibits development on the site.

Section 42.50 – Exceptions

In cases where a property owner believes the application of this Article renders an existing lot or parcel unbuildable, a property owner may apply for an Exception. Applications for Exceptions shall be reviewed under the procedures in Article 72 (Planning Director's Review Procedure). Granting of an Exception requires findings that satisfy the following criteria:

A. The proposed development requires deviation from the Stream Protection Overlay Zone requirements and can not reasonably be located on the property entirely outside the Stream Protection Overlay Zone; and

B. The application of the requirements of this Article without an Exception, would prevent reasonable economic use of the property consistent with the base zone requirement; and

C. The Exception shall allow only the minimum deviation from the Stream Protection Overlay Zone requirements necessary to render the existing lot or parcel buildable, as allowed in the base zone; and

D. The Exception shall be conditioned to meet the standards in Section 42.30 to the

extent possible.

Section 42.55 - Hardship Variances

In cases where a property owner believes the application of this Article imposes a hardship by precluding an expansion of a lawfully established building or structure, a property owner may apply for a Hardship Variance. Applications for a Hardship Variance shall be reviewed under the procedures in Article 72 (Planning Director's Review Procedure). Granting of a Hardship Variance requires findings that satisfy the following criteria:

A. The existing building or structure is located partially or entirely within the Stream Protection Overlay Zone; and

B. The proposed expansion requires deviation from the Stream Protection Overlay Zone requirements and can not reasonably be located on the property entirely outside the Stream Protection Overlay Zone; and

C. The expansion may occur only on the side of the structure away from the stream unless impracticable; and

D. The Hardship Variance shall be conditioned to meet the standards in Section 42.30 to the extent possible.

Section 42.60 – Compliance With State and Federal Regulations

Activities wholly or partially within Stream Protection Overlay Zones are subject to all applicable federal and state regulations, including, but not limited to, Division of State Lands permit requirements under the Removal-Fill Law, U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act and Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

Section 42.70 – Violations

Activities within Stream Protection Overlay Zones not authorized under this Article are a violation. The County shall seek compliance with the requirements of this Article and the

resolution of violations through the following procedures:

A. Voluntary cooperation to resolve violations is the preferred enforcement procedure when appropriate to the circumstances. Violations causing ongoing degradation of natural resources or repeated violations by the same individual, firm or corporation are generally not appropriate for voluntary cooperation enforcement procedures.

B. Natural resource restoration shall be required for violations that result in unauthorized construction, grading, excavation, placement of fill material, or removal of native vegetation in a Stream Protection Overlay Zone. The purpose of the restoration requirements shall be to mitigate impacts to vegetation, soils and hydrology and may include vegetation planting, fill removal, backfilling of excavated areas, restoration of ground surface contours, restoration of hydrological processes or other actions. Restoration recommendations shall be solicited from the Oregon Department of Fish and Wildlife and the Hood River County Soil and Water Conservation District.

C. Violations involving placement of fill material, excavation, grading or alteration of material within the bankfull stage of a stream or in a wetland shall be reported to the Oregon Division of State Lands.

D. Failure of an individual, firm, or corporation to remedy a documented violation shall be processed in accordance with the provisions of Article 70 (Enforcement).

ARTICLE 43 - ENVIRONMENTAL PROTECTION ZONE (EP)

Section 43.00 - Purpose and Intent

To provide protection and maintenance of soil stability, overall water quality, watersheds, natural drainage areas, fish and wildlife habitat and natural areas. The purpose of the EP Zone is also to permit the qualification of lands for preferential taxation assessment. The zone is applied to areas which if developed may be hazardous to human life and cause economic hardship or dislocation. The Environmental Protection Zone is used to implement the Environmental Plan designation and can also be used as an overlay or combining zone.

Section 43.10 - Permitted Uses

A. Low intensity recreation, agriculture, and water use (irrigation).

B. Culverts, utilities and/or other necessary roadway crossings provided substantial alteration to stream floodplain areas does not occur. If substantial alteration is proposed, compliance with Article 44 - Floodplain Zone is required.

C. Uses proposed in areas either designated Floodplain, Floodplain Hazard or Geologic Hazard shall be subject to applicable provisions in either Article 44 –Floodplain Zone or Article 45 - Geologic Hazard Zone.

Section 43.20 - Other Conditions to Use and Occupancy

Uses not listed above but allowed in the base zone may be allowed provided affirmative findings are presented to the Planning Director that the proposed development complies with the following conditions:

A. Proposed development has been approved by a registered (State of Oregon) engineer, geologist or architect.

B. Subsurface sewage disposal drainfield shall be set back a minimum of 100 feet from the ordinary high water mark of streams.

C. All applicable requirements and standards of the base zone shall be met

D. Empty chemical, pesticide, herbicide, insecticide or rodenticide containers shall be disposed of as outlined in Oregon Administrative Rule 340-63-130 (Chapter 340, Division 63 - DEQ).

E. Use of fill material, which inhibits stream, flood flow and/or endangers other property will not be permitted.

F. Permits shall not be issued to remove common varieties of mineral materials not locatable under mining laws.

G. Lands, which are determined to be unsuitable to develop, may be used for computation of density allowance.

H. Timber harvesting along streams shall be conducted in compliance with forest practices as defined and regulated under the Oregon Forest Practices Act (January 10, 1980).

Section 43.30 - Development Standards

A. Maximum Height: 35 feet

B. Setbacks, minimum:

1. Front:
   50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

2. Rear:
   20 feet.

3. Side: Interior: 10 feet
   Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by the base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.

ARTICLE 44 - FLOODPLAIN ZONE (FP)

(Effective 11/4/87)

Section 44.00 - Purpose & Intent

The purpose of the Floodplain Ordinance is the protection of life and property from natural disasters and hazards. The intent of the ordinance is to: (1) minimize expenditures of public money and costly flood control projects; (2) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public; (3) minimize damage to public facilities and utilities; (4) insure that potential buyers are notified that property is in the floodplain; (5) insure that those who occupy the floodplain area assume responsibility for their actions; and (6) insure applicable property owners are adequately insured.

The Floodplain Zone implements the Environmental Protection Plan designation and can be used as an overlay zone in areas not planned or zoned Forest or Primary Forest.

Section 44.05 - Definitions

A. AREA OF SPECIAL FLOOD HAZARD: Means lands in the Floodplain as identified on the County Zoning Map as Floodplain and zoned Floodplain (FP). Lands in the floodplain are subject to a 1% or greater chance of flooding in any given year (see Floodplain definition below).

B. BASE FLOOD: Means the flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the 100-year floodplain. The area designated Floodplain (FP) on the County Zoning Map.

C. DEVELOPMENT: Means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area designated Floodplain on the County Zoning Map.

D. FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normal dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

E. FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. This includes the areas designated Floodplain on the County Zoning Map. These maps are available in the Hood River County Planning Department.

F. FLOODPLAIN: Means land in the floodplain as identified by sources listed in Section 44.10 - Ordinance Applicability, and zoned Floodplain by Hood River County. The County Zoning Map boundary shows the approximate outline. A base

flood which reaches this boundary has 1% chance of occurring each year, commonly referred to as the 100-year flood. This is also called the area of Special Flood Hazard by the Federal Emergency Management Agency (FEMA).

G. FLOODWAY: Means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1'.

H. LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 44.50 - Floodplain Standards.

I. MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, or other similar vehicles. Also see Article 16 - Mobile Home Parks, etc. Zone, Section 16.05 - Definitions.

J. STRUCTURE: Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Section 44.10 - Ordinance Applicability

The Floodplain Ordinance applies to lands zoned Floodplain on the County Zoning Map. The following primary sources were used to designate the Floodplain, and are adopted as elements of the Hood River County Comprehensive Plan: (l) Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM) September 24, 1984;[1] (2) State of Oregon, Department of Geology & Mineral Industries Bulletin #91, Geologic Hazards of Parts of Northern Hood River, Wasco & Sherman Counties, 1977, and State Geologic Hazard Maps accompanying that report, prepared by J.D. Beaulieu, 1977; and (3) Hood River County Generalized Floodplain Report, U.S. Department of Agriculture, Soil Conservation Service, 1975. Copies of the above sources are available for review in the Hood River County Planning Department.

Section 44.15 - Use of Other Base Flood Data

When base flood elevation data has not been provided pursuant to Section 44.10 - Ordinance Applicability, the applicant shall obtain and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, in order to comply with applicable provisions in Section 44.50 Floodplain Standards.

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1. The FEMA 1984 Maps Supersede the HUD December 6, 1977 Maps.

Section 44.20 - Applicant's Burden of Proof
The burden is upon the applicant to provide affirmative documented findings demonstrating compliance with all provisions of this ordinance. The applicant is responsible for retaining either an engineer, architect, hydrologist or geologist (all licensed in Oregon), who will be responsible for demonstrating through written documented findings of compliance with provisions of this ordinance.

Section 44.25 - Planning Director Responsibility
The County Planning Director or his designate will administer and ensure all Floodplain Development Permit applications comply with provisions of this ordinance.

Section 44.30 – Columbia River Gorge National Scenic Area
All permit applications within the Scenic Area will be sent to the Scenic Area Manager for review and comment.

Section 44.35 - Disclaimer of Liability:
On rare occasions, large floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the area zoned Floodplain, or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of Hood River County, or any official or employee, for any flood damage that results from reliance on this ordinance or any administrative decisions pursuant to this ordinance.

Section 44.40 - Permitted Uses
The following uses are permitted within the floodplain, but not within the floodway. Uses proposed within the floodway must comply with Section 44.45 Floodplain Development Permit.

A. Farm use, other than dwellings, barns, and storage buildings.

B. Small private boat docks, landings for pleasure (not commercial use); but not including incidental buildings.

C. Parks, playgrounds, but not including incidental buildings.

D. Golf courses, driving ranges; but not including incidental buildings.

E. Private airports, not including structures.

F. Truck storage and rental, not including structures.

G. Temporary rock, sand and gravel storage, not including structures.

H. Timber harvesting along streams shall be conducted in compliance with forest practices as defined and regulated under the Oregon Forest Practices Act (January 10, 1980).

Section 44.45 - Floodplain Development Permit

A Floodplain Development Permit shall be obtained before construction or development begins within the floodplain, including floodway, as established pursuant to Section 44.10 - Ordinance Applicability. A Floodplain Development Permit is required for all structures, manufactured homes, and development as defined in Section 44.05 - Definitions. Applicants shall retain one of the following Oregon licensed individuals who is responsible for demonstrating through written documentation (report) of compliance with the requirements of this ordinance, specifically Section 44.50 - Floodplain Standards: engineer, architect, hydrologist, or geologist. Application may include but not be limited to the following information:

A. Scaled site plan showing the characteristics, location, dimensions, and site elevation; existing or proposed structures, development including fill, storage of materials, etc.

B. General elevation to mean sea level of building site.

C. Distance between ground elevation and level to which the proposed structure is to be flood-proofed.

D. Description of the extent to which a water course(s) will be altered or relocated as a result of development, structures, etc.

E. Copies or all permits required from any governmental agency, etc.

Section 44.50 - Floodplain Standards

Applicants for Floodplain Development Permits shall demonstrate through written documented affirmative findings of compliance with the following standards. A County building permit will not be issued unless all provisions of the Floodplain Ordinance have been affirmatively addressed by the applicant's representative.

A. ARTICLE 44 - FLOODPLAIN ZONE ORDINANCE: Compliance with all applicable provisions of Article 44 - Floodplain Zone, Hood River County Zoning Ordinance, prior to making application for a Hood River County building permit.

B. AGENCY REFERRALS: Compliance with permits and approvals of all applicable local, state and federal agencies.

C. INTERPRETATION OF FLOODPLAIN BOUNDARIES: Presentation of documented evidence of the exact location of the floodplain and floodplain boundary and the location of the proposed or existing construction or development.

D. BASE FLOOD ELEVATION DATA: Provide documented evidence identifying the base flood elevation data (in relationship to mean sea level). The sources noted in Section 44.10 - Ordinance Applicability, do not contain base flood elevation data, consequently the following base information is required of the applicant:

1. Record the actual elevation (in relationship to mean sea level) of the lowest floor (including basement) of whole new or improved pre-existing structures.

2. Whether or not the structure contains a basement.

3. Applicant is required to elevate development, etc., at least 2 feet above the base flood elevation data. This information will be obtained and maintained in the applicant's file by the Hood River County Planning Department and will be available for public inspection.

E. ELEVATION DATA NOT AVAILABLE: When elevation data has not been provided in accordance with Section 44.10 - Ordinance Applicability, or from another authoritative source, the applicant is responsible to assume through a licensed professional (engineer, architect, hydrologist or geologist), that the proposed building construction, development, or structures will be reasonably safe from flooding. The test of reasonableness includes use of historical data, high water marks, photographs or past flooding, etc., where available. Failure to elevate at least 2 feet above grade may result in higher insurance rates.

F. ALTERATIONS OF WATER COURSE:

1. Notification of adjacent cities (e.g., Cascade Locks and Hood River) or communities (e.g., Odell, Parkdale, Mt. Hood, etc.) and the State Floodplain Coordinator, and other applicable state and local agencies prior to obtaining a building permit and prior to any alteration or relocation of a water course, and also submit notification to the Federal Insurance Administration.

2. Provide maintenance within the altered or relocated portion of the watercourse to insure that the flood carrying capacity is not diminished.

G. SUBDIVISION PROPOSALS:

1. Shall be consistent with the need to minimize flood damage;

2. Shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. Shall have adequate drainage provided to reduce exposure to flood damage; and

4. When base flood elevation data has not been provided or is not available, it shall be provided pursuant to Section 44.50 - Floodplain Standards, subparagraph D. or E., for subdivision proposals and other proposed developments, which contain at least 50 lots or 5 acres (whichever is less).

H. BUILDING & SANITATION STANDARDS: Applicant's representative to contact the Building Official and County Sanitarian to insure the following applicable standards are completed:

1. ANCHORING:

   a. All construction and improvements shall be anchored to prevent flotation, collapse or lateral movement or a structure.

   b. All manufactured homes shall be ancho red to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors, or as specified by the County Building Official.

   c. All construction and improvements shall be constructed using methods and practices that minimize flood damage.

   d. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. RESIDENTIAL CONSTRUCTION:

   a. Construction and improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation by 2 feet.

   b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on the interior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

      (1) A minimum of two openings have a total net area of not less than one square inch for each square foot of enclosed area subject to flooding shall be provided.

      (2) The bottom of all openings shall be no higher than l foot above grade.

      (3) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. All manufactured homes to be improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequate anchored foundation system in accordance with the provisions of the County Building Official.

3. NONRESIDENTIAL CONSTRUCTION: Construction and improvement of any commercial, industrial, or nonresidential structure shall either have the lowest floor, including basement. elevated to the level of the base flood elevation, or together with attending utility and sanitary facilities shall:

   a. Be flood proofed so that below the flood level the structure is watertight with walls substantially impermeable to the passage of water.

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   c. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described above.

   d. Applicants flood proofing nonresidential buildings are notified that flood insurance premiums will be based on rates that are 1 foot below the flood proof level (e.g. building constructed to the base level will be rated as 1 foot below that level).

4. UTILITIES: Applicant or his representative is required to contact the County Sanitarian and insure the following standards are completed:

   a. All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

   b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the floodwaters;

   c. On-site waste disposal shall be located to avoid impairment to them or containment from them during flooding; and

   d. Subsurface sewage disposal drain fields shall be set back a minimum of 100 feet from the ordinary high water line of stream.

I. OTHER:

1. Property access for emergency vehicles will be provided to the proposed site(s).

2. Chemical pesticide or herbicide containers shall not be stored within 300 feet of any watercourse.

3. Compliance with water quality goals, policies, strategies, and land use designations and standards noted in the County Policy Document under Goal 5.

4. No building or subsurface sewage disposal system shall be allowed in the surface drainage basin of Crystal Springs in that area east of the springs to Highway 35, or 1,200 feet, whichever is closer, except for protection and maintenance by Crystal Springs Water District.

Section 44.55 - Site Development Standards

Same as those required in the base zone or:

A. Maximum Height: 35 feet.

B. Setbacks, minimum:

1. Front: 50 feet from the centerline of any local street, or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

2. Rear: 20 feet.

3. Side: Interior lot: 10 feet Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.

C. WATER COURSE SETBACKS: All new buildings shall be set back 100 feet from ordinary high water line except for those uses in conjunction with water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Director to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance or

the setback requirement; or (2) the protection, maintenance, and retention of riparian vegetation are not applicable to the proposal.

ARTICLE 45 - GEOLOGIC HAZARD ZONE (GH)

Section 45.00 - Purpose & Intent

The purpose of the GH Zone (Geologic Hazard) is to identify existing or potential local geological hazards and to take precautions or restrict development in the interests of preventing hazards from causing harm to people or property. The Geologic Hazard Zone is utilized to implement the Environmental Protection Plan designation. The GH Zone can be used as an overlay zone. The Geologic Hazard Zone (GH) applies to geologic hazards identified by the State of Oregon, Department of Geology & Mineral Industries in Bulletin #91, Geologic Hazards of Parts of Northern Hood River, Wasco & Sherman Counties, 1977, and on State Geologic Hazard Maps accompanying that report prepared by J.D. Beaulieu, 1977.

The Geologic Hazard Zone (GH) does not apply to geologic features shown on Geology Maps that accompany Bulletin #91.

Section 45.10 - Boundaries

The boundaries of the designated Geologic Hazard areas shall be as they appear on the official zoning maps kept on file with the County Planner. A copy of the maps shall also be kept in the office of the Oregon Department of Geology & Mineral Industries.

Section 45.20 - Permitted Uses

The following types of uses are permitted but not including permanent structures or incidental buildings:

A. Farming and Accepted Timber Practices;

B. Parks, playgrounds;

C. Golf courses, driving ranges;

D. Picnic grounds;

E. Wildlife and nature preserves;

F. Target, trap and skeet ranges;

G. Hiking trails;

H. Airports or airstrips;

I. Truck and storage rental; and

J. Rock, sand and gravel storage, but not including quarry operations.

Section 45.30 - Limitations on Use

The following types of uses are permitted subject to signing the Hood River County Geologic Hazard Waiver Form (Appendix "A" to this Zone), review and approval by the Building Official and obtaining, if necessary, a Land Use and Building Permit. If the provisions in this section cannot be met, the use will be denied.

A. At least the following detached accessory uses that are 20 feet from a pre-existing dwelling or a dwelling approved under provisions in Section 45.40 below, or are placed in locations where in the estimation of the Building Official and the property owner the use will not cause harm to people or property: (1) private garage; (2) carport; (3) storage shed; or (4) patio cover.

B. Accessory structures for farming and accepted timber practices except dwellings and quarry operations.

C. Repair, maintenance and additions considered appurtenant to a preexisting dwelling and its accessory use(s) or a dwelling approved under Section 45.40 and its accessory use(s). Items include the following (list is not exclusive): (1) concrete slabs, driveways and sidewalks; (2) masonry repair; (3) painting; (4) non-bearing partitions; (5) shelving; (6) cabinet work; (7) gutters and down spouts; (8) replacement or repair of siding; (9) replacement and repair of roofing; and (10) plastic glazed windows.

Section 45.40 - Other Conditions to Use and Occupancy

A. Uses not enumerated in Section 45.20 and permitted in the base zone may be established, altered, or enlarged providing at least one of the following conditions exist and signing of the Hood River County Geologic Hazard Waiver Form (Appendix "A" to this zone) and obtaining a Land Use and Building Permit.

1. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating that no harm to the development or land will be caused by the proposed development or geologic hazard.

2. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating a geologic hazard does not actually exist in the area of proposed development.

3. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating a hazard does exist including the type, method, and materials for physical improvements which could significantly reduce the likelihood of personal harm or property in the area due to geological hazards. At a minimum the reports required under Subsection A., 1., 2., and 3., shall contain the following information:

4. At a minimum the reports required under Subsection A., 1., 2., and 3., shall contain the following information:

    a. A scaled map at 1 inch = 200 feet scale, with contour intervals of 10 feet, north arrow, property lines, cultural features, geologic formation, slope, diagrammatic section of geology, and other factors as necessary.

    b. An analysis report (based on field check) explaining the geologic hazard, geomorphology, groundwater, soil suitability, specific hazard characteristics both short and long term, and related matters as necessary.

B. Uses permitted and the improvements associated with such uses shall be subject to the following criteria:

    1. The development of permitted uses and improvements will not substantially increase the specific hazard potential.

    2. Any subsurface sewage disposal system or individual well for the proposed site will not become a health hazard during the future hazard activity.

C. The information required in paragraphs A and B above must be submitted to and approved by the Geological Hazard Technical Review Committee (County Planner, Building Inspector, Sanitarian, Engineer, with assistance from the State Geologist at the Department of Geology and Mineral Industries or its successors). The Committee may approve, conditionally approve, or deny the request based on the ordinance requirements. The Committee may establish conditions on approval which are designed to minimize public and private loss of life and property.

Section 45.50 - Site Development Standards

A. Same as those required in the base zone or as required by the approval under this Article (45) or as follows:

B. Maximum height: 35 feet

C. Setbacks, minimum:

    1. Front: 50 feet from the centerline of any local street or 20 feet from the right-of--way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

2. Rear:

20 feet.

3. Side:

Interior: 10 feet.
Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.

APPENDIX "A"

GEOLOGIC HAZARD WAIVER FORM - HOOD RIVER COUNTY
EXHIBIT TO LAND USE OR BUILDING PERMIT NO._____

DATED_____
Property Descriptions

Hood River County Map No._____
Tract No._____

Addition, Block_____
_____Lot_____

or Deed Volume No._____ Page_____

The owner and/or contractor understand that the property for which the attached building permit is issued, may be located within an area of Hood River County that has been identified in the Comprehensive Plan as a Geologic Hazard area and zoned Geologic Hazard. In consideration of the issuance of the permit, the owner and/or contractor agree that the County shall not be liable for any damage, loss, expense, cost or inconvenience which either or both of them may suffer if there is an earth movement which affects the structure for which this permit is issued, or which affects the property on which it is designated to be located. The owner and/or contractor further understand and agree that the issuance of this permit and the acceptance of it by them shall operate as a disclaimer of all responsibility and liability on the part of the County for any of the foregoing.

_____, 20_____

Owner_____

Contractor_____

Subscribed and sworn to before me this _____day of _____, 20_____

_____

Notary Public for State of Oregon

My commission expires_____

ARTICLE 46 - SURFACE MINING ZONE (SM)

(Effective 3/23/84)

Section 46.10 - Purpose and Intent

The purpose of this zone is to allow surface mining and processing that meets specified criteria; to protect the public from the noise, dust, vibrations, danger, and unsightliness that often relates to surface mining and processing; and to rehabilitate surface mining and processing sites and return them to the character and use of the former plan designation or base zone. The Surface Mining Zone can be used to implement the Surface Mining designation or can be used as an overlay zone in areas not planned or zoned Forest.

Section 46.15 - Applicability

The Surface Mining Zone may be used only outside of the Hood River Urban Growth Boundary in areas designated Surface Mining and in all zones except zones so specified in the Zoning Ordinance text (all Residential and Commercial Zones).

Section 46.20 - Procedures

A. Where the Surface Mining Zone is used as an overlay zone or to implement the Surface Mining Plan designation, the uses prescribed in 46.25 shall be permitted subject to the standards of this article and all other applicable federal, state and local statutes, rules and ordinances. In the case of an overlay zone, the zoning symbol shall constitute the "base zone" and a SM suffix shall constitute the combining zone indicating the added uses and standards provided in this article.

B. In order to apply the SM Combining Zone or SM Zone onto any land for the purpose of initiating or expanding an operation described in Section 46.25, the owner of such land shall provide the Planning Commission with an application which shall include, at a minimum the following:

   1. All information requested by the Oregon Department of Geology and Mineral Industries for new operations;

   2. A map showing all properties and land uses within 100 yards of the land to be zoned SM;

   3. A site plan showing the location of all buildings and structures, a transportation and parking arrangement which facilitates safe and convenient circulation and adequate parking, the location of all mining and processing operations including storage of materials and equipment, and the location of all fences, plantings, and/or berms; and

   4. A description of the fence, planting and/or berm screening and all gates.

C. The Planning Commission will hold a public hearing pursuant to Article 60 to consider any application for the SM Combining Zone. Additional limitations on use

and/or dimensional standards may be imposed at the hearing in order to achieve the purpose and intent of this combining zone.

Section 46.25 - Permitted Uses

The following uses are permitted:

A. Any use permitted in the base zone.

B. Extraction from deposits of sand, gravel, rock, earth, or minerals.

C. Sand, gravel, rock, earth, or mineral processing.

D. One residence for caretaker, owner, or operator.

E. Stockpiling.

F. Asphalt paving mix plant.

G. Cement concrete plant.

H. Rock crushing.

I. Accessory building, structure, or use.

Section 46.30 - Limitations on Use

A. All operational and rehabilitation requirements described in ORS 517.019-.990, OAR 632-30-000 through 060, and all other applicable federal and state statutes and rules shall apply.

B. Screening. In order to mitigate potential sight, dust, and noise intrusion, as well as danger to trespassers, a site obscuring fence, dense conifer planting (trees shall be at least two feet tall at time of planting), or landscaped berm no less than six feet in height shall be maintained along the entire length of all mining or processing site boundaries adjacent to residential or commercial land uses, or any arterials or collectors. Openings in the fence, planting, or berm will be allowed only where necessary for safe ingress and egress. A locking gate shall be constructed at all such openings.

C. Termination. At the time of a Surface Mining Combining Zone application hearing, the Planning Commission shall determine termination date of allowed uses pursuant to Section 46.25 B. through I. At the termination date, the combining zone shall be relinquished. Henceforth, the base zone shall apply to the area.

Section 46.35 - Dimensional Standards

A. No building, structures, or use, which may cause nuisance due to noise, dust, vibrations, danger, or unsightliness shall be within 200 feet of a residential or commercial zone or any arterial street.

B. All dimensional standards applicable to the base zone.

Section 46.40 - Site Development Standards

Compliance with the Site Development Standards required by the base zone (i.e., setbacks for front, rear, side and between buildings; off-street parking, minimum lot or parcel size, and vision clearance) or compliance with site development requirements of the predominant surrounding and adjacent zone.

Article 47 –Health Hazard Overlay Zone (HH)
(Adopted May 6, 2002)

47.10 Purpose
The purpose of the Health Hazard Overlay Zone is to ensure that sewer systems installed in areas declared as public health hazards, as a result of a sewage problem, are designed and constructed to the minimum size necessary to serve the health hazard area and are restricted to those uses specifically allowed under the current Oregon Administrative Rules regarding Goal 11.

47.20 Applicability
This article applies to all areas declared as public health hazards in accordance with OAR 660-011-0000 and which a sewer system is installed or extended in order to mitigate that health hazard. This article becomes effective for a given health hazard area upon approval of the sewer system.

47.30 System Design
Any sewer system required to mitigate a documented health hazard shall be designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060, except for urban reserve areas as provided under OAR 660-021-0040(6).

47.40 Permitted uses
All uses which were permitted at the time the sewer system was approved for the base zones located within the health hazard area continue to be permitted uses unless the proposed use conflicts with section 47.50 of this article. Additionally, pre-existing, non-conforming uses will not be affected by the establishment of a health hazard area.

47.50 Limitations on use

a. Restrictions on sewer service: In accordance with OAR 660-011-0060(4)(b)(D), the sewer system which has been installed to abate the health hazard shall not serve any user/use that was not an existing use or an allowed use under the pre-sewer system zoning as reflected in the Background Document portion of the comprehensive plan.

b. Rural use: In accordance with OAR 660-011-0060(4)(b)(E), the sewer system which has been installed to abate the health hazard shall not serve any use that is not rural in nature consistent with Goal 14 and OAR 660-004-0018 unless an exception has been taken under Goal 14 or the parcel/lot is within an Unincorporated Community or unless the use was in existence at the effective date of this ordinance.

c. Residential use: In accordance with OAR 660-011-0060(4)(b)(F), the sewer system which has been installed to abate the health hazard shall not be used as an authority for allowing a higher density of residential development than would have been authorized without the presence of the sewer system.

47.60 Conditional uses
All Conditional Uses which were permitted under the base zones located within the health hazard area continue to be permitted conditional uses unless the proposed conditional use conflicts with Section 47.50 of this article.

47.70 Prohibited Uses
All uses which were prohibited under the base zones located within the health hazard area continue to be prohibited uses. This prohibition does not apply to pre-existing, non-conforming uses.

47.80 Site development standards

New structures and dwellings shall be subject to the applicable standards contained in the base zones of the health hazard area. Additionally, any sewer installation on lands zoned Exclusive Farm Use (EFU) within the health hazard area shall comply with OAR 660-011-0060(4)(b)(G) whereas a determination shall be made that the system installation satisfies ORS 215.296(1) or (2) to protect farm practices, except for systems located in the subsurface of public roads and highways along the public right of way.

ARTICLE 48 - COLUMBIA GORGE COMBINING ZONE (CG)

(Effective 3/23/84)

Section 48.10 - Purpose and Intent

To manage portions of the Columbia Gorge as an area of special concern; to maintain and protect portions of the Gorge's natural and scenic qualities and to regulate uses in order to ensure that uses are compatible with the area's natural and scenic qualities. The CG Combining Zone complies with the Columbia Gorge boundary and Columbia Gorge designation as defined in the Comprehensive Plan.

Section 48.15 - Areas Affected

Where a zoning symbol is followed by, as part of such symbol, the letters CG, uses allowed in the base zone shall be permitted subject to the regulations of this section. The zoning symbol shall constitute the "base zone" and a CG suffix shall constitute the combining zone indicating the added standards provided in this article.

Section 48.20 - Uses Permitted

A. Any use permitted in the base zone shall be permitted, subject to the Limitations of Use set forth in Section 48.25 below.

B. Expansion of existing gravel stockpiling may be permitted as a Conditional Use if it is shown to the Planning Commission or Director that the use is necessary at the location proposed and that all reasonable effort will be made to visually buffer stockpiling from the Columbia River, I-84 and Washington State Route 14.

Section 48.25 - Limitations on Use

A. Buffering.

1. Wherever reasonable, all structures shall be set back so that they are not visible from either the Columbia River, I-84, or Washington State Route 14. In cases where this limitation or use prohibits a reasonable economic use of a parcel, it shall be waived and replaced with 48.25 A., 2. below.

2. Existing vegetation and/or species of native vegetation shall be planted and maintained in order to screen all structures from the Columbia River, I-84, and Washington State Route 14. Such vegetation shall attain a height sufficient to effectively screen the structures within five years after issuance of a building or land use permit. All necessary planting shall be done within one year after issuance of such permit.

B. Parking and Storage. All outside parking and storage areas shall be screened from view of the Columbia River, I-84, and Washington State Route 14 with a site obscuring fence or vegetative hedge tall enough to screen the areas. Fences shall be stained or colored a native earth tone shade.

C. Exterior Surfaces. All exterior materials shall be stained or colored a native earth tone shade.

D. Surface Mining. Any new surface mining operation or any expansion of existing operation shall be located on reverse slopes or at sites not visible from either the Columbia River, I-84, or Washington State Route 14.

E. Roads. Wherever reasonable, roads and driveways shall follow natural topographic lines and be out of sight from either the Columbia River, I-84, or Washington State Route 14.

F. Forest Resource Management.

1. Prior to any private timber cutting regulated by ORS 527.670 (portion of Forest Practices Act), forestland owners shall notify the Oregon State Forestry Department of their intent to cut, pursuant to that statute.

2. Within ten (10) working days following Oregon State Forestry Department notification of operation, the County Planner shall notify the private landowner of the Forest Resource Management requirements set forth in this article. All such management shall be conducted pursuant to the requirements of this article.

3. In areas affected by the CG Combining Zone, timber removal shall be limited to:

a. Construction and maintenance of trails, campgrounds, roads, heliports and other uses permitted.

b. Timber destroyed by fire, disease, infestation, wind, or other biological or geological catastrophes.

c. Selective Cutting (see (1) and (2) below, and Article 3 - Definitions, Selective Cutting).

(1) Except for provisions in (2) below, only Selective Cutting is allowed.

(2) Clear Cutting is allowed based upon submission to the Planning director of affirmative findings through documentation that the following applicable criteria are met:

(a) The size, shape and location of the area to be harvested will be compatible with natural openings in the surrounding landscape, or harvested areas will not be visible from major travel or scenic route, i.e., Highway 84 and 14, the Columbia River, and the Old Columbia River Highway), vistas, parks, or other recreation facilities, or when

areas have been affected by natural disasters such as insect damage, windfall, landslides, or other geological, biological or fire damage.

(b) Landing and staging areas and roads shall be designed, sited and constructed to fit the natural topography.

(c) Submitted findings to be reviewed and approved or conditionally approved by the County Forester; Director, Oregon and Washington Columbia River Gorge Commission; Forestry Extension Agent: State Forester; and Planning Director.

4. Reforestation shall be done:

   a. Within two (2) years after timber harvest;

   b. With hardy plant species native to the Columbia Gorge; and

   c. In accordance with additional standards set forth in the Oregon State Forest Practices Act.

ARTICLE 49 - SCENIC PROTECTION (SP)

(Effective 3/23/84)

Section 49.00 - Purpose and Intent

To protect, conserve, enhance, and maintain significant scenic, historic, and cultural resources, which are of public value; to establish criteria and procedures for alteration and development of lands within such areas. The primary use of this zone is scenic protection.

Section 49.10 - Uses Permitted Outright

A. Farm uses, as defined in ORS 215.203 (2) except commercial feedlots.

B. Normal maintenance and rehabilitation of existing Federal, State or County recreational facilities and roads.

C. Selective Cutting Forestry (see "Definitions", Article 3, and Section 49.25 - Limitations of Use, subparagraph F below).

D. One single-family dwelling per lot or parcel, providing each of the Limitations on Use are met (Section 49.25).

Section 49.15 - Conditional Uses Permitted

A. Campgrounds, picnic areas, trailheads, interpretive centers, environmental education centers, and similar light outdoor recreational uses.

B. Public facilities such as roads, power lines, transmission lines, and windmills.

Section 49.20 - Conditional Use Criteria

The Planning Commission or Director may grant a Conditional Use Permit for uses described in 49.15 if each of the below criteria is met.

A. The use will not substantially interfere with the natural and semi-natural character of the Gorge.

B. The use will not conflict with the outdoor recreational activities of the Gorge.

C. The purpose and intent of this zone is met.

Section 49.25 - Limitations of Use

A. Landscaping.

1. All land not used for structures, parking, roads, trails and other allowed uses shall be left in its natural state.

2. Native vegetation shall be planted and maintained where necessary to screen a portion of all structures and parking areas from adjacent properties, roadways, and the Columbia River. Such vegetation shall attain a height to effectively screen the structure or parking area within ten years after issuance of a building permit. A landscape plan shall be submitted with each building permit application.

B. Building Materials. Wherever reasonably possible, all exterior surfaces of structures and facilities shall be made of wood, stone, or brick. Such materials shall be stained or colored a native earth tone shade.

C. Lighting. All lighting shall be sited and/or hooded in a manner that prevents lighting from directly projecting onto adjacent properties, roadways, and the Columbia River.

D. Storage. All outside storage shall be screened from adjacent properties, roadways, and the Columbia River with a site obscuring fence at least six (6) feet in height or with a site obscuring vegetative hedge. Such fence shall be stained or colored a native earth tone shade.

E. Surface Mining and Processing. No additional surface mining and/or processing permits shall be granted in a Scenic Protection Zone.

F. Selective Cutting.

1. Except for provisions outlines in 2. below, only selective cutting is allowed.

2. Clear cutting is allowed based upon submission to the Planning Director of affirmative findings through documentation that the following applicable criteria are met:

a. The size, shape and location of the area to be harvested will be compatible with natural openings in the surrounding landscape, or harvested areas will not be visible from major travel or scenic routes (i.e., Highway 84 and 14, the Columbia River, and the Old Columbia River Highway), vistas, parks, or other recreation facilities, or when areas have been affected by natural disasters such as insect damage, windfall, landslides or other geological, biological, or fire damage.

b. Landing and staging areas and roads shall be designed, sited and constructed to fit the natural topography.

c. Submitted findings to be reviewed and approved or conditionally approved by the County Forester; Director, Oregon and Washington Columbia River Gorge Commission; Forestry Extension Agent; State Forester; and Planning Director.

Section 49.30 - Dimensional Standards

A. Lot size, minimum: 40 acres.

B. Height maximum: 35 feet or two stories, whichever is less.

C. Setbacks, minimum:

1.	Front yards:	100 feet from the nearest edge of any road right-of-way.
2.	Rear yard:	50 feet.
3.	Side yard:	25 feet. A variance to the setback requirements will be granted if necessary to allow a permitted use.

D. Buffer requirements may be required pursuant to Article 50.45.

E. Setback from streams: New buildings shall be set back 100 feet from ordinary high water line except for those uses in conjunction with a water-related or water-dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Department to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance of the setback requirement; (2) the protection, maintenance and retention of riparian vegetation are not applicable to the proposal. If a conflict is noted among setback requirements, the more restrictive will be used.

Section 49.35 - Signs

Signs other than those deemed necessary by the State Highway Department shall be no larger than eight square feet.

ARTICLE 50 - BUFFER REQUIREMENTS

Section 50.10 - Purpose and Intent

To protect the public health, safety, and welfare of the County's rural population by separating farm and forestry uses from non-farm and non-forest use dwellings within and on the boundaries of Exclusive Farm Use (EFU) and Forest (FR) zones. More specifically, to help protect residences from orchard and forest spray drift, dust and noise as well as feedlot and dairy odor and unsightliness, and to help protect farm and forest operators from fire, trespass, vandalism and complaints concerning above conflicts.

Definitions - (to be added to "Definitions" article)

A. Berm: A linear mound of earth at least six feet in height planted with grass and/or other plant material intended to help prevent land uses on either side of the berm from conflicting with each other. (Planting shrubs or trees on top of the berm will help achieve this purpose.)

B. Buffer: A setback, berm, fence, elevation rise, planting, and/or other technique(s) used to reduce any potential conflict between neighboring land uses and zones.

C. Firebreak: A cleared area at least 30 feet wide adjacent to and surrounding a dwelling in which native and other fire transmitting vegetation and structures are generally forbidden. A firebreak may contain a reasonable amount of ornamental shrubbery, single specimen trees, and/or similar plants used as ground cover, providing they do not provide a means of rapidly transmitting fire to and from commercial forestlands.

D. Feedlot: An area designed or used for the purpose of the concentrated feeding or fattening of ten or more beef cattle, swine, or fur-bearing animals, other than rabbits, for commercial food or fur purposes in lots, structures, pens, or corrals which are not normally used for raising crops, and in which no vegetation, intended for animal food, is growing. The definition does not include a wintering operation for beef cattle in barns or on farming ground.

E. Forest Use (commercial): The growing and harvesting of trees for wood production on parcels 40 acres or more.

F. Orchard: Lands on which fruit or nut trees are grown and harvested on a commercial basis on parcels 20 acres or more.

G. Setbacks: A horizontal distance measured at a right angle from adjacent property lines, intended to provide sufficient open area to help prevent non-farm and non-forest uses from conflicting with farm and forest land uses. Within this area, dwellings intended for human occupancy shall be prohibited.

Section 50.15 Applicability
This "Buffer Requirements" section shall apply to all proposed dwellings and subdivisions that are within or directly adjacent to Exclusive Farm Use (EFU) and Forest (FR) zones except dwellings located on and directly associated with farm uses.

Section 50.20 - Site Plan
Prior to the issuance of a building permit or subdivision preliminary plat approval, a site plan shall be prepared by any landowner or developer intending to build an applicable dwelling (as described in Section 50.15.) This map shall include:

A. A description and evaluation of all potential conflicts between intended development and adjacent farm or forest use(s) or zone along each lot line. Prevailing winds, existing vegetation, topography, and all other circumstances that may contribute to, or help prevent, conflict must be considered.

B. Any setback fence, berm, elevation raise, or vegetation required potential in 50.45. Included shall be the nature and location of setbacks, existing and proposed vegetation and/or fence, and all other measures used to reduce potential conflict between the proposed development and the adjacent land use.

C. The Site Plan shall be prepared at scale. The Planning Department recommends a scale of one inch to 100 feet. A written text may accompany the Site Plan.

Section 50.25 - Deed or Contract Statement

A. Before a building permit is granted for a new dwelling to which this article is applicable, in or adjacent to an exclusive farm use zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

   "Grantee and his/her heirs, legal representatives, assigns, and lessees hereby acknowledged by the placement of this covenant or the acceptance and recording of this instrument that the property herein described is situated in an agricultural zone or area in Hood River County, Oregon and as such may be subjected to common, and accepted farming, practices, such as orchards, for the operation of an orchard, which includes pesticide and herbicide spraying, weed cutting, irrigating gopher baiting orchard heating, bin storage, and any other accepted orchard practice. Said practices above enumerated ordinarily and necessarily produce noise, dust, spray residue smudge smoke, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary farming, practice and as part of the risk of purchasing a residential dwelling, in a farm area."

B. Before a building permit is granted for new dwelling in or adjacent to a forest zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

"Grantee and his/her heirs, legal representatives, assigns and lessees hereby acknowledged by the placement of this, covenant or the acceptance and recording of this instrument that the property herein described is situated in or adjacent to a forest zone in Hood River County, Oregon, and as such may be subjected to common and accepted timber practices for the operation of a commercial forest, which includes pesticide and herbicide spraying cutting, clear cutting, slash burning, and any other accepted timber practice. Said practices above enumerated ordinarily and necessarily produce noise, spray residue, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary timber practice and as part of the risk of purchasing a residential dwelling in a forest zone."

Section 50.30 - Administration

The Site Plan shall be submitted to the Planning Director prior to building permit or tentative Subdivision Plat approval. The Planning Director's decision to approve or deny the Site Plan will be based upon the map's accuracy and the Buffer Requirements in 50.45.

All buffer requirements shall be completed by the applicant within one year after a building permit is issued or approval of the Final Subdivision Plat.

Section 50.35 - Variances

A. If existing vegetation, topography and/or other conditions effectively accomplish the purpose and intent of the buffer requirements on a particular parcel, some or all of the requirements outlined in Section 50.45 may be administratively waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20

B. If a particular parcel's physical limitations makes it physically impossible to apply some or all of the applicable buffer requirement outlined in Section 50.45, some or all of the requirements shall be administratively waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20,1. In no case shall the buffer requirements preclude a lot from being buildable.

Section 50.40 - Appeals

Decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60.

Section 50.45 - Buffer Requirements

A. If proposed dwelling or subdivision is to be adjacent to an orchard, feedlot, or dairy, the landowner or developer shall provide:

   1. An 80-foot perimeter setback between the dwelling(s) and all lot lines which abut said farm use; and

   2. In the case of subdivisions, additional setback, planting, berm, and/or fence may be required if the Planning Director, Planning Commission, Board of Commissioners finds that above a) and b) are not sufficient to preclude the conflict of the site.

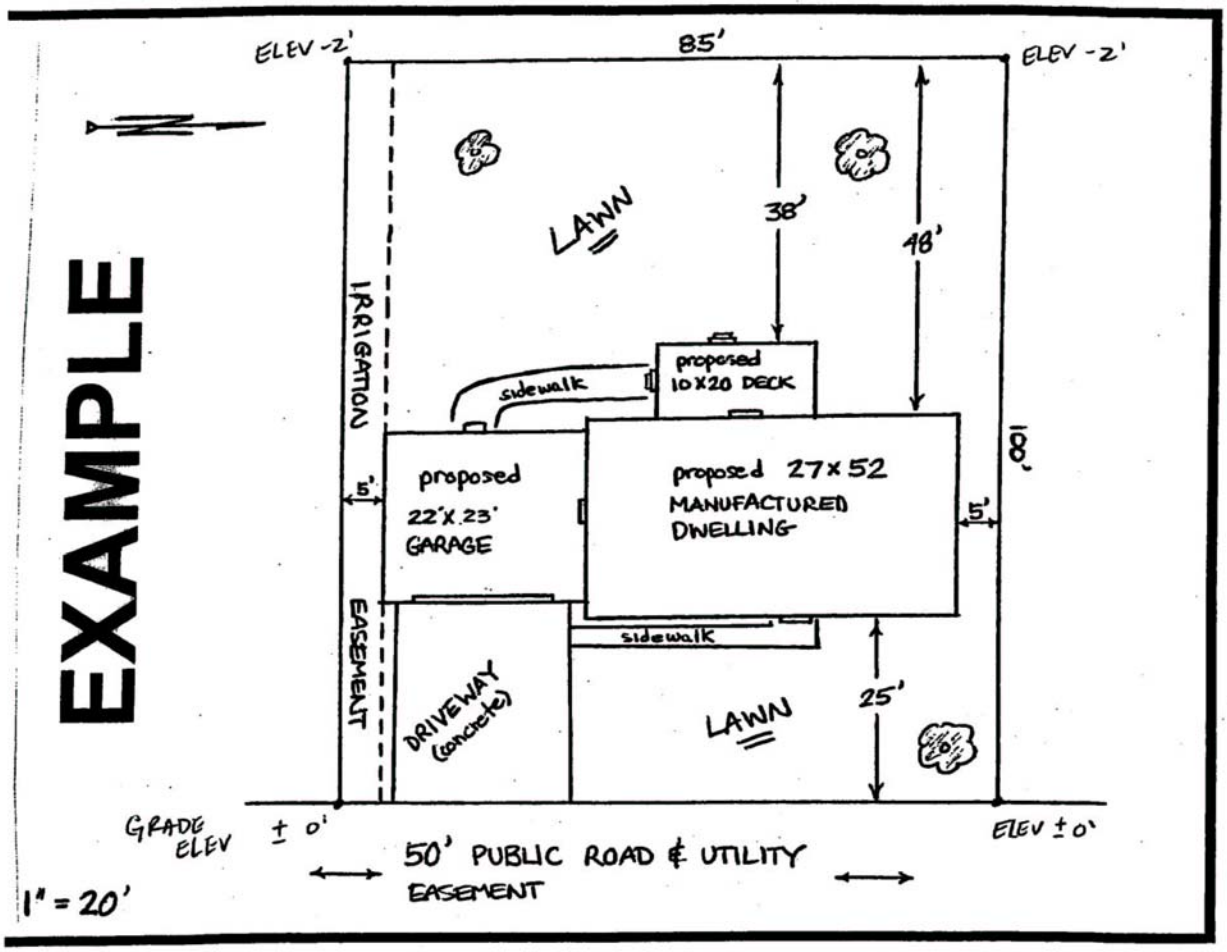
B. If proposed dwelling or subdivision is to be adjacent to an EFU zone and adjacent to any farm use except those described in 1., the landowner or developer shall provide: a 50 foot setback along all lot lines contiguous with such lands.

C. If proposed dwelling is to be adjacent to a commercial forest use or within or adjacent to a forest zone, the landowner or developer shall provide:

   1. 80 foot setback; and

   2. A maintained firebreak.

SITE PLAN



INDICATE ON SKETCH:

1. North arrow
2. Indicate Scale (1"=200' or better)
3. Size and location of all existing and proposed buildings
4. Address of existing buildings
5. Domestic water supply within 100 ft.
6. Bodies of water within 200 ft. and geographic features
7. Property lines with exact dimensions and lot size
8. Distance between buildings and property lines
9. Adjacent roads (include names) and access roads
10. Sewage drainfield
11. Show parking, circulation and fire vehicle turnaround
12. Existing or proposed fencing and vegetative buffers
13. Property corner grade elevations, contour lines at 2' intervals when more than 4' elevation differential
14. Additions - show proposed additions in dotted lines
15. All easements (access, utility, irrigation, etc.)
16. Driveways
17. Porches/decks/carports/accessory buildings

ARTICLE 51 - OFF-STREET PARKING AND LOADING

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 51.10 - Off-Street Parking

At the time or erection of a new structure at the time of enlargement or change in use of an existing structure as set forth, off-street parking spaces shall be provided in accordance with this section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season including proprietors.

	Use		Standard
A.	Residential		
	1.	Dwelling:	One space per dwelling unit.
	2.	Residential hotel; rooming or boarding house:	Four spaces per five guest accommodation.
B.	Commercial residential		
	1	Motel:	One space per guest room or suite, plus one additional space for the owner or manager.
	2.	Club; lodge:	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
C.	Institutional		
	1.	Welfare or correctional:	One space per five beds for institution patients or inmates.
	2.	Convalescent hospital, nursing home, sanitarium rest home, home for the aged:	One space per two beds for patients or inmates.
	3.	Hospital:	Three spaces per two beds.
D.	Place of public assembly.		
	1.	Church:	One space for four seats or eight feet bench length in the main auditorium.
	2.	Library; reading room:	One space per 400 square feet of floor area plus one space per two employees.

3.	Preschool nursery; kindergarten:	Two spaces per teacher.
4.	Elementary or junior high school:	One space per classroom plus one space per: administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.
5.	High school:	One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.
6.	Other auditorium; meeting:	One space per four seats or room: eight feet of bench length.

E. Commercial amusement.

1.	Stadium; arena; theater:	One space per four seats or eight feet of bench length.
2.	Bowling alley:	Five spaces per alley plus one space per two employees.
3.	Dance hall; skating rink:	One space per 100 square feet of floor area plus one space per two employees.

F. Commercial

1.	Retail store except as provided in subsection (B) of this subsection:	One space per 200 square feet of floor area.
2.	Service or repair shop retail store handling exclusively bulky merchandise such as automobiles and furniture:	One space per 600 square feet of floor area.
3.	Bank; office (except medical and dental):	One space per 600 square feet of space per area plus one two employees.
4.	Medical and dental clinic:	One space per 300 square feet of floor area plus one space per two employees.
5.	Eating or drinking establishment:	One space per 200 square feet floor area.

6.	Mortuaries:	One space per four seats or eight feet of bench length in chapels.
7.	Weddings & Related Events:	One space per three guests[1].

G. Industrial:

1.	Storage warehouse; manufacturing establishment; rail, or trucking freight terminal:	One space per employee.
2.	Wholesale establishment:	One space per employee plus one space per 700 square feet of patron serving area.

Section 51.20 - Off-Street Loading

A. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

B. Merchandise, materials or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

Section 51.30 - General Provisions - Off-Street Parking and Loading

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No zoning permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the zoning permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Use of property in violation hereof shall be violation of this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission or Planning Director, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

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[1] Hood River County Ordinance #255. Adopted June 21, 2004; Effective July 22, 2004.

D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the zoning administrator in the form of deeds, leases, or contracts to establish the joint use.

E. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.

F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Unless otherwise provided, required parking spaces in a R-1 or R-2 zone shall not be located in a required front yard.

H. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the zoning administrator.

I. Design requirements for parking lots:

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless, but not necessarily paved, surfaces maintained adequately for all weather use.

2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

4. Groups of more than four parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.

5. Lighting of the parking area shall be deflected from a residential zone.

J. Completion time for parking lots, required parking spaces shall be improved and available for use by the time the use served by the parking is ready for occupancy.

Section 51.40 – Bicycle Parking

New developments shall include bicycle parking as follows:

A. Multi-Family Residences. Every multi-family residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.

B. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

C. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

D. Commercial Zones. In commercial zones with on-street parking, bicycle parking for customers shall be provided along the street at a rate of at least one space per land use. Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Bicycle parking is not required to be sheltered.

E. Rural Schools, Service Centers, and Industrial Parks. For schools, service centers, and industrial parks located 5 or more miles from the closest urban area or rural residential subdivision with a density of more than one dwelling unit per 20 acres, a minimum of two bicycle parking spaces per use shall be required.

F. The following formulas for calculating the number of required bicycle parking spaces shall be used:

1. Fractional numbers of spaces shall be rounded up to the next whole space.

2. For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.

ARTICLE 52 - BONUS DENSITY OPTIONS

Section 52.10 Purposes and Intent

The purpose of this article is to allow a density of development greater than is normally allowed in the Zoning Ordinance in exchange for the provision of certain identified public needs. Further, it is intended to help implement the Comprehensive Plan Goals and Policies for housing, recreation, open space, natural features, and transportation.

Section 52.15 Applicability

A. Except where otherwise stated, in Section 52.25, 6., this article applies to lands which are in Residential Zones within the Urban Growth Boundaries that are served with sewer and domestic water.

B. Bonus density options may apply to subdivisions, apartment complexes, town-houses and condominiums.

C. Bonuses are not transferable.

D. The use of this article shall be optional to a landowner or developer.

E. The use of bonus density options shall not waive limitations on use, setbacks, building height or other development standards set forth in the Zoning Ordinance except those specified in Section 52.20.

Section 52.20 Procedures

A. In the case of subdivisions; the Planning Commission may grant a bonus density option if it determines, during Tentative Plan Review, that some or all of the standards set forth in Section 52.25, Column 1 are met. Such bonus shall be no greater than that allowed in Section 52.25, Column 2. Any bonus will allow a greater number of lots per acre.

B. In cases where apartment complexes, town houses, and condominiums are subject to a Conditional Use Permit; the Planning Commission may grant a bonus density option if it determines, during a Conditional Use Permit hearing, that some or all of the standards set forth in Section 52.25, Column 1 are met. Such bonus shall be no greater than that allowed in Section 52.25, Column 2. per acre.

C. In cases where apartment complexes, town houses, and condominiums are allowed outright; the County Planner shall grant a bonus density option if he determines, during Land Use Permit review, that some or all of the standards set forth in section 52.25, Column 1 are met. Such bonus shall be that allowed in Section 52.25, Column 2. Any bonus will allow a greater density per acre.

Section 52.25 Bonus Density Options Permitted

Bonus density options may be granted when one or more of the following standards

in Column 1 are met.

	Column 1 Standard	Column 2 Bonus Density Option
1.	Provision of low or moderate-income housing: The provision of federally subsidized housing for low and/or moderate income families; the provision of non-subsidized housing built to be affordable to low and Moderate-income families, as determined by the Planning Director.	25%
2.	Public recreational facilities: The provision of public recreational facilities for use by the general public in a manner consistent with the Comprehensive Plan and approved by the County.	25%
3.	Private recreational facilities: Provision of private recreation facilities for residents of the proposed development in a manner consistent with the Comprehensive Plan.	10%
4.	Historical and natural sites: Design and development which protects or enhances the following: unique historical sites or buildings identified in the Comprehensive Plan or approved by the Planning Commission: natural features such as drainage scales, stream banks and bottoms, geologic features, vegetation, and fish and wildlife habitat.	20%
5.	Rocky Land: Development on Rockford Stoney Loam.	20%
6.	Planned Unit Development: Development of a Planned Unit Development pursuant to Article 41.	50%
7.	Maximum Bonus Density Option: 1 through 6 above may be used either singularly or in combination, the maximum bonus density option shall be one hundred percent, (100%).	100%

ARTICLE 53 - HOME OCCUPATION

Section 53.10 - Purpose & Intent

The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home occupation may be permitted outright or as a conditional use in Hood River County. The intent of the Home Occupation Ordinance is to recognize and provide the following: Home occupations proposed in dwellings or pre-existing buildings in certain specified zones require obtaining a conditional use permit; and home occupations proposed in resource zones must obtain a conditional use permit and comply with applicable requirements in the following zones: Exclusive Farm Use Zone (EFU); Forest Zone (F-1); and Primary Forest Zone (F-2).

Section 53.15 - Definitions

A. A home occupation is a business or professional activity operated for income purposes, only by residents in a dwelling or pre-existing building on the same lot or parcel as the resident's dwelling, provided the home occupation is a secondary use and is clearly incidental, accessory or subordinate to the residential use or the pre-existing building. A home occupation shall also be in conformance with provisions in Article 53 Home Occupations.

B. The following definition and standards apply to home occupations proposed in the City of Hood River Urban Growth Boundary:

   HOME OCCUPATION: The occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building which is incidental or secondary to residential use provided the occupation is conducted so that (1) It does not give the appearance of a business; (2) It does not change the character of the dwelling; (3) There is no display, except by a non-illuminated sign, no larger than one square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit; (4) No assistants are employed on the site; (5) There is no increase in noise outside the dwelling unit; and (6) There is only minor increase, if any, in the traffic traveling to and from the dwelling unit.

Section 53.20 - Permitted Uses

Home occupations are permitted outright in the following zones pursuant to compliance with provisions in the zones in which the use is proposed: Commercial Zone (C-1); Industrial Zone (M-1) and Light Industrial Zone (M-2).

Section 53.25 -Conditional Uses

The following conditional uses are required to comply with provisions in Article 72 - Planning Director's Review Procedure and Article 53 - Home Occupation, Section 53.30 - Home Occupation Standards:

A. A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); and Scenic Protection Zone (SP).

B. A home occupation proposed in either a dwelling or pre-existing building on the same parcel or lot as the resident's dwelling in the Forest Zone (F-l), Primary Forest Zone (F-2) and Exclusive Farm Use Zone (EFU) shall comply with the following requirements:

   1. A home occupation proposed in the Forest Zone (F-l) and Primary Forest Zone (F-2) shall also comply with provisions in either Article 5, specifically Section 5.20 – Uses Subject to a Conditional Use Permit, or Section 6.30 - Criteria and Standards for Approval, of the Hood River County Zoning Ordinance.

   2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with provisions in Article 7, specifically Section 7.40 - Uses Subject to a Conditional Use Permit of the Hood River County Zoning Ordinance.

   3. Compliance with applicable requirements of the zone in which the home occupation is located.

C. Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this ordinance (see Section 53.35 Nonconforming Use).

Section 53.30 - Home Occupation Standards

Applicants for home occupations shall demonstrate through affirmative findings of compliance with the following standards:

A. Submittal of a site plan (site plan provided by the County Planning Department).

B. The nature of the use shall be specified at the time of application. Any proposed change in the use of an approved home occupation shall require additional County review. Any departure from the uses and activities initially specified shall be considered grounds for revocation.

C. Compliance with Section 53.15 - Definition, Home Occupation, as stated above.

D. The home occupation is clearly incidental, accessory and subordinate to the residential use.

E. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature.

F. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property.

G. Structural alterations shall not occur.

H. Only two residents of the dwelling or parcel who are either owners, leasing, or renting shall be engaged in the home occupation. No more than one home occupation. shall be permitted in conjunction with any dwelling or parcel.

I. Only limited retail sales and sales accessory to services associated with the home occupation are permitted.

J. The existence of a home occupation shall not be justification for a plan and zone change to commercial or industrial use.

K. Approval is personal to the applicant and shall not run with the land. Approval shall expire two years from the date of issuance, at which time the permit may be renewed by the County Planning Department based upon findings that the requirements of this ordinance are being met. The applicant is required to contact the Planning Department before the end of two years.

L. If selling, leasing or allowing another individual to use the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, this approval becomes null and void. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.

M. Signing is not permitted unless required by the State for the protection of the public's health, safety and welfare.

N. The use shall not generate additional traffic or parking beyond what normally occurs in the applicable zoning district.

O. Compliance with applicable requirements of the zone in which the use is located.

P. Pre-existing buildings on the same parcel or lot as the resident's dwelling must also comply with the following:

1. The building is pre-existing to the adoption date of this ordinance.

2. The pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.

3. Compliance with applicable requirements of the zone in which the use is located.

4. Compliance with other requirements deemed necessary by the County.

Q. Home occupations proposed in the City of Hood River's Urban Growth Boundary shall comply with the City's definitions and standards in Section 53.15 - Definitions, paragraph B.

Section 53.35 - Nonconforming Use

A. Compliance with Article 65 - Nonconforming Use, of the Hood River County Zoning Ordinance.

B. Any proposed expansion or change in use of either a home occupation or one or two person business in operation prior to the adoption date of this ordinance shall be subject to the requirements of this ordinance and shall require a conditional use permit. In the event of a denial of such application, the home occupation or one or two person business shall be allowed to continue as originally approved, as a nonconforming use.

ARTICLE 54 - HAZARDOUS WASTE MANAGEMENT ORDINANCE (HWM)

Section 54.00 - Purpose & Intent

The purpose of this ordinance is to establish permit procedures and local siting criteria to evaluate hazardous waste and PCB treatment and disposal facilities proposed in Hood River County. The primary intent of this ordinance includes the following: (1) To maximize protection of the public's health, safety and welfare; (2) To protect Hood River County's overall environmental quality; (3) To ensure compliance with the Oregon Legislative directives outlined in Senate Bill 138, Hazardous Waste and Hazardous Materials; (4) To ensure collaboration with the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) in ensuring protection of Hood River County's environmental quality; and (5) To provide local citizen participation.

Section 54.05 - Applicant's Burden of Proof

The burden is upon the applicant to provide affirmative documented findings demonstrating compliance with all provisions of this ordinance.

Section 54.10 - Definitions

A. ENVIRONMENTAL QUALITY COMMISSION (EQC): This five (5) member commission, appointed by the Governor, provides policy direction to the Department of Environmental Quality (DEQ) and oversees its operations. The Director of the DEQ is appointed by the EQC.

B. HAZARDOUS WASTE COLLECTION, DISPOSAL OR TREATMENT SITE:

1. Hazardous waste collection site means the geographical site upon which hazardous waste is stored.

2. Hazardous waste disposal site means a geographical site in which or upon which hazardous waste is disposed.

3. Hazardous waste treatment site means the geographical site upon which or facility in which hazardous waste is treated.

C. HAZARDOUS WASTE: Hazardous waste does not include radioactive material or the radioactively contaminated containers and receptacles used in the transportation, storage, use or application of radioactive waste, unless the material, container or receptacle is classified as hazardous waste under paragraphs (1), (2) or (3) of this subsection on some basis other than the radioactivity of the material, container or receptacle. Hazardous waste does include all of the following, which are not declassified by the Environmental Quality Commission under ORS 466.015(3) or other State law:

1. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.

2. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order or the Environmental Quality Commission after notice and public hearing. For purposes of classification, the Environmental Quality Commission must find that the residue, because of its quantity, concentration or physical, chemical or infectious characteristics may:

    a. Cause or significantly contribute to an increase in-mortality or an increase in serious irreversible or incapacitating reversible illness; or

    b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

3. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in paragraphs (1) and (2) of this subsection.

D. NEW FACILITY:

1. A facility for which an original permit application was submitted after the effective date of EQC and DEQ's regulations, regarding siting of Hazardous Waste Management and PCB Treatment and Disposal Facilities; or

2. A facility where a different type of treatment or disposal is being proposed (i.e., adding incineration, a facility-utilizing disposal, or changing from chemical treatment to biological treatment at the facility).

E. PCB: A definition of PCB is provided in Appendix "A" to this ordinance.

F. RADIOACTIVE WASTE: Means any material considered a radioactive waste as defined in Oregon Revised Statutes (ORS) 469.300 or by the Environmental Quality Commission (EQC) or the Department of Environmental Quality (DEQ). However, as defined in this ordinance, hazardous waste excludes radioactive materials. Furthermore, Hood River County Ordinance No. 159, entitled "Nuclear Free Hood River County Ordinance", prohibits the following: (1) Research on or the manufacture of nuclear weapons or components; (2) The transportation, storage, siting or disposal of nuclear weapons, components, or radioactive waste; and (3) Civil defense crisis relocation planning for nuclear war.

Section 54.15 - Applicable Facilities:

A. The following uses are subject to all provisions in this ordinance:

1. New hazardous waste and PCB treatment and disposal facilities located off the site of waste generation (off-site); and

2. New hazardous waste and PCB land disposal facilities located on the site of waste generation (on-site).

3. New hazardous waste and PCB treatment and disposal facilities, other than land disposal facilities, located on the site of waste generation (on-site).

B. Facilities described in A., 1. above that receive less than 50% of waste from off the site may be located inside urban growth boundaries if reviewed and approved by the cities of Hood River or Cascade Locks; and (2) If in compliance with applicable provisions in Section 54.25, Hood River County Compatibility Statement, excluding paragraph C., item 6.

C. The following facilities are not subject to provisions in Section 54.20 Application Process, but must comply with other requirements of DEQ and applicable provisions in Section 54.25 - Hood River County Land Use Compatibility Statement, as determined by the County Planning Commission and/or the cities of Hood River and Cascade Locks or the County Planning Director.

1. Portable hazardous waste and PCB treatment and disposal facilities that are located on a single site of generation (on-site) less than 15 days each year.[1]

2. Hazardous waste and PCB treatment or disposal sites involved in remedial action or closing.

3. Facilities treating hazardous waste pursuant to the recycling requirements.

4. Facilities permitted by the DEQ to manage municipal or industrial solid waste, if the hazardous waste the facilities treat or dispose of is excluded from regulation.

D. Emergency permits issued by the Director of DEQ are exempt from this ordinance but require coordination and cooperation with the County Emergency Services Committee through cooperation with the County Sheriff or the County Administrator.

Section 54.20 - Application Process

A. Uses proposed in Section 54.15 - Applicable Facilities, paragraphs A., items 1-3 and shall comply with the following three-step application process:

1. Receive Authorization to Proceed from the Department of Environmental Quality (DEQ);

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1. Portable facilities are usually truck mounted.

2. Application to the County Planning Department and compliance with the Hood River County Land Use Compatibility Statement (Section 54.25 of this ordinance);

3. Application and approval of a treatment or disposal permit from the Department of Environmental Quality (DEQ) or the Environmental Quality Commission (EQC).

B. The County will not accept or process an application for a Hood River County Land Use Compatibility Statement unless it is demonstrated through documentation that an Authorization to Proceed request is granted by the Department of Environmental Quality (DEQ). All written information addressing criteria required by the Authorization to Proceed shall be provided to the Hood River County Planning Department and County Planning Commission.

C. Existing facilities reapplying will be required to demonstrate compliance with the directives of the Environmental Quality Commission (EQC), the Department of Environmental Quality (DEQ) and the Hood River County Land Use Compatibility Statement.

Section 54.25 - Hood River County Land Use Compatibility Statement

A. Proposed facilities in Sections 54.15 - Applicable Facilities, paragraphs A., items 1-3, and B., shall provide documented evidence of compliance with all provisions in this section.

B. Proposed facilities in Section 54.15; - Applicable Facilities, paragraph C., must comply with requirements of DEQ and other applicable provisions in this section as determined by the County Planning Commission, cities of Hood River or Cascade Locks, either through a conditional use permit and a public hearing, or administratively processed by the County Planning Director pursuant to provisions in Article 72 –Planning Director's Review Procedure.

C. Applicants shall provide documented evidence of compliance with the following criteria or factors:

1. Written documentation demonstrating compliance with criteria and factors that must be met to obtain an Authorization to Proceed request from the Department of Environmental Quality (DEQ).

2. Applicant to complete a Site Inventory and Resource Analysis of the proposed site and adjacent ownerships, and prepare maps at scale 1"=400' or 1:24,000, or as specified, showing at least the following natural and cultural resources:

a. Existing land and proposed land use (scale for proposed land use, 1"=50' or better).

b. Easements, deeds, restrictions or covenants affecting subject property.

c. Hydrology Features (surface water, drainage basin, ground water, wells, etc.).

d. Climate (temperature, wind, precipitation, snowfall, other).

e. Topography (show elevations, slope, other).

f. Physiographic obstructions (geologic hazards, floodplains, other).

g. Applicant shall identify through the above maps and narrative, attributes that support the proposed use or constraints that prevent the use.

3. Proposed use shall be located on Industrial (M-l) zoned lands and demonstrate compliance with provisions of this ordinance. All proposals will be processed as a conditional use permit with a public hearing by the Hood River County Planning Commission. Provisions of Article 54 - Hazardous Waste Management and conditions developed as a result of the hearings process, shall constitute zoning requirements if a request is approved by the Hood River County Planning Commission.

4. The facility shall not prevent the use of adjacent lands for uses permitted or otherwise allowed in the applicable zone.

5. Facilities listed under Section 54.15 - Applicable Facilities, paragraph B., that receive less than 50% of waste from off-site may be located within an urban growth boundary if reviewed and approved by the cities of Hood River and Cascade Locks.

6. Facilities proposed in Section 54.15 - Applicable Facilities, paragraph A., items 1-3, shall be sited at least two miles from the urban growth boundaries of Hood River and Cascade Locks.

7. Hazardous waste and PCB treatment and disposal facilities, other than land disposal facilities, on the site of waste generation shall have at least a 250-foot separation between active waste management areas and facilities, and property boundaries.

8. Hazardous waste and PCB treatment and disposal facilities off the site of waste generation and land disposal facilities on the site of waste generation shall have at least a 1,000 foot separation between active waste management areas and facilities, and property boundaries.

9. The facility shall be located at least one mile from the following uses identified in *elements of the Hood River County Comprehensive Plan:[2]

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[2] Elements of the Hood River County Comprehensive Plan include: County Policy Document, Background Report, Exceptions Document, Zoning & Subdivision Ordinances, and Plan & Zoning Maps.

a. Schools, churches, hospitals, nursing homes, retail centers, stadiums, auditoriums or residences not owned by the applicant;

b. Wilderness, parks and recreation areas;

c. Scenic view sites;

d. Federal and State scenic waterways;

e. Planned Unit Developments (Residential and Commercial);

f. Lands zoned Residential, Rural Residential or Rural Center;

g. Hood River and Cascade Locks Airports;

h. Columbia River Gorge National Scenic Area.

10. The facility shall be located at least one-quarter mile from the following uses identified in elements of the County Comprehensive Land Use Plan:[3]

    a. Perennial surface water (including rivers, streams, lakes and reservoirs) and wetlands;

    b. Historic and cultural areas;

    c. Ecologically and scientifically significant natural areas;

    d. Municipal watersheds;

    e. Floodplains;
    f. Geologic Hazards;

    g. SCS Agricultural Soil Classification I, II, III or IV or Cubic Foot Site Class 1, 2, and 4 forestlands.

11. Engineering services including medical care, to respond to and address emergencies and accidents at the facility or involving wastes traveling on local transportation routes to the facility have been identified and shall be provided by the applicant. Applicant shall provide evidence that engineering and medical personnel are certified or qualified by an appropriate agency to properly handle hazardous waste materials. The added cost of adequately training, equipping and certifying personnel shall be borne by the

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[3] Elements of the Hood River County Comprehensive Plan include: County Policy Document, Background Report, Exceptions Document, Zoning & Subdivision Ordinances, and Plan & Zoning Maps.

applicant or state. Neither Hood River County nor the cities of Hood River or Cascade Locks will assume the added cost or responsibility for training or equipping personnel, etc., unless so determined by the Board of County Commissioners or the cities of Hood River or Cascade Locks.

12. The facility shall have more than one public transportation route to its site.

13. The appropriate city, county, state and federal transportation departments have reviewed the local transportation routes to the facility for safety and their recommendations for improvements shall be implemented prior to first waste receipt at the facility. Unauthorized access to the site will not be provided.

14. An emergency response team owned by or under contract to the owner or operator or the facility shall be located within 25 miles of the facility. The team shall be capable or immediately responding to spills occurring within 50 miles or the facility, or waste traveling to the facility. The emergency response team shall be certified or qualified by an appropriate agency to properly handle spills. The added costs of adequately training, equipping and certifying the response team shall be borne by the applicant or state. Neither Hood River County or the cities of Hood River or Cascade Locks will assume the added costs or responsibility for training, equipping, etc., the emergency response team, unless so determined by the Board of County Commissioners, or the cities of Hood River or Cascade Locks.

D. Applicant shall demonstrate through written documentation why any of the above criteria or factors cannot be met. Exceptions will be approved based upon approval by the DEQ, EQC, Hood River County and the cities of Hood River or Cascade Locks. Exceptions will be based upon the following criteria:

1. The applicant demonstrates through documented findings that the public's health, safety and the environment are adequately protected by allowing the exception; or

2. If the exception provides substantial equivalent protection as compared to the specific criterion, factors or other provisions within this ordinance.

Section 54.30 - Time Frame County Action

A. Pursuant to timely and complete submittal of information addressing provisions in Article 54 - Hazardous Waste Management Ordinance, the County will act on the request within 180 days.

B. If the County does not make a decision within 180 days, the applicant may request the Department of Environmental Quality to evaluate and ensure the request complies with the provisions of this ordinance. In determining whether the request is appropriate, DEQ will solicit and consider comments from appropriate local agencies, special districts, cities of Hood River and Cascade Locks, and Hood River County.

C. If the County does not act within 180 days and the applicant takes no action under 54.30, B. above, the application shall be deemed denied.

Section 54.35 - Local Citizens Advisory Committee

A. To ensure additional Hood River County citizen participation in siting of proposed facilities outlined in Section 54.25 - Hood River County Land Use Compatibility Statement, paragraph A., items 1-3 and B, the Department of Environmental Quality (DEQ) in conjunction with the applicant shall appoint, support and utilize a local citizen advisory committee comprised in part of residents living near or along transportation routes to the facility and site. At least one-half of the committee members shall be nominees submitted by the Hood River County Board of Commissioners or the cities of Hood River or Cascade Locks. The committee shall be appointed as soon as feasible by the DEQ, but prior to the Hood River County Planning Commission's hearings as outlined in Section 54.25 of this ordinance so that adequate testimony can be provided at the Commission's hearing.

B. The committee shall provide a forum for local citizen comments, questions and concerns about the site and facility. The committee will provide a dialogue between Hood River County (Planning Commission and Board) and the cities of Hood River or Cascade Locks of the proposed facility and the applicant or company interested in siting the facility. The committee shall prepare a written report summarizing local citizen concerns, address provisions and requirements of this ordinance (Article 54 - Hazardous Waste Management) and the manner in which the applicant is addressing these concerns. This report shall be available prior to the Hood River County Planning Commission public hearing.

C. DEQ may appoint a committee to review a proposed facility described in Section 54.25, paragraph C, or as requested by the Hood River County Planning Commission, Board of Commissioners and Planning Director.

D. It is the responsibility of the applicant or State to provide an adequate budget, staff and other administrative support to maintain the committee. Failure of the applicant or State to adequately maintain the committee will not result in Hood River County or the cities of Hood River and Cascade Locks in automatically assuming support responsibilities unless so authorized by the Hood River Board of County Commissioners or the cities.

E. The committee will provide periodic status reports to the Hood River County Planning Commission and Board of Commissioners.

Section 54.40 - Compensation Agreement

A. Based upon approval of a request by the County Planning Commission and prior to construction, the Board of County Commissioners or cities will enter into a Compensation Agreement to cover the facilities potential economic impacts on Hood River County or the cities of Hood River or Cascade Locks relative to services provided. This Agreement is a

condition of the Planning Commission's approval. The burden of additional costs generated by the proposed facility will be upon the applicant or the State, but not Hood River County or the cities of Cascade Locks or Hood River. The Compensation Agreement will cover at least the following factors and concerns:

1. Costs incurred by Hood River County or the cities as the request;

2. Training and equipping local fire, police and health department personnel to respond to accidents, spills and other emergencies;

3. Special monitoring both on and off-site for worker and community health status;

4. Road improvements and maintenance to assure safe transportation of waste to the site;

5. Possible changes in property values near the site due to the proposed facility;

6. A plan to resolve conflicts or disagreements that might develop between the facility operator and the community.

7. Financial assistance to support technical review by experts accountable to Hood River County.

B. The Compensation Agreement may contain a requirement or a performance bond as deemed necessary by the County or cities.

C. Failure to establish a Compensation Agreement will result in denial of the facility by Hood River County.

APPENDIX "A"
DEFINITION PCB

A. ORS 466.505 Definitions, paragraph (1): "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl,or higher polyphenyl molecule with chlorine atoms. "PCB" does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups attached other than chlorine unless that functional group on the chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures thereof of these compounds, is determined to be dangerous to the public health under ORS 466.525

B. WHAT ARE PCBs: PCBs or polychlorinated biphenyls, are chemical compounds similar to DDT and dieldrin. They are generally colorless, odorless liquids with a thick, molasses-like consistency. Although fire-resistant, they are relatively good conductors of heat but poor conductors or electricity. The compounds have high boiling points and do not dissolve easily in water.

   PCB compounds belong to the family of chlorinated hydrocarbons in which chlorine has replaced hydrogen in the molecular structure. There are over 100 varieties of PCB, each containing a slightly different number or arrangement of chlorine atoms. Chlorine content in PCB compounds commercially available in the U.S. ranges up to 68 percent; the higher the percentage, the higher the compounds' boiling point. Recent evidence also suggests that the higher the chlorine content, the more toxic and persistent the PCB compound is.[4]

C. WHAT ARE THEY USED FOR: Because of their chemical and thermal stability and low conductivity of electricity, PCBs are very useful as industrial chemicals. Today they are used principally as coolant insulation fluids in electrical transformers and capacitors. About 70 percent or the PCBs produced in the U.S. are used in capacitors, the balance in transformers.

   Before 1971, PCBs saw a much greater variety of uses. They were added to adhesives, plastics, paints, varnishes, sealants, and other surface coatings, and they were widespread as a component of carbonless carbon papers.[5]

D. WHY ARE PCBs A PROBLEM: Studies have shown that PCBs are highly toxic to animals and man.

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[4] Copyright 1976 by the Board of Regents of the University of Wisconsin Sea Grant College Program with funding from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce and the state of Wisconsin.

[5] Ibid

They were first recognized as a problem by scientists in Sweden in 1966. But they came to worldwide attention in 1968 when five people died and 1,000 others were stricken in Japan after eating cooking oil contaminated by PCBs. Since that time, Japan has banned all import and production or these compounds.

PCBs came back into the news recently in this country when it was discovered that high, possibly dangerous levels of these compounds were being found in some freshwater fish, particularly in the Great Lakes. Although severe injury from short-term exposure to PCBs is unlikely, scientists are concerned about the effects caused by long-term, low-level exposure to the compounds.

The fact that PCBs seem to persist in the environment for long periods of time and are hard to eliminate makes them more of a threat. Today these compounds are found all over the globe--in Arctic polar bears, New York chickens, England's rainfall, human blood plasma, the world's oceans and mother's milk.[6]

FOR ADDITIONAL INFORMATION REGARDING PCBs, CONTACT THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OR THE ENVIRONMENTAL QUALITY COMMISSION (EQC).

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6 Ibid

ARTICLE 55 - SUPPLEMENTARY PROVISIONS

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance #249; effective 8-22-03)

Section 55.10 - Zone Boundaries

Unless otherwise specified, zone boundaries are property lines, the centerline of streets, and railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries; or the Planning Director, pursuant to Article 72 - Planning Director's Review Procedures, shall review and prepare a report containing findings justifying a decision regarding the location of the boundary. The report could state that it is necessary to obtain a Zone Change or Plan and Zone Change pursuant to the requirements of Articles 60 or 62.

Section 55.20 - Projections from Buildings

Cornices, caves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 55.20 - Maintenance of Minimum Ordinance Requirements

No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date or this ordinance shall be reduced in area, dimension, or size below the minimum required by this ordinance, nor shall any lot area, yard or other open space of off-street parking or loading area which is required by this ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

Section 55.40 - General Exception to Lot Size Requirements

If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

Section 55.50 - General Exception to Building Height Limitation

The following type of structure or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, transmission towers, smoke-stacks, flagpoles, radio or television towers, and other similar projections. Structures or structural parts listed within the Airport Height Combining Zone, including structures necessary to operate the airport, are excluded from the provisions of this section.

Section 55.60 – Procedures for Review of Transportation Uses

A. **Permitted uses**. The following uses are permitted outright in all zones outside of the County's National Scenic Area and do not require land use review and approval subject to the requirements of Articles 60 and 64 of the County Zoning Ordinance.[1]

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities identified in the Hood River County Transportation System Plan.

[1] The County's National Scenic Area Zoning Ordinance (Article 75) should be consulted to determine if a proposed use requires land use review through that ordinance.

2. Dedication of right-of-way, authorization of construction and the construction of transportation facilities and improvements, where improvements are consistent with clear and objective dimensional standards, and the County Transportation System Plan.[2]

3. Uses permitted outright under ORS 215.283(1)(k) through (n), consistent with the provisions of OAR 660-012-0065.

4. Changes in the frequency of transit, rail or airport services.

5. Road construction and maintenance of roads for forest practices regulated by the State of Oregon's Forest Practices Act.

6. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

7. Projects specifically identified in the County Transportation System Plan as not requiring further land use regulation.

8. Landscaping as part of a transportation facility.

9. Emergency measures necessary for the safety and protection of property.

10. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the County Transportation System Plan except for those that are located in exclusive farm use or forest zones.

11. Construction of a street or road as part of an approved subdivision, land partition, or planned development, consistent with the applicable Zoning Ordinance.

B. **Conditional uses**. The following uses involve land use decision-making and are permitted conditionally based on review by the Planning Director pursuant to procedures and requirements specified in Articles 60 and 72.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are not: i.) improvements designated in the County Transportation System Plan; or, ii.) designed and constructed as part of an approved subdivision, major partition, or planned development, shall comply with the County Transportation System Plan and applicable standards, and shall address the following criteria (a-d) below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

   a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

   b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

   c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

[2] Dedication of right-of-way to the public or to the County requires formal acceptance of the dedication by the County.

d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of the County's Transportation System Plan.

2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

C. **Projects subject to Legislative Amendment**. If a proposed transportation facility, service or improvement is determined to have a significant impact on land use or concern the amendment to policies in the acknowledged Comprehensive Plan or land use regulation(s), approval and review of the proposed facility, service or improvement will be subject to the criteria identified in Article 55.60(B) above, and procedures and requirements of Articles 60 and/or 62.

ARTICLE 56 - BED & BREAKFAST FACILITIES (BB)

(Effective 9/6/89)

SECTION 56.00 - PURPOSE:

The purpose of this ordinance is to provide criteria and procedures for conditionally allowing Bed and Breakfast facilities in Hood River County.

The County recognizes the following: local needs and demands generated by the National Scenic Area Act, windsurfing, and the tourist industry require Hood River County to develop an ordinance to accommodate Bed and Breakfast facilities; national, state, regional and local development trends support Bed and Breakfast facilities; the Bed and Breakfast industry will assist in diversifying the County's economy; the County's rural land base contains different development characteristics than noted in urban areas and cities; the County's resource lands contain natural amenities which attract Bed and Breakfast facilities and a Bed and Breakfast facility is an accessory use within a single family dwelling.

The intent of this ordinance is to protect the character of single family residential neighborhoods, to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive Farm Use, Forest, Primary Forest, Scenic Protection and Columbia Gorge Combining while allowing the orderly and reasonable development of Bed and Breakfast facilities in Hood River County.

SECTION 56.10 - DEFINITIONS:

A. Bed and Breakfast Facility: A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.

B. Breakfast Meal: The meal served to guests during the a.m. or morning hours each day.

C. Dwelling Unit: One or more rooms designated for occupancy by one family and not having more than one cooking facility.

D. Single Family Dwelling: A detached building containing one dwelling unit.

SECTION 56.20 - CONDITIONAL USE:

A. A conditional use permit is required for Bed and Breakfast Facilities containing 5 or fewer guest rooms and proposed within the following zoning districts: Residential (R-1), Residential (R-2), Rural Residential (RR), Rural Center (RC), Exclusive Farm Use (EFU), Forest (F-1), Primary Forest (F-2), Scenic Protection (SP), and Columbia Gorge

Combining (CG). Approval shall be granted if applicant demonstrates through documented written findings compliance with the following procedures and criteria:

1. The applicant shall apply for a County conditional use permit to establish a Bed and Breakfast Facility.

2. The applicant shall comply with the requirements of Article 72 - Planning Director's Review Procedure of the Hood River County Zoning Ordinance.

3. The proposal shall comply with applicable zoning district provisions.

4. The proposal shall comply with provisions in Article 56 - Bed and Breakfast Facilities.

5. The proposal shall comply with provisions listed under Section 56.50, Bed and Breakfast Approval Standards within this ordinance.

6. Applicants for Bed and Breakfast Facilities proposed within the Exclusive Farm Use, Forest, and Primary Forest Zoning Districts are required to make application for a conditional use permit to establish a home occupation and comply with criteria listed in paragraphs 2, 3, 4, and 5 above.

SECTION 56.30 - URBAN GROWTH AREAS:

A. Bed and Breakfast Facilities proposed within the City of Hood River or Cascade Locks Urban Growth Areas will require review and approval by either the Cities of Hood River or Cascade Locks, whichever is appropriate.

B. Pursuant to provisions within the Urban Growth Management Agreements, the City's decisions prevail regarding land use applications within Urban Growth Areas.

A. The County Planning Department will send a referral to the appropriate jurisdiction.

SECTION 56.40 - COLUMBIA RIVER GORGE NATIONAL SCENIC AREA:

A. Proposed Bed and Breakfast Facilities within the National Scenic Area must also be consistent with provisions of the Columbia River Gorge National Scenic Area Act.

B. The Scenic Area Manager, USDA, Forest Service or the Columbia River Gorge Commission is required to review and determine whether the proposed use is consistent with the Scenic Area Act. Their decisions prevail regarding land use applications within the Scenic Area.

C. The County Planning Department will send a referral to the appropriate agency.

SECTION 56.50 - BED AND BREAKFAST APPROVAL STANDARDS:

The applicant shall present written documented evidence of compliance with the following standards:

A. The Bed and Breakfast Facility shall be located in a building designed and occupied as a single-family dwelling.

B. The building shall retain the characteristics of a single-family dwelling. A Bed and Breakfast Facility shall be clearly incidental, accessory and subordinate to residential use. The use shall be conducted entirely within the single family dwelling and shall not take an outward appearance nor manifest any characteristic of a business, except for allowed signing.

C. The single-family dwelling shall be owner or lessee occupied.

D. The Bed and Breakfast operator must reside within the single family dwelling in which the bed and breakfast facility is located.

E. Only 5 guest rooms are permitted.

F. No more than 10 guests shall be allowed at any one time.

G. A reduction in the number of guest rooms may be required if the applicant cannot demonstrate compliance with provisions within the Bed and Breakfast Facility Ordinance or applicable agency requirements.

H. State Health Division or County Sanitarian approval.

I. The maximum length of stay for guests is 15 consecutive nights.

J. Signing is limited to one illuminated sign, with a maximum area of 6 square feet. Signs cannot be placed within State or County right-of-way unless approved by either the County Public Works Department or the Oregon Department of Transportation. Sign lighting is restricted to the sign surface, not adjacent properties, or County or State roads or highways. The sign will not blink or otherwise cause distraction to vehicle traffic. Signing approved by the State is permitted.

K. One off-street parking space per guest room, plus adequate off-street parking space for the owner or lessee, shall be provided. Required off-street guest parking must be located on the single-family parcel or within a parking lot located within reasonable proximity of the lessee or owner occupied dwelling.

L. The applicant shall contact the Hood River County Finance Director and obtain a certificate of compliance and shall comply with the provisions of the County Transient Room Tax Ordinance. Applicant shall provide proof of compliance prior to the Planning Department approving a Bed and Breakfast Facility.

M. If an approved facility is not established within one year of the approval date, or if the use is discontinued for a year, the approval automatically expires and a new application is required.

N. Within one year of conditional approval, the County Planning Director will review each Bed and Breakfast Facility to ensure all approval conditions are fulfilled and that the use complies with the County Comprehensive Plan requirements.

O. If property owner sells or leases the dwelling to another individual, he must, along with the new owner or lessee, contact the County Planning Department if they desire to continue the Bed and Breakfast Facility. Thereafter, the use will be reviewed by the County Planning Department pursuant to previous approval conditions.

P. The applicant shall obtain the approval of the County Building Official and applicable fire protection district.

Q. If applicable, applicant shall comply with provisions in the following above Sections:

   1. Section 56.30 - Urban Growth Areas; or

   2. Section 56.40 - Columbia River Gorge National Scenic Area.

R. Bed and Breakfast Facilities proposed in the Exclusive Farm Use Zone shall be located in a single family dwelling used in conjunction with farm use or located in an approved non-farm dwelling.

S. Violations or complaints regarding the above standards shall be reviewed by the County Planning Commission through a public hearing.

SECTION 56.60 - PLANNING COMMISSION PUBLIC HEARING:

Proposed Bed and Breakfast Facilities that cannot comply with provisions and standards within the Bed and Breakfast Facility Ordinance shall be reviewed as a conditional use pursuant to requirements in Section 56.20, by the Hood River County Planning Commission through a public hearing. The public hearing shall be conducted pursuant to provisions and requirements in Article 60 Administrative Procedures, Hood River County Zoning Ordinance. The Planning Commission may grant the application if it finds:

A. It is not possible for the applicant to comply with all provisions and standards of this ordinance:

B. It is in the public interest to grant the application; and

C. With conditions, the proposed use will not be detrimental to the intent and purpose of this ordinance or the County adopted Comprehensive Plan.

SECTION 56.70 - APPEAL PROCESS:

A. Pursuant to Article 61 - Review by the Board, of the Hood River County Zoning Ordinance, the Planning Commission's decision is final unless appealed to the Board of County Commissioners within 15 days after the Commission's final decision. Appeal forms are available in the Hood River County Planning Department.

B. Pursuant to Article 72 - Planning Director's Review Procedure, the County Planning Director's decision shall be final unless written appeal is filed within 15 days after the Director's final decision or unless the Planning Commission or Board of County Commissioners, on its own motion, order review within 15 days after the Director's final decision. Appeal forms are available in the Hood River County Planning Department.

SECTION 56.80 - ENFORCEMENT:

A person found violating provisions of Article 56 - Bed and Breakfast Facilities (BB), is subject to enforcement and penalty provisions listed under Article 70 - Enforcement, Hood River County Zoning Ordinance.

SECTION 56.90 - NONCONFORMING USES:

A. Bed and Breakfast Facilities approved prior to the adoption date of this ordinance, which do not comply with provisions within this ordinance, are considered pre-existing nonconforming uses. They are allowed to continue pursuant to provisions of Article 65 - Nonconforming Use, of the Hood River County Zoning Ordinance.

B. Any proposed expansion or change in use of a Bed and Breakfast Facility in operation prior to the adoption date of this ordinance, shall be subject to the requirements of this ordinance and shall require evaluation through a conditional use permit, pursuant to the requirements of Article 65. In the event of denial, the Bed and Breakfast Facility shall be allowed to continue as originally approved, but as a nonconforming use.

ARTICLE 60 - ADMINISTRATIVE PROCEDURES

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 60.00 - Definition, Initiative, Type

A. An "Administrative Action" means a proceeding pursuant to this article.

B. Action on all administrative actions shall be initiated by a property owner or contract purchase, Board or Planning Commission Order. The initial action shall be to file an application on forms provided for that purpose in the Planning Department.

C. Administrative action includes actions on: variances, conditional use permits, zone changes and change of or reinstatement of non-conforming uses.

Section 60.01 - Planning Commission Review Procedure

The Planning Commission shall be the hearings body and make decisions on the following actions: (1) Zone Changes; (2) Comprehensive Plan Amendments; (3) Appeal of Director's Decision; (4) Review of Director's Decision (hearings process); (5) Review of Historic Preservation Applications (hearings process); (6) Initial Planned Unit Development (PUD) approval; (7) Initial Subdivision approval; (8) Delegation of Planning Commission authority to a hearings officer; and (9) Transportation improvements described in Article 55, Section 55.60(C) of the County Zoning Ordinance.

Section 60.02 -Planning Director's Review Procedures

The Planning Director shall review and make decisions regarding the following administrative actions pursuant to provisions in Article 72 - Planning Director's Review Procedures: (1) Variances; (2) Dependent relative mobile home permits, and other temporary uses; (3) Non-farm dwellings; (4) Conditional Use Permits; (5) Reinstatement of discontinued nonconforming uses and enlargement of nonconforming uses; (6) Non-forest Partitions; (7) Major and Minor Partitions; (8) Plan and Zone Boundary Adjustments; (9) Land Use Permits; (10) Final Subdivision Plat Approval; (11) Final Planned Unit (PUD) Plan approvals; (12) Alteration or repair of a nonconforming use; (13) Transportation improvements described in Article 55, Section 55.60(B) of the County Zoning Ordinance; and (14) Other responsibilities and authorities presented in the County Administrative Code, the County Subdivision /Zoning Ordinances, or directives of the Hood River County Board of Commissioners.

Section 60.03 - Hearings Officer

The Planning Commission, upon affirmative vote of four (4) members may delegate the authority of the Planning Commission for all or portion of all administrative actions to a Hearings Officer. The Hearings Officer shall be subsequently selected by the Board of Commissioners.

Section 60.04 - Content of Notices of Initial Hearings on Proposed Actions

Notice of the hearing before the Planning Commission or subcommittee thereof, or hearings officer shall contain the following information:

A. The date, time and place of the hearing.

B. A description of the property reasonably calculated to give notice to its actual location.

C. The nature of the proposed action.

D. A notice that all interested parties may appear and be heard.

E. A notice that the hearing shall be held pursuant to the Rules of Procedure by the Body conducting the hearing.

Additional Matters in Notice - Where the application is made for a zone change, the Planning Director shall have the discretion to include in the notice of hearing that the hearing body may consider other zoning classifications other than that for which the application is made.

Section 60.06 - Notification of Hearing or Proposed Action

The following notification shall be made:

A. Notice shall be given in a newspaper of general circulation in the area affected at least ten (10) days prior to the date of hearing.

B. The following shall receive personal notice by **regular** mail:

1. The applicant.

2. All property owners within 250 feet of the property which is the subject of the application.

3. Affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

For the purpose of personal notification, the records of the Department of Records and Assessments shall be used. Only those names appearing on the last tax rolls need be notified of the proposed action. The failure of the property owner to receive notification shall not invalidate the proceedings, providing a good faith attempt was made to notify persons entitled to personal notice.

Section 60.07 - Continuation of Hearings

The hearing may be continued from time to time as necessary to gather additional information and no additional notice be given if the hearing is continued to a date certain.

Section 60.08 - Hearings on Proposed Action

A. Hearings on proposed actions shall be in accordance with the Rules of Procedure adopted by the hearings body for the conduct of hearings pursuant to this ordinance.

B. The majority of the hearings body or the hearings officer shall render a decision within 60 days from the receipt of the application unless such time has been extended upon mutual consent of the applicant and the hearings body, or hearings officer.

C. The action may be to approve the application as submitted, to deny the application or to conditionally approve the application with conditions as may be necessary to carry out the Comprehensive Plan and as provided in Section 60.14. In all cases, the hearings body or officer shall state its decision upon the close of the hearing or upon continuance of the matter to a time certain.

Section 60.10 - The Burden of Proof

The Burden of Proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Unless otherwise provided for in this article, such burden shall be to approve:

A. Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

B. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.

C. The proposed action is in compliance with the Comprehensive Plan.

D. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

1. The characteristics of the various areas of the County.

2. The suitability of the subject area for the type of development in question.

3. Trends in land development.

4. Density of development.

5. Property values.

6. The needs of economic enterprises in the future development of the County.

7. Access.

8. Natural resources.

9. Public need for healthful, safe and aesthetic surroundings and conditions.

E. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider. In all cases, the hearings body or officer shall enter findings based upon the record before it, to justify its decision.

Section 60.12 - No New Application

If the application is denied, either initially or upon review by the Board or action by the courts affirming denial, no new application for the same or substantially similar action shall be filed for at least one year from the date of final order on the action denying the application.

Section 60.14 - Conditions of Approval

The following limitations shall be applicable to conditional approval:

A. Conditions shall be fulfilled within the time set forth in the approval.

B. Such conditions shall be reasonably conceived to fulfill public needs.

C. Changes or alterations of conditions shall be processed as a new administrative action.

D. Such conditions may be set forth in a contract executed between the Board, acting by and through its Chairman, and the property owner and any contract purchasers. If a contract is required, no building permit for the use applied for shall issue nor shall the use applied for be deemed approved until such

properly executed contract is filed with the Director of Records and Assessments of Hood River County. Such a contract shall be properly signed and executed within 30 days after approval provided, however, that the Board may grant reasonable extensions in cases of practical difficulty. Such contract shall be enforceable against the signing parties, their heirs, successors and assigns by Hood River County by appropriate action in law or suit in equity.

E. Failure to fulfill any condition within the time provided may be grounds for initiation of enforcement provision in Article 70, or revocation of the permit as provided in Article 68.

F. A bond, in a form acceptable to the Planning Director, cashier's check or a cash deposit from the property owners or contract purchasers in such amount as will assure compliance with the conditions imposed pursuant to this article may be required. Such bond shall be posted at the same time the contract containing the conditions to approval is filed with the Director of Records and Assessments.

Section 60.15 – Evidence

All evidence offered and not objected to may be received unless excluded by the hearings body or officer on its or his own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon the conduct of everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for a contested case before state administrative agencies pursuant to ORS 183.450 except as otherwise provided herein.

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired but shall otherwise be preserved by the Planning Director. Evidence may be reserved subject to a later ruling as to its administer ability.

Section 60.16 - Oath

The hearings body or officer may place any person submitting testimony under oath or affirmation.

Section 60.17 - Records

A verbatim record of the proceedings shall be made by oral, written or mechanical means, the record need not be transcribed except on review of the record.

Section 60.18 - Time Limits for Oral Presentation

The hearings body or officer may set reasonable time limits for oral presentation to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing and he or it may exclude or limit cumulative, repetitive or immaterial matter.

Section 60.20 - Ex-Parte Contact

Members of the hearings body or hearings officer shall not:

A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate; nor

B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the material so noticed; nor

C. Inspect the site with any party or his representative unless all parties are given an opportunity to be present.

ARTICLE 61 - REVIEW BY THE BOARD

Section 61.00 - Final Decision

The decision of the hearings body or officer shall be final unless an appeal is filed within 15 days of initial action with the Director of Records and Assessments or if three members of the Board of Commissioners order review within 15 days of action.

Section 61.02 - Board Procedure

Review by the Board shall be accomplished in accordance with its own adopted Rules of Procedure. The Board may continue the hearing from time to time to gather evidence or to consider the application fully. Unless otherwise provided by the Board, no additional notice need be given of continued hearings if the matter is continued to a time certain.

Section 61.04 - Notices

Notice of hearing and a record of the proceeding shall be the same as required for initial hearings on proposed action.

Section 61.06 - Standing

A. Any "party" having "standing" as provided by this section may appeal to the Board of Commissioners an action or ruling of the initial hearings body or officers.

B. The Board review of final actions or rulings by the initial hearings body or officer shall be solely as provided in this article.

C. In order to have standing for review under this ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the hearing on which the Planning Commission based its action or ruling, and speak or introduce input in opposition to the Planning Commission's ultimate action or ruling at the hearing, unless the party can show to the Board good cause or reason why attendance at the hearing was not possible. The following only are hereby defined as "parties" having standing for review under this ordinance:

    1. A person or persons jointly or severally adversely affected or aggrieved in fact by an action or ruling of the Planning Commission.

    2. A governmental agency, civic or environmental organization, that demonstrates to the Board that it has a valid interest in the preservation of aesthetic, healthful, or conservational conditions for the welfare of the general public.

    3. Any other person who demonstrates to the Board that his legal rights are affected by the outcome of the hearing and subsequent on a specific application.

4. The Board of County Commissioners shall make all decisions of who shall qualify as a party having standing under this ordinance prior to the time set for final hearing on review.

Section 61.10 - Appeals

A. The filing of the application of appeal shall not stay enforcement of the initial hearing body or officer's order or ruling, but the Board may do so upon requiring the giving of a bond or other undertaking or upon such other terms as it deems proper. Any bond or other undertaking executed pursuant to this subsection shall be in favor of Hood River County, Oregon for its benefit and for the benefit of whomever else it may concern and may be enforced by the Board of any other person concerned in an appropriate proceeding as their interest may appear.

B. Within 30 days after the filing of the "Petition for Appeal" the Planning Director shall transmit to the Board of Commissioners the original or a certified copy of the entire record of the proceeding under review, but, by stipulation of all parties to the review proceeding, the record may be shortened. The Board may require or permit subsequent corrections or additions to the record when deemed desirable.

C. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the county not less than ten (l0) days prior to the date of the hearing. Such notices shall also be sent by mail to all property owners within 250 feet of the exterior boundaries of the property, which is the subject of the appeal.

D. If, not later than 15 days before the date set for the hearing on the petition application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the initial hearing body, the Board may order the additional evidence to be taken before the initial hearings body upon such conditions as the Board deems proper. Notice of the time and place where the initial hearings body is to take the additional evidence shall be published in the same manner as in the original hearing. The initial hearings body may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order as the cases may be.

E. The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects at its option to hear the application de novo and allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo this fact shall be included in the notice of the hearing.

F. If the review of the initial hearings body's order is a review on the record and not a de novo hearing the Board shall not substitute its judgment for that of the initial hearings body as to any issue of fact, and no additional evidence shall be received. However, in the case of

disputed allegations of irregularities in procedure before the initial hearings body, the Board may take evidence limited to the alleged irregularities in procedure and make findings of fact and enter an order upon them.

G. The Board may affirm, reverse or remand the order. The Board shall reverse or remand the initial hearings body's order only if it finds:

1. The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioning party were prejudiced thereby and defects in the content of the notice required by this section but not asserted at or prior to the commencement of the hearing before the Planning Commission shall not be cause for reversal or remand; or

2. The rule or order to be unconstitutional; or

3. The order is not supported by reliable, probative and substantial evidence on the whole record.

4. The order is not supported by sufficient probative and substantial findings of fact.

H. In the case of reversal, the Board shall make special findings of facts based upon evidence in the record and conclusions of law indication clearly all respects in which the initial hearings body's order is erroneous. If the Board's decision upholds the decision of the initial hearings body, the Board shall make special findings substantiating their decision. The Board may adopt or include findings of the initial hearings body as it sees fit.

I. All decisions of the Board of Commissioners under this article shall be final and shall be reviewed only upon writ of review as provided in ORS Chapter 34.

ARTICLE 62 - LEGISLATIVE AMENDMENTS

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance #249; effective 8-22-03)

Section 62.00 - Initiation

An amendment, supplement or change to the text or maps of this ordinance may be initiated by:

A. The Board of Commissioners.
B. The Planning Commission.
C. [1]The Planning Director.

Section 62.02 - Procedures

A. A public hearing shall be held by the Planning Commission on all changes initiated by the proceedings of Section 62.00.

B. The Planning Commission may continue the hearing from time to time to gather additional evidence it feels necessary to render a reasonable decision. No additional notice is necessary if the hearing is continued to a date certain. Reasonable effort shall be made to give the public notice of any continued hearing date.

C. At the close of the hearing, a recommendation regarding the change or amendment, together with relevant information shall be referred within a reasonable time to the Board for action.

D. Within 30 days from receipt of the recommendation the Board shall conduct a public hearing, which may be continued from time to time to gather additional information. No additional notice is necessary if the hearing is continued to a time certain.

E. At the close of the hearing the Board shall render a decision either immediately thereafter or at a specified time indicated at the close of the hearing.

Section 62.04 – Notice

Notice of the time, place and purpose of the Planning Commission and Board's hearing shall be given in the following manner:

A. By publication of a notice in a newspaper of general circulation at least 10 days prior to the date of the hearing.

B. By notification through regular mail of all property owners in the proposed zoning areas and all property owners located within 250 feet of the exterior boundary or the proposed zone change.

C. By notification through regular mail to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice.

D. Failure to receive notification of the public hearing shall not invalidate the zone change.

[1] "C" adopted May 1998; HRC Ordinance #222

ARTICLE – 63 CONDUCT OF PUBLIC HEARINGS

The Board of Commissioners and Planning Commission shall individually adopt by resolution rules of conduct of public hearings. Said rules shall be available upon request from the office of the Planning Commission and the Department of Records and Assessments. Copies shall be made available at the public hearing and shall be distributed to each applicant and other individuals requesting same.

ARTICLE 64 - LAND USE PERMITS

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 64.00 - Required

Prior to the issuance of any building permit and prior to the commencement of any land use except for those listed in Section 64.99 and Section 55.60.A, a land use permit shall be issued by the Planning Director.

Section 64.l0 - Contents of Application for Land Use Permits

A. Location of dwelling with dimensions to lot line, streets, etc.

B. Location of other buildings both existing and proposed.

C. Location of septic tanks, leech fields, test pits.

D. Means of access, location, width, type (gravel road, county road).

E. Source of water supply.

F. Off street parking.

Section 64.15 - Procedure for Land Use Permits

A. The application including the data required by Section 64.10 shall be submitted to the Planning Director. The application shall include the appropriate filing fee as required by Section 69.10.

B. The Planning Director shall submit the application to agencies or officials deemed necessary. (e.g. sanitarian)

C. The Planning Director shall either approve, disapprove, or conditionally approve the application.

D. The Planning Director shall approve or conditionally approve the application if the following conditions are met:

   1. The application meets the requirements of this ordinance and the Comprehensive Plan.

   2. The method of sewerage disposal has been approved by the Department of Environmental Quality or approval has been made by a Sanitary Sewerage Agency.

   3. Potable water supply has been approved by the County Health Department or an approved public or community water supply agency or company.

   4. Approved access.

E. The Planning Director may establish conditions on the approval, providing the conditions are consistent with this ordinance.

F. If approved or conditionally approved, the Director shall issue a land use permit. If a building permit is required, he shall forward a copy of the permit to the building official. If the application is disapproved, the Director shall inform the applicant in writing of the disapproval, and shall specify the conditions necessary to make the application acceptable for approval.

G. Decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60. Filing fee for Director's appeal is **$75.00.**

Section 64.20 Contents of Application for Commercial, Industrial and Multiple Family Land Use Permits

A. Lot dimensions.

B. All buildings and structures: location, height, size and proposed use.

C. Walls and fences: location, height and materials.

D. Off-street parking: location, tabulations of number of bays, dimensions of parking areas and spaces, internal circulation pattern. In compliance with this ordinance.

E. Access: pedestrian & vehicular service.

F. Signs: location, size, height, type in compliance with this ordinance.

G. Lighting: location, hooding devices, and general nature.

H. Landscaping: location, general nature, method of maintenance.

I. Location, dimensions and method of improvements of all property to be dedicated to the public or to public utilities.

J. Location, size and treatment of truck storage facilities.

Section 64.25 - Land Use Procedures for Commercial, Industrial and Multiple Family Uses

A. The application including the data required by Section 64.20 shall be submitted to the Planning Director. The application shall include the appropriate filing fee as required by Section 69.l0.

B. The Planning Director may submit the application to agencies or officials deemed necessary. (e.g. sanitarian)

C. The Planning Director shall either approve, disapprove or conditionally approve the application.

D. The Planning Director shall approve or conditionally approve the application if the following conditions are met:

1. The application meets the requirements of this ordinance and the Comprehensive Plan and the use is permitted in the zone.

2. If the proposed use requires sewerage disposal, the method of sewerage disposal shall be approved by the Department of Environmental Quality or an approved sanitary sewerage agency.

3. If potable water supply is required, approval by the County Health Department or an approved public or community water supply agency or company is required.

4. Approved access.

5. Approval or conditional approval from the fire protection agency servicing the site.

E. The Planning Director may establish conditions on the approval, providing the conditions are consistent with this ordinance.

F. If approved or conditionally approved, the Director shall issue a land use permit. If a building permit is required, he shall forward a copy of the permit to the building official. If the application is disapproved, the Director shall inform the applicant in writing of the disapproval, and shall specify the conditions necessary to make the application acceptable for approval.

G. Decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60.

Section 64.99 - Land Uses Exempt from Permits

The uses specified below are exempt from the requirements of this article. However, any land use, structure or building shall comply with the requirements of this ordinance.

A. Farm use building other than dwellings, structures for public assembly, structures regulated by the State Fire Marshall, or the storage of chemicals, flammables or explosives.

B. Walls, and fences not exceeding six feet in height.

C. Swimming Pools.

D. Alteration of a building that does not increase the lots coverage, or change the land use.

E. Temporary use of a real estate sign.

F. Accepted Timber Practice.

G. Uses requiring Conditional Use Permits.

H. Buildings or structures not exceeding $400 in valuation.

I. Transportation improvements identified in Section 55.60(A) of Article 55 ("Supplementary Provisions") of the County Zoning Ordinance.

ARTICLE 65 – NON-CONFORMING USE

(Revised 2-17-04 as part of the Riparian Corridor HRC Ord. #253 effective 3-17-04)

Section 65.00 - Purpose & Intent

It is necessary and consistent with the establishment of this zoning code that all uses of land, or uses of structures not permitted in a zone, be regulated and permitted to exist under controls, the ultimate purpose of which is to phase out or change each non-conforming use to a conforming status.

A lawfully established structure, which does not meet the site development standards of a zone in which it is located, is considered a nonconforming structure. The provisions of this article do not apply in this instance unless the structure also contains a nonconforming use. The action of replacing or expanding a nonconforming structure, in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances.

Section 65.10 - Nonconforming Lots or Parcels

A. In zones other than those specified in provisions B below, in which a single family dwelling is permitted, a single family dwelling and accessory uses may be erected on any lot or parcel otherwise conforming to the requirements or all applicable County laws at date of this ordinance or its amendments making the lot or parcel nonconforming.

B. A single family dwelling proposed on a non-conforming lot or parcel in a Forest Zone shall be subject to provisions in Article 5 - Forest (F-1), and Primary Forest (F-2) Zones and a single family dwelling proposed on a nonconforming lot or parcel in the Exclusive Farm Use zone shall be subject to provisions in Article 7 – Exclusive Farm Use (EFU) Zone.

C. If the proposed use or structure as outlined in A or B above fails to comply with setback or height requirements, the procedure outlined in Article 66 - Variances shall apply.

Section 65.20 - Nonconforming Use of Land or Use of Structure

A. The lawful use of land or use of a structure existing at the effective date of this ordinance or its amendments may be continued, although such use does not conform to the provision thereof, however, if such a use is discontinued for a period of one year, any such future use of such land or structure shall comply with the provisions of this ordinance.

B. The Planning Director may authorize the reinstatement of a nonconforming use only where it is demonstrated that such resumption or reinstatement is necessary to allow reasonable amortization of a capital investment. The procedure for reinstatement shall be the same as for Conditional Use Permits, conditions may be imposed if reinstatement is allowed.

Section 65.30 – Maintenance, Expansion or Replacement of a Nonconforming Use of Land or Structure

A. The maintenance, or replacement in kind, or a nonconforming use of land, or a nonconforming use of a structure is permitted. In kind replacement is considered to be in the same footprint and to the same or lesser extent as the existing use.

B. The Planning Director may authorize expansion, or replacement that is not in kind, of a nonconforming use of land, or a nonconforming use of a structure when it is found that such expansion or replacement will have no greater adverse impact on the neighborhood and will meet the site development standards of the zone in which it is located. The Application shall be reviewed under the procedures found in Article 72 (Planning Director's Review Procedure).

ARTICLE 66 - VARIANCES

[Adopted September 2, 1997]

Section 66.00 - Purpose and Intent

The intent of this article is to allow flexibility for certain situations in regards to numerical site development standards as required by this ordinance. Applications shall be judged individually on a factual determination and shall not set a precedent for other applications.

Section 66.10 - Variance Procedures

The Planning Director will process Variances pursuant to Article 72. In granting a variance, conditions may be attached to protect the interests of the surrounding property or vicinity.

Section 66.20 - Variance Standards

A. No variance shall allow a use that is not provided for within the applicable zoning designation.

B. No variance regarding minimum lot size shall be approved for lands within the National Scenic Area, or for lands zoned Exclusive Farm Use (EFU), Forest (F-1) or Primary Forest (F-2).

C. A variance may be granted only in the event that all of the following circumstances have been addressed:

1. The variance will at the most have a minimal negative impact to adjacent properties;

2. The variance will result in more efficient use of the site, or result in protection of a natural feature.

3. The variance does not exceed the following percentages; or is for an addition which does not extend beyond the existing building into the required setback:

a.	Setbacks:	No more than 25% of requirement
b.	Lot Dimension:	No more than 10% of requirement
c.	Height:	No more than 10% of requirement
d.	Lot Area:	No more than 10% of requirement
e.	Lot Coverage:	No more than 10% of requirement

4. Exceptions to subsection 66.20.C.3. may be granted if the following circumstances exist:

a. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over

which the owners of property, since enactment of this ordinance, have had no control.

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

c. Strict adherence to the requirement will result in a substantial economic impact to the property owner.

ARTICLE 68 - REVOCATION

Section 68.00 - Revocation

A. Unless otherwise provided a Conditional Use Permit or Land Use Permit shall automatically become null and void one year after the date on which it was granted unless a building permit has been issued and/or construction has commenced. If a building permit is not required by ORS, construction shall commence within one year after approval of the permit.

B. The Board of Commissioners with or without recommendation of the Planning Commission may void any Conditional Use Permit or Land Use Permit providing the following conditions and procedures are followed:

1. Upon review by the Planning Director a violation of the conditions of the Conditional Use Permit of this ordinance is found. The Planning Director shall inform the applicant by registered letter of the violation and require compliance within a reasonable time.

2. If the violation is not corrected, the Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation. The Board may then set a hearing date on the violation.

3. At least 10 days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition all who are notified of the original application and those who testified shall be notified by regular mail.

4. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

Section 68.l0 - Periodic Review

A. Every Conditional Use Permit shall be reviewed by the Planning Commission ten years after the date of issuance without charge and heard in the same manner that other applications are heard to determine whether additional conditions are necessary to make the use more compatible to the Comprehensive Plan and to lessen its impact on surrounding uses.

B. Every Conditional Use Permit issued after the effective date of this ordinance shall contain a provision relating to review of the conditions for approval of no more than every five years after the initial approval thereof to determine whether additional conditions are necessary to make the use more compatible to the Comprehensive Plan and to lessen the impact of the use on surrounding persons and properties. Every review conducted pursuant to this section shall be accomplished as provided in Article 60.

Section 68.20 - Minor Adjustments

Minor adjustments of a Conditional Use Permit application may be submitted to and subject to approval of the Planning Director prior to the issuance of the building permit or land use permit. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, or similar portion of the design plan which do not affect the basic character or arrangements of buildings, the density of development, open space requirements or the intent or purpose of the original conditional use approval.

ARTICLE 69 -FILING FEES

Section 69.20 - Refunds and Withdrawals

Filing fees are used to cover costs of public hearings, mailing, posting, transcripts and staff time involved in processing applications. As such, refunds due to denial are not permitted.

In case of withdrawal, the Planning Department shall authorize a refund based on pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 69.30 - Waiver

The Planning Commission, upon recommendation from the Planning Department may waive filing fees based upon the following:

A. Applications made by tax supported governmental agencies.

B. The applicant is involved in an animal husbandry project in conjunction with a bona fide educational organization such as FFA or 4-H.

C. Any additional waiver of fees will be subject to review and approval by the Board of Commissioners.

ARTICLE 70 - ENFORCEMENT

Section 70.00 - Enforcement and Penalties

A. Any individual, firm or corporation, whether as principal, agent or employee violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars to 30 days imprisonment in the County Jail or both per offense.

B. In addition, the Board of Commissioners, the Planning Commission, the District Attorney or a person whose interest in real property in Hood River County is or maybe affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceeding to prevent, temporarily or permanently enjoin or abate the unlawful use.

Section 70.02

A Zoning Ordinance Citation conforming to the requirements of this ordinance shall be used for all zoning ordinance violations committed in the presence of the complainant and which occur in the unincorporated areas of Hood River County, Oregon.

Section 70.04

The Zoning Citation shall consist of at least four parts. Additional parts may be inserted for administrative use. The required parts are:

A. Complaint.
B. County Counsel's record of violation.
C. Planning Department's record of violation.
D. Summons.

Section 70.06

Each of the parts shall contain the following information or blanks in which such information shall be entered:

A. Name of the court and the court's docket or file number.

B. Name of the person cited.

C. Section of the zoning ordinance cited.

D. Brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so, the date and place at which the violation occurred, the date on which the citation was issued and the name of the complainant.

E. The time and place where the person cited is to appear in court.

F. The bail, if any, fixed for the violation.

G. The designation of the method of service and certification that such service has been made.

1. When such service is by certified mail, return receipt requested as described in Section 70.10 of this Section, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after the filing of the complaint.

Section 70.08
Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for the Planning Department to administer the Zoning Ordinance of Hood River County.

Section 70.10
The complaint shall contain a form of certificate by the complainant to the effect that he certifies, under penalties prescribed at Subsection 70.48 of this ordinance, that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Zoning Ordinance made and provided by Hood River County, Oregon. The certification, if made by a Planning Department employee, need not be made before a magistrate or any other person. A private person shall certify before a District Court Judge, clerk or deputy clerk of the District Court of Hood River County, and this action will be entered in the court record. The reverse side of the complaint shall contain the court record and contain the substance of the matter appearing on the reverse side of all uniform complaints used in the District Court of Oregon in Hood River County or otherwise directed by the District Court. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.

Section 70.12
In addition, the summons shall contain a notice to the person that the complaint will be filed with the District Court of the State of Oregon for the County of Hood River. The reverse side of the summons shall contain the following in a form substantially as follows:

READ CAREFULLY

You have been charged with a violation of the Zoning Ordinance of Hood River County. You MUST do ONE of the following:

1. Appear in Court at the time mentioned in this summons and request a hearing. The court will then set a time for a hearing.

2. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO

APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your explanation with the summons and bail. The Court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the officer tells the Court.

3. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT.

NOTE:

If you have already given bail or other security for your appearance, proceed as mentioned above, but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court. I do hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the court, and agree to pay the penalty prescribed for my violation.

_____
(Defendant's Name)

_____
(Defendant's Address)

Mail your remittance to:

Hood River County District Court
Courthouse,
Hood River, Oregon 97031

NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT, YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY, IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

Section 70.14
Any error in transcribing information into the blanks provided in the citation form when determined by the court to be non-prejudicial to the defendant's defense, may be corrected at the time of trial or prior to time of trial with notice being given to the defendant.

Section 70.16
Except as provided in Section 70.12 above, the complaint shall be set aside by the court only upon the motion of the defendant before plea if it does not conform to the requirements of this section.

Section 70.18
The Planning Director or his designee, may issue a Zoning Ordinance Citation for violation of this ordinance committed in his presence and when committed, at any location within the unincorporated area of Hood River County, Oregon.

Section 70.20
A private person may commence an action for a Zoning Ordinance violation as provided in Section 70.12 of this section and under the same conditions as provided in Section 70.18 of this section. The commencement of all actions by private persons for violations committed in their presence shall be upon the Zoning Ordinance Citation form and shall be at the discretion and in the judgment of the office of the County Counsel of Hood River County, Oregon, and conform to the procedures at sections 70.06 and 70.22 of this Article, respectively.

Section 70.22 - Service of Citation
If a citation is commenced as described in subsection 70.18 or 70.20, the Planning Director or his designee, shall serve or cause to be served, the summons portion of such citation in one of the following manners:

A. To personally serve the summons portion of the citation on the defendant. If the defendant cannot be found personally at his usual abode, then service may be made to a member of his family over 14 years of age who resides at that abode.

B. If the defendant is unknown or unavailable for personal service by the citing officer, then the summons portion of the citation, prepared by the Planning Director or his designee may be personally served upon the defendant by any peace officer, authorized to serve such citations.

C. If, after reasonable and due diligence, the defendant cannot be served in the manner prescribed in subsections (A) and (B) hereinabove, service of the summons portion of said citation may be made by registered mail, return receipt requested, mailed to such person at his last known address with postage prepaid thereon. For the purposes of this ordinance, service by mail shall be deemed perfected upon filing with the court the return receipt endorsed by said defendant. As soon as reasonably possible, provided, however, in no event later than the appearance date, the complainant shall file the complaint portion of the citation with the Clerk of the District Court and when service is not made at the time of commencement of the complaint proof of service shall be filed immediately after service has been made.

Section 70.24 - Minimum Requirements for Summons
A summons for a Zoning Ordinance violation is sufficient if it contains the following:

A. The name of the court, name of the person cited, date on which the citation was issued, name of the complainant and the time and place in which the person cited is to appear in court.

B. A brief description or designation of the offense in such a manner that can be readily understood by a person making a reasonable effort to do so and the date and place in which the violation is alleged to have occurred.

C. The complaint shall contain a form of certificate by the complainant to the effect that he certifies, under the same penalties as prescribed in section 70.48 of this ordinance that he has reasonable grounds to believe, and does believe, that the person committed the violation contrary to the Zoning Ordinance of Hood River County. The certification, if made by the Planning Director or his designee need not be made before a magistrate or any other person. A private party certify before a Hood River County District Court Judge, clerk or deputy clerk of the District Court of Hood River County, and this action shall be entered into the court record.

Section 70.26 - Appearance by Defendant

The defendant shall either appear in court at the time indicated in the summons, or prior to such time shall deliver to the court the summons, together with check or money order in the amount of the bail set forth on the summons, together with:

A. A request for a hearing; or

B. A statement of matters and explanation of mitigation of the offense charges; or

C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons.

Section 70.28 - Effect of Statement and Explanation in Mitigation

If a defendant has submitted to the court a written statement as provided in substance 70.26 (B) and (C) it constitutes a waiver of hearing and consent to judgement by the court declaring a forfeiture of all or any part of the bail as determined by the court on the basis of such statement and any testimony or written statement of complainant or other witness which may be presented to the court.

Section 70.30

Fixing Hearing Dates: Notice to Defendants; Failure to Appear; the Separate Offense of Failing to appear in Court Pursuant to Citation, Summons. Court Order or at the Time Set for Trial of Case.

If the defendant requests a hearing, or pursuant to subsection 70.12 the court directs that a hearing be held, the court shall fix a date and time for hearing and, unless notice is waived, shall at least five days in advance of the hearing, mail to defendant, notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, the defendant may be charged with a separate and additional offense of failure to appear in court pursuant to a court order, or a citation or summons, or at time set for trial of the case.

Section 70.34
Notice to the defendant required pursuant to subsection 70.12 shall be made in the form of a court "notice to appear" and be placed in the United States Mail addressed to the defendant in his last known address with postage prepaid thereon.

Section 70.36
Failure of the defendant to make appearance as set forth in subsection 70.26 will constitute a failure to appear for hearing. If the defendant fails to appear when notified by the court to appear pursuant to subsection 70.26 he may be charged with a separate and additional offense of failing to appear in court pursuant to a court order, or a citation or summons or at time set for trial of the case. Upon a finding by the court that defendant did not make appearance as required pursuant to this ordinance without due and good cause, the defendant shall be guilty of failure to appear.

Section 70.40
For any Zoning Ordinance violation for which a Zoning Ordinance Citation has been issued, the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgement, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and return any amount by which the bail exceeds the fine.

Section 70.42
No fine may be imposed, in excess of the amount of bail deposited by defendant, unless a hearing is held.

Section 70.44
If a person cited fails to comply with the provisions of subsection 70.36 or if he fails to appear at any time fixed by the court, a warrant for his arrest may be issued by a judge of the Hood River County District Court pursuant to ORS 133.060. A warrant issued by the District Court may be served without further endorsement, in any county in this state. Arrest and release decision shall comply with ORS 133.450.

Section 70.46
No warrant of arrest may be issued pursuant to this section after a period of sixty days of the date of the entry of an order declaring a forfeiture of bail or other security given by the arrested person, unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

Section 70.48 - Penalty for False Certification
Any person who, in connection with the issuance of a citation, or the filing of a complaint for a Zoning Ordinance violation, willfully certifies falsely to the matters set forth therein, shall be prosecuted for false swearing and if convicted, punishable under applicable provisions of Oregon State law.

Section 70.50 - Penalty for Failure to Appear
Upon conviction of any person under 70.36 of failure to appear without due and good cause, he shall be punished by a fine in addition to the fine and the court costs of the

violation for which he failed to appear and such additional fine shall not be less than twice the amount of the bail for which the person was to be tried nor more than $500.00.

ARTICLE 71 - SEPARABILITY

Section 71.00 - Separability

Should any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

ARTICLE 72 - PLANNING DIRECTOR'S REVIEW PROCEDURE

(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 72.00 - Purpose

The purpose of this ordinance is to establish procedures for approval of administrative actions by the Planning Director, and to create procedures for appeal and review of the Director's decision.

Section 72.05 - Administrative Actions

The Director shall have the authority to review and make written decisions regarding administrative actions listed under Section 72.15 below.

Section 72.10 - Pre-Application Conference

The Director shall coordinate and conduct a pre-application conference prior to accepting an application.

Section 72.15 - Application

Application for administrative action shall be made pursuant to provisions of this Ordinance and on forms provided by the Director. The application shall be completed and all information and fees required shall be submitted prior to processing the application. If required information is not submitted, the application will not be processed and no action will be taken

The Director shall review and make a decision regarding the following administrative actions:

A. Variances.

B. Dependent relative mobile home permits and other temporary uses.

C. Non-farm dwellings in the Exclusive Farm Use Zone.

D. Conditional Use Permits.

E. Reinstatement of discontinued non-conforming uses and enlargement of non-conforming uses.

F. Non-forest dwellings on pre-existing non-conforming lots and lots of record in the Forest Zone (F-1) and the Primary Forest Zone (F-2).

G. Major and Minor Partitions.

H. Plan and Zone Boundary adjustments.

I. Land Use Permits (Residential, Commercial and Industrial).

J. Final Subdivision Plat approval.

K. Final Planned Unit Development (PUD) Plan approvals.

L. Alteration or repair of a non-conforming use.

M. Other actions prescribed in the County Administrative Code and the County Subdivision/Zoning Ordinances or by the Board.

N. [1]Non-Ministerial Property Line Adjustments

O. Transportation projects identified as conditional uses in Article 55 (Supplementary Provisions), Section 55.60(B) of the County Zoning Ordinance.

Section 72.20 - Notice

A. Notice shall be sent by mail to all property owners within 250' of the property which is the subject of the application.

B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

C. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.

Section 72.25 - Director's Administrative Action Procedure

A. Within 30 days after accepting an application for administrative action, the Director shall act on the application unless such time limitation is extended by consent of the applicant. The Director shall not accept applications that cannot be acted upon within 30 days unless the applicant consents to a longer period for action.

B. Within 30 days the Director shall:

1. Provide notice and send referrals to affected agencies;

2. Prepare a final report containing at least Findings of Fact and Conclusions of Law; and

3. Prepare a decision to approve, conditionally approve, or deny the request.

C. The Director's decision can be appealed to the Planning Commission. The Director will schedule to be heard at the earliest opportunity all applications that are appealed before the Hood River County Planning Commission. The hearing shall be conducted in accordance with Article 60 - Administrative Procedures, County Zoning Ordinance.

Section 72.30 - Directors Decision

A. The Director shall render his decision on an administrative action within the time frame specified by this ordinance.

B. The Director's decision shall be made in a written report taking into consideration at least the following:

1. The Burden of Proof is upon the applicant seeking an action pursuant to the provisions of this ordinance. Consequently, the applicant shall present documented findings and other information addressing provisions of applicable ordinances at the time application is submitted. Such burden shall be to prove the proposed use complies with the following applicable requirements: (a) elements of the Comprehensive Plan; (b) criteria, factors and

[1] Section 72.15 amended by adding Subsection N, on July 15, 2002

provisions of the Zoning Ordinance; (c) Burden of Proof criteria as specified in Section 60.10, County Zoning Ordinance; and (d) Statewide Planning Goals.

2. Relevant factors include proof of change in the Plan or mistake in the Plan or zoning for the subject property.

3. Written comments provided by the applicant, adjacent property owners, or affected public agencies and local jurisdictions, or other persons. The Director shall prepare a final report including Findings and Conclusions to justify his decision.

C. If conditionally approved by the Director, the following limitations shall apply: (1) conditions shall be fulfilled within the time limitation specified in the approval, or if no time is specified, within a reasonable time limit agreed upon by the applicant and Director; (2) conditions of approval shall be reasonable and shall insure the protection of the public's health, safety and welfare, or to fulfill public service demands generated by the proposed use; (3) conditional approval may require the applicant to sign a contract with the County for enforcement of conditions. Such contract shall be executed within 30 days after conditional approval is granted, provided however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permits shall be issued for the use covered by the applications until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent administrative actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare; (4) a bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County; and (5) failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.

D. The Director's final decision could include a recommendation that the Planning Commission conduct a hearing regarding the application.

E. If an application is denied by the Director and no higher authority reverses such denial upon appeal, no application for the same or substantially similar action shall be filed for at least 12 months from the date of the final order on the application denying the application.

F. Minor adjustments may be submitted to and subject to approval by the Director prior to issuance of a building or land use permit. Minor adjustments are changes which affect precise dimensions of buildings and siting of buildings, or similar portions of the proposed plan which do not affect the basic character arrangements of buildings, the density of development, open space requirements or the intent or purpose of the conditional approval. Changes or alterations of conditions that are not minor adjustments shall be processed as a new administrative action and will be subject to provisions in Section 72.15.

Section 72.35 - Notice of Director's Decision

A. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.

B. Notice of decision shall contain: (1) identification of application; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Director's decision.

C. The Director shall notify the Planning Commission and Board of final decision(s).

Section 72.40 - Appeal from Decision of the Director

A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director final report is completed.

B. The Planning Director's decision shall be final unless written appeal is received by the Director within 15 days after the Director's decision is presented in a final written report, or unless the Commission or Board on its own motion, orders review within 15 days after the Director's final report is completed.

C. Filing fee for appeal of Planning Director's decision shall be $75.00.

D. Those making an appeal must have standing as prescribed in Section 72.45.

Section 72.45 - Standing

A. Any "party" having "standing" as provided by this section may appeal to the Planning Commission the Director's decision.

B. In order to have standing for review under this ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must attend a conference or submit written comments to the Director prior to the Director's final decisions and speak or introduce written comments in opposition to the Director's ultimate act or decision, unless the party can show to the Planning Commission good cause or reason why a discussion or submittal of information to the Director was not possible. The following are hereby defined as parties having standing for review under this ordinance:

1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this ordinance prior to the time set for final hearing on review.

2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.

3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic, healthful, or conservational conditions for the welfare of the general public.

4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.

ARTICLE 73 – HOME OCCUPATION TO HOST WEDDINGS & RELATED EVENTS
Adopted by Hood River County – Ordinance #255 & #261
Article 73, Ordinance #255 – effective July 22, 2004
Section 73.30(M)(1)(e), Ordinance #261 – effective January 20, 2005

Section 73.10 - Purpose & Intent

The purpose of this Ordinance shall be to prescribe procedures under which a home occupation to host weddings and related private events may be permitted as a conditional use in Hood River County. This ordinance seeks to protect the character of single family residential neighborhoods and to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive Farm Use, and Forest, while allowing the orderly and reasonable occurrence of wedding events in Hood River County. The intent of this Ordinance is to recognize and to provide the following: An established Bed & Breakfast (B&B), farm, or winery is allowed to apply for a Conditional Use Permit for a Home Occupation to host weddings and related events as an accessory use to their existing operation (of a B&B, farm, or winery).

The County recognizes the following: local needs and demands generated by the scenic character of the area and related tourism invite Hood River County to accommodate hosted weddings; doing so will assist in diversifying the County's economy. The County's rural land base contains different development characteristics than those noted in urban areas and cities, and therefore its natural amenities attract such events.

The Ordinance is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this Ordinance intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770).

Section 73.15 – Applicability

This ordinance applies to the following zones: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); Forest Zone (F-l); and Exclusive Farm Use Zone (EFU). It also applies to appropriate zones (ie, where the primary use is allowed) in designated unincorporated communities. In the Hood River Urban Growth Area (UGA), it applies to those zones which allow Bed & Breakfasts (B&Bs); and in the R-1 zone, to B&Bs legally existing as of January 1, 2004.

This ordinance does not apply to land zoned Commercial (C-1); Industrial (M-1); or Light Industrial (M-2); or to land located within the County's Columbia River Gorge National Scenic Area (NSA).

Section 73.20 – Definitions

A. Established Bed & Breakfast (B&B): A use established as a B&B by a Conditional Use Permit approved under Article 56 (Bed & Breakfast Facilities), or Article 65 (Non-Conforming Use) of the Hood River County Zoning Ordinance, or otherwise lawfully established; and in operation for at least a year. B&Bs are allowed to be run by owners or lessees, only if residents, as per Article 56 (B&B) of the County Zoning Ordinance.

B. Established Farm: A parcel or parcels operating as a farm with a demonstrated capability of meeting the test for a 'principal farm operator dwelling' as per Article 7 (Exclusive Farm Use), Section 7.50(A) of the Hood River County Zoning Ordinance. The farm must be owner-operated.

C. Established Winery: A winery which meets the standards established in ORS 215.452, or otherwise lawfully established. The winery must be owner-operated.

D. Weddings: Private wedding events, hosted by the permit holder for a fee.

Section 73.25 - Conditional Uses

The following conditional uses are required to comply with applicable requirements of the zone in which the home occupation is located, as well as with provisions in Article 60 (Administrative Procedures), Article 72 (Planning Director's Review Procedure), and this Article:

A. A home occupation to host weddings proposed in the following zones shall comply with applicable requirements of the zone in which it is located: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); and Urban Growth Area. If the property is located adjacent to a Farm or Forest Zone, prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.

B. A home occupation to host weddings proposed in the Forest Zone (F-l) and Exclusive Farm Use Zone (EFU) shall comply with the following additional requirements:

1. A home occupation proposed in the Forest Zone (F-l) shall also comply with provisions in Section 5.25 (Conditional Use Criteria) of Article 5 (Forest Zone) of the Hood River County Zoning Ordinance.

2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with provisions in Section 7.40 (Uses Subject to a Conditional Use Permit) of Article 7 (Exclusive Farm Use Zone) of the Hood River County Zoning Ordinance, and ORS 215.296.

3. Prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.

4. For farms and wineries, the wedding event site shall be located on property that comprises part of the farm operation or winery. If the approved wedding event site is located on a lot or parcel on which the principal dwelling for the farm or winery is not located, approval for the use of the site shall become null and void if the parcel is sold as a separate and discrete parcel from the farm operation.

5. Approval of a conditional use permit issued under Article 73 does not create an entitlement that would supercede or countermand the right to farm.

6. The use may be affected by ORS Chapter 477 ("Fire Protection of Forests and Vegetation"), which allows the State Forester to permit closures which restrict access in case of fire hazard on forestland.

Section 73.30 - Limitations on Use

In the event a Conditional Use Permit is granted, the following standards and limitations on use shall apply:

A. Application for this conditional use permit is limited to the following, as defined in Section 73.20:
   1. Established Bed & Breakfast
   2. Established Farm
   3. Established Winery

B. Frequency of events: No more than one event per day is allowed.

C. Maximum number of guests: Shall be based on the capacity of the site, and shall be specified in the application. No more than 300 guests maximum are allowed at any one event.

D. Duration of event: No event shall take place outside the hours of 7:00 am – 10:00 pm.

E. Lighting: Exterior lighting shall not project into an adjoining residential area. Use of stadium-style, or other glaring lighting is prohibited. Lighting of accessible paths may be required, if necessary.

F. Noise: It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area.

Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this ordinance if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or

2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.

Article 73's noise standards shall supercede the County's Noise Ordinance, if there is a conflict between the provisions in the two.

G. Parking: It shall be in compliance with Article 51 (Off-Street Parking & Loading) of the Hood River County Zoning Ordinance. Parking in compliance with ADA (Americans with Disability Act) guidelines shall be required as per the Oregon Structural Specialty Code.

H. Fire & Emergency Vehicle Access: Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.

I. Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.

J. Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.

K. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.

L. One temporary sign may be allowed in addition to the allowed Bed and Breakfast sign. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the special event and shall be removed within 24 hours after the event.

M. Additional standards to the above apply to the Hood River Urban Growth Area and Urban Density Residential Zones (includes R-1; R-2; and RC zones located outside the UGA, and in urban density residential zones in designated unincorporated communities). Excluding the Rural Residential Zone.

1. Parking: No on-street parking is allowed, except for some limited parking in the R-1 zone of the Hood River UGA, as described in subsection 'e' below. The applicant shall create a parking plan to accommodate all vehicles based on the maximum number of guests proposed. (In order to calculate parking capacity for the number of guests, provide one space per 3 people; provide one space per regular or contract employee; and retain adequate parking for the primary use.) The following information shall be included in the plan; *incomplete plans will be rejected*:

    a. The maximum number and type of vehicles anticipated, based on the maximum number of guests allowed (including spaces for the primary use; contract and regular employees; as well as guests of the event).

    b. The specific locations where vehicles can be lawfully parked and which will be available for parking [on-site, or off-site by formal agreement(s) with non-residential parking lot(s)] or any combination of these methods.

    c. The number of vehicles to be accommodated at each location.

    d. If off-site parking is proposed, include the following:

        i. A signed statement of consent from the owner of that property(ies), including the terms of usage.

        ii. Confirmation from the property owner(s) that adequate spaces are reserved for parking by the wedding event site.

        iii. A parking and circulation plan for the use of that parking lot by the wedding event site, which addresses safety and includes the location for shuttle or valet pick-up.

        iv. The types of services (valet or shuttle) that will be provided to transport guests to the wedding event site and back to their cars.

    e. In addition to the above, Lakecliff Bed & Breakfast (B&B) may allow parking during weddings on Westcliff Drive west of Lakecliff B&B's eastern property line and east of the I-84 Interchange, with parking on the south side of the street, subject to review and approval by Oregon Department of Transportation (ODOT), as well as applicable local agencies. Any parking for the use on Westcliff Drive shall be located on the south side of the street, outside of the fog lines, off of the paved surface and parallel to the roadway. No head-in or angled parking will be allowed. In addition, the first car parked on Westcliff Drive shall be located 50 feet east of the Westcliff Drive/Cascade Avenue intersection.

There shall be a parking attendant. No parking for the use shall be allowed on Westcliff Drive east of Lakecliff B&B's eastern property line. This provision is expressly conditioned upon the applicant obtaining a Conditional Use Permit for a home occupation to host weddings.[1]

The County and applicable Fire District shall review the plan to determine consistency with these requirements and to determine if sufficient, safe parking is identified. It is the applicant's responsibility to communicate parking instructions consistent with the approved plan to all guests and contract or regular employees prior to the event.

Section 73.40 - Home Occupation Standards

In addition to the above requirements, the following Home Occupation Standards shall apply:

A. As set forth in Section 73.20 (Definitions), the Home Occupation shall be: Operated by a resident or employee of a resident of the property on which the business is located.

B. It shall employ on the site no more than five full-time or part-time persons.

C. It shall be operated substantially in:

1. The dwelling; or

2. Other buildings or areas designated in the permit which are normally associated with uses permitted in the zone in which the property is located.

D. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

E. Nothing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.

F. The existence of a home occupation shall not be justification for a plan and zone change.

G. It shall be subject to site plan review, as per Section 73.50 of this Article.

H. It shall comply with Section 73.10 (Purpose & Intent) and 73.20 (Definitions) of this Article.

I. The home occupation shall be incidental, accessory and subordinate to the primary use as a B&B, winery, or farm. The event site shall cease to operate if the primary use is discontinued.

J. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature; except for those characteristics normally associated with or allowed for a winery (if the primary use is a winery).

K. There shall be no permanent visible evidence of conduct of a home occupation from any road or adjacent property.

L. Only limited retail sales and sales accessory to services associated with the primary use or home occupation are permitted.

M. Approval is personal to the applicant and shall not run with the land.

[1] Hood River County Ordinance #261

N. If sale of the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, approval of the conditional use permit shall become null and void. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.

O. Permanent signage related to weddings and related events may only be included in the principal sign allowed, unless required by the State for the protection of the public's health, safety and welfare.

P. The use shall not generate additional traffic or parking beyond what is permitted in the Conditional Use Permit.

Q. The owner shall keep a record of the name and license # of the caterers used for each event for one year, for review upon request by County Environmental Health.

Section 73.50 – Site Plan Review

A. Applicant shall provide a written narrative and site plan addressing the following issues:

1. Designated area and existing structures to be used for the events

2. Number of events anticipated per season

3. Frequency of events

4. Maximum number of guests intend to serve

5. Noise

6. Infrastructure – How will you provide electricity and utilities to the event?

7. Parking & Circulation – Need to provide one (10' x 20') parking space per vehicle; estimate 3 people per car. See Sections 73.30(G) and (M).

8. Traffic and Access

9. Lighting

10. Environmental Health Aspects

    a. How will food be provided? Where will it be served?

    b. What is your domestic water source?

    c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.

11. Safety & Insurance

12. Are alcoholic beverages being served? If so, are OLCC requirements being met?

Section 73.60 - Review of Use

Review of the use shall be subject to the provisions in Article 68 ("Revocation"), Section 68.10 (Periodic Review) of the Hood River County Zoning Ordinance.

Section 73.70 – Amendments

Amendments to an approved conditional use permit for a Home Occupation for Weddings and Related Events shall be processed as a new administrative action, subject to the provisions of this Article.

Section 73.80 - Enforcement

A. Notify law enforcement if there is a violation (pertaining to noise and parking).

B. The permit holder is responsible for any violations of their permit.

C. Unless an extension has been granted to the permit holder, a Conditional Use Permit issued under this Article shall automatically become null and void one year after the date on which it was granted if the use has not commenced.

D. If the primary use (farm, winery, or B&B) has been discontinued for over one year, or the secondary use (home occupation for weddings & related events) has been discontinued for over two years, the permit shall be considered null and void.

E. The Board of Commissioners with or without recommendation of the Planning Commission may void the Conditional Use Permit providing the following conditions and procedures are followed:

1. Upon review by the Planning Director a violation of the conditions of the Conditional Use Permit of this ordinance is found. The Planning Director shall inform the applicant by registered or certified letter, and regular mail, of the violation.

2. The Planning Director may refer the matter of the violation to mediation, if all parties to the matter, including the County, consent.

3. If the violation is not corrected, by mediation or otherwise, or if a subsequent violation occurs after issuance of the Planning Director's notice of violation, the Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation(s). The Board shall then set a hearing date on the violation.

4. At least 10 days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all who are notified of the original application and those who testified shall be notified by regular mail.

5. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

F. In Exclusive Farm Use (EFU) and Forest (F-1) zones, the requirements below supercede Section 73.80(D) if the violation is specific to how the use affects farm or forest practices on surrounding resource lands.

1. A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the County Planning Director alleging:

a. That a condition imposed has been violated;

b. That the violation has:

A. Forced a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

B. Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

c. That the complainant is adversely affected by the violation

2. Upon receipt of a complaint, the local governing body or its designee shall:

a. Forward the complaint to the operator of the use;

b. Review the complaint in the manner set forth in the section in ORS 215 on Planning and Zoning Hearings & Review; and

c. Determine whether the allegations made pursuant to subsection (1) of this section are true.

3. Upon a determination that the allegations of the complaint are true, the local governing body or its designee at a minimum shall notify the violator that a violation has occurred, direct the violator to correct the conditions that led to the violation within a specified time period and warn the violator against the commission of further violations.

4. If the conditions that led to a violation are not corrected within the time period specified pursuant to subsection (3) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a second complaint that a further violation has occurred, the local governing body or its designee at a minimum shall assess a fine against the violator.

5. If the conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to subsection (4) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a third or subsequent complaint that a further violation has occurred, the local governing body or its designee shall at a minimum order the suspension of the use until the violator corrects the conditions that led to the violation.

6. If a home occupation for weddings and related events is initiated without prior approval, the local governing body or its designee at a minimum shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against the commission of further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval. If there is a determination pursuant to subsection (2) of this section following the receipt of a complaint that a further violation occurred after approval was granted, the violation shall be deemed a second violation and the local governing body or its designee at a minimum shall assess a fine against the violator.

7. A person residing in a single-family residential dwelling which was approved under ORS 215.213 (3), 215.284 (1), (2), (3), (4) or (7) or 215.705, which is within an exception area approved under ORS 197.732 or which is within an acknowledged urban growth boundary may not file a complaint under subsection (1) of this section.

8. Nothing in this section shall prevent a local governing body approving a use allowed under ORS 215.213 (2) or 215.283 (2) from establishing standards in addition to those set forth in ORS 215.296(1) or from imposing conditions to insure conformance with such additional standards.

ARTICLE 75 - COLUMBIA RIVER GORGE

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ARTICLE 75 - COLUMBIA RIVER GORGE

NATIONAL SCENIC AREA ORDINANCE (NSA)

010. Purpose and Authority

(1) The purposes of this Ordinance are (a) to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge National Scenic Area in the portions located in Hood River County, and (b) to protect and support the economy of the Columbia River Gorge National Scenic Area in the portions located within Hood River County by allowing future economic development in a manner that is consistent with (a) above.

(2) The guidelines, standards and regulations set forth in this Ordinance are adopted as referenced and required in Oregon Revised Statute 196, and are consistent with the Columbia River Gorge National Scenic Area Act, Public Law 99-663, the Management Plan adopted by the Columbia River Gorge Commission, October 15, 1991 with concurrence by the U.S. Secretary of Agriculture, February 13, 1992.

015. Area Affected

This Ordinance applies to lands in Hood River County, Oregon within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act. Lands within the Scenic Area in Hood River County are depicted on maps entitled Boundary Map, Columbia River Gorge National Scenic Area, on sheets numbered NSA-001, dated September 1986 and referenced in Public Law 99-663.

020. Plan and Zoning Designation

The following zoning districts implement the land use designations shown on the map entitled Columbia River Gorge National Scenic Area Management Plan, Land Use Designations, dated 1992, as adopted by the Columbia Gorge Commission October 15, 1991:

(1) GENERAL MANAGEMENT AREA (GMA)

(a) Large-Scale Agriculture (AG-1).
(b) Small-Scale Agriculture (AG-2).
(c) Commercial Forestland (F-1).
(d) Large Woodland (F-2).
(e) Small Woodland (F-3).
(f) Open Space (OS).
(g) Rural Residential (RR).
(h) Public Recreation (PR).

(2) SPECIAL MANAGEMENT AREAS (SMA)

(a) Agriculture (AG).
(b) Forest (F).
(c) Open Space (OS).
(d) Public Recreation (PR).

(3) The following additional plan and zoning designations were adopted by the County in 1980 and 1984 and also apply to lands in the NSA in Hood River County. **If conflicts are noted between provisions in these plan and zoning designations and Article 75, those in Article 75 shall prevail**.

(a) Plan Designation: The Environmental Plan designation applies to the following symbols on the plan and zoning designation maps.

(A) Floodplain and Environmental Protection.
(B) Loose Talus.
(C) Earth flow and Slump.

(b) Zoning Designations:

(A) Geologic Hazard (GH) is applied to the following symbols: Deep Bedrock Slide; Loose Talus; and Earth flow and Slump.

(B) Environmental Protection (EP).

(C) Floodplain (FP).

(D) Airport Height Combing (AH).

(4) The above zoning districts are also shown on the County's Zoning Atlas maps, available for review in the County Planning Department office.

(5) When evaluating proposed uses, the following additional NSA Maps will also be utilized: Landscape Setting and Recreation Intensity Classification referenced in sections 520, 610 and 620.

(6) The Indian Trust Lands land use designation is shown on the NSA Land Use Designation Map, however, a zoning district was not created because Indian Lands are exempt from provisions of the National Scenic Area Act and County and State land use regulations.

(7) The Urban Area designation shown on the NSA Land Use Designation Map coincides with the Urban Area Boundary, shown on the map entitled Boundary Map, Columbia Gorge National Scenic Area on sheet number NSA-001.

(8) Unless otherwise specified in Article 75, the County's Zoning and Subdivision Ordinances apply to all lands in the NSA. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

030. Review and Approval Required

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area located in Hood River County except for the uses listed in this Ordinance, when considered under the applicable procedural and substantive guidelines of this Ordinance.

035. Plan Amendment

(1) Pursuant to provisions in section 6 (h) and the Management Plan, Chapter 1 Gorge Commission Role, the Gorge Commission may amend the Management Plan, including land use and zoning designations and ordinances, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the Plan.

(2) The Gorge Commission shall submit amendments of the Management Plan to the Secretary of Agriculture in accordance with section 6 (h) of the Scenic Area Act.

040. Definitions

Unless otherwise noted, the following words, terms and their derivations shall have the following meanings:

(1) **Accepted agricultural practice:** A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

(2) **Accessory building:** A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use.

(3) **Active wildlife site:** A wildlife site that has been used within the past 5 years by a sensitive wildlife species. (See definition **p.127).**

(4) **Agency official:** The federal, state, or local agency head or designee who has authority over a proposed project.

(5) **Agricultural structure:** A structure located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising

and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

(6) **Agricultural use:** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees, except where timber is the primary crop and Christmas trees are an incidental product harvested at an early stage of the timber rotation. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any agriculture-related government program.

(b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

(c) Land planted in orchards or other perennials prior to maturity.

(d) Land under buildings supporting accepted agricultural practices.Agricultural use does not include livestock feedlots.

(7) **Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

(8) **Anaerobic:** A condition in which molecular oxygen is absent (or effectively so) from the environment.

(9) **Aquaculture:** The cultivation, maintenance, and harvesting of aquatic species.

(10) **Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.

(11) **Archaeological resources:** See cultural resource.

(12) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.

(13) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.

(14) **Best management practices:** Conservation techniques and management measures that

(a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

(b) minimize adverse effects to groundwater and surface-water flow and circulation patterns; and

(c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

(15) **Biodiversity (SMA):** A diversity of biological organisms at the genetic, species ecosystem, and landscape levels.

(16) **Board:** Board of County Commissioners, Hood River County.

(17) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.

(18) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

(19) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

(20) **Camping or recreational vehicle:** A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.

(21) **Campsite:** Single camping unit, that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.

(22) **Capability:** The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.

(23) **Cascadian architecture (SMA):** Architectural style using native rockwork, large timber, and steeply pitched roofs in a rustic manner.

(24) **Catastrophic situations (SMA):** Forces including, but not limited to fire, insect and disease infestations, and earth movements.

(25) **Childcare center:** A facility providing daycare to three or more children, but not including:

(a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.

(b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.

(c) The provision of short-term care related to or associated with group athletic or social activities.

(d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.

(26) **Clear cut:** A created opening of 1 acre or more.

(27) **Columbia River Gorge National Scenic Area Graphic Signing System:** Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

(28) **Commercial development/use:** Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

(29) **Commercial forest products**: These include timber for lumber, pulp and firewood for commercial purposes.

(30) **Commercial recreation:** Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.

(31) **Commission:** The Columbia River Gorge Commission (GC).

(32) **Community facility:** Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

(33) **Consulting parties (cultural resources):** Organizations or individuals who submit substantive written comments to the Planning Director in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

(34) **Contiguous land:** Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.

(35) **Counties:** In addition to Hood River County, the five counties within the Scenic Area: Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.

(36) **Created opening (SMA):** A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.

(37) **Creation (wetlands):** A human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

(38) **Cultivation:** Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

(39) **Cultural resource:** Evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

(a) Archaeological resources. Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least 50 years old.

Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material by-products from tool and utensil-making activities; and graves, human remains, and associated artifacts.

(b) Historic buildings and structures. Standing or above-ground buildings and structures that are at least 50 years old.

Historic buildings and structures include, but are not limited to, log cabins, barns, canals, flumes, pipelines, highways, and tunnels.

(c) Traditional cultural properties. Locations, buildings, structures, and objects that are associated with cultural beliefs, customs, or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community.

Traditional cultural properties include, but are not limited to, a location associated with the traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees, and rock outcrops.

(40) **Cumulative effects:** The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

(41) **Cut:** An area where soil or earth is excavated or removed in conjunction with development activities.

(42) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.

(43) **Deer and elk winter range**: Areas normally used or capable of being used by deer and elk from December through April.

(44) **Destruction of wetlands:** Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

(45) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

(46) **Development:** Any land division or structure, including but not limited to, new construction of buildings and structures, and mining, dredging, filling, grading, paving, and excavation.

(47) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.

(48) **Director:** The Planning Director of the Hood River County Planning and Community Development Department or his designate. The Director is responsible for the administration, interpretation and implementation of this Ordinance.

(49) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.

(50) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.

(51) **Dwelling unit:** A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

(52) **Effect on treaty rights:** To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

(53) **Endemic:** Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

(54) **Enhancement (natural resources):** A human activity that increases one or more functions of an existing wetland, stream, lake, riparian area, or other sensitive area. Enhancement is generally limited to a wetland, stream, lake, riparian area, or other sensitive area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

(55) **Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

(56) **Existing use or structure:** A legally established use that existed before the effective date of the Scenic Area Act, the Management Plan, or Article 75. "Legally-established" means established in accordance with the law in effect at the time of establishment of the use.

(57) **Exploration, development (extraction and excavation), and production of mineral resources:** Includes all or any part of the process of surface, underground, or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.

(58) **Fill:** The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.

(59) **Fire break:** A break in ground cover fuels, adjacent to and surrounding buildings.

(60) **Forbs:** Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

(61) **Foreground (SMA):** One-half mile on either side of a traveled road or trail.

(62) **Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

(63) **Forest practices:** Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act.

(64) **Forest use:** The growing, propagation, and harvesting of forest tree species and other forest products except for areas used exclusively for production of Christmas trees.

(65) **Fully screened:** A description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan).

(66) **Grade (ground level):** The average elevation of the finished ground elevation as defined by the Uniform Building Code.

(67) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

(68) **Guideline:** According to Oregon Land Use Law, guidelines are not mandatory, but advisory. However, for the purposes of Article 75, the term Guideline is mandatory because of Public Law 99.663.

(69) **Height of building:** The vertical distance from the grade to the highest point of the roof.

(70) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.

(71) **Herbs:** Non-woody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

(72) **Historic buildings and structures:** See cultural resource.

(73) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

(74) **Horses, boarding of:** The stabling, feeding, and grooming for a fee, or the renting 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.

(75) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

(76) **In-kind replacement:** A development or land use which is the same as or smaller than an existing or destroyed use or structure. An in-kind building or structure may be shorter in height, smaller mass, and contained entirely within the existing footprint of the existing use or destroyed use or structure.

(77) **In-lieu sites**: Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.

(78) **Indian tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).

(79) **Indian tribes:** The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation. (As listed in Public Law 99-663.)

(80) **Industrial uses:** Any use of land or water primarily involved in:

(a) Assembly or manufacture of goods or products;

(b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;

(c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or

(d) Production of electric power for commercial purposes.

(81) **Interpretive displays:** Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.

(82) **Key components:** The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

(83) **Key viewing areas:** Those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These include:

(a) Key viewing areas include the following:

Historic Columbia River Highway
Highway I-84, including rest stops
Washington State Route 14
Panorama Point Park
Dog Mountain Trail
Cook-Underwood Road
Rowena Plateau and Nature Conservancy Viewpoint
Columbia River
Washington State Route 141
Washington State Route 142
Oregon Highway 35
Pacific Crest Trail
Beacon Rock
Bonneville Dam

(b) SMA only:

Old Washington State Route 14 (County Road 1230)
Wyeth Bench Road
Larch Mountain Road
Sherrard Point on Larch Mountain

(84) **Land division:** The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to partitions and subdivisions.

(85) **Landscape setting:** The combination of land use, landform, and vegetation patterns that distinguish an area in appearance and character from other portions of the Scenic Area.

(86) **Livestock feedlot:** Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and furbearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

(87) **Lot line adjustment:** Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

(88) **Management plan:** The document entitled Management Plan for the Columbia River Gorge National Scenic Area adopted October 14, 1991. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General

Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.

(89) **May:** Action is not mandatory, but discretionary.

(90) **Mitigation:** The use of any or all of the following actions:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(91) **Multifamily dwelling:** A dwelling constructed or modified into two or more single-family units.

(92) **Native species:** Species that naturally inhabit an area.

(93) **Natural resources:** Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.

(94) **Natural resource specialist:** A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

(95) **Natural resource-based recreation (SMA):** Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.

(96) **Nonprofit organization:** An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

(97) **Old growth:** Any stand of trees 10 acres or greater generally containing the following characteristics:

(a) contain mature and over-mature trees in the overstory and are well into the mature growth state;

(b) in coniferous forests, will usually contain a multi-layered canopy and trees of several age classes;

(c) in coniferous forests, standing dead trees and down material are present; and

(d) evidences of man's activities may be present, but do not significantly alter the other characteristics and would be a subordinate factor in description of such a stand.

(98) **Open Spaces:** Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as Open Space by the Management Plan. Open spaces enumerated in Public Law 99.663 are:

(a) Scenic cultural and historic areas;

(b) Fish and wildlife habitat;

(c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;

(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas, which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and state wild, scenic and recreation waterways.

(99) **Ordinary high water mark:** The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

(100) **Parcel:**

(a) Any parcel legally created by a partition or subdivision.

(b) Any unit of land legally created and separately described by deed or sales contract prior to November 17, 1986, if created in compliance with any applicable planning, zoning, and land division ordinances or regulations.

(c) A unit of land shall not be considered a separate parcel simply because the subject tract of land:

(A) Is a unit of land created solely to establish a separate tax account;

(B) Lies in different counties;

(C) Lies in different sections or government lots;

(D) Lies in different land use or zoning designations; or

(E) Is dissected by a public or private road.

(101) **Partial retention:** A visual quality objective that provides for management activities that may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat form, line, color, or texture common to the characteristic landscape, but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

(102) **Planning Commission:** Hood River County Planning Commission.

(103) **Planning Director:** The Director of the Hood River County Planning and Community Development Department or his designate.

(104) **Practicable:** Able to be done, considering technology and cost.

(105) **Preexisting:** Existing prior to the adoption of the Columbia River Gorge National Scenic Area Management Plan.

(106) **Primarily:** A clear majority as measured by volume, weight, or value.

(107) **Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

(108) **Public Recreation Designation:** A land Use Designation for public parks, recreation sites and public and private lands suitable for moderate and/or high intensity recreation uses. Lands designated Public Recreation are readily accessible, lack hazards or highly sensitive resources and could potentially provide two or more of the following opportunities: river access, multiple recreation uses, scenic appreciation, facilities satisfying a demonstrated public need, trailheads and enhancement of scenic, natural

and/or cultural resources. Within the SMA, public recreation shall be natural resource based.

(109) **Public use facility:** Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

(110) **Rare plant species:** Used in a generic sense to refer to various categories of sensitive plants cited in federal and state programs.

(111) **Recreation facility:** A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such developments or improvements, except for roads and/or pathways.

(112) **Reconnaissance survey:** Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

(113) **Recreation Opportunity Spectrum (ROS):** A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) Semi-primitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c)Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.

(d) Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) Suburban: Areas representing the rural-urban interface, with urban-like roads,structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

(f) Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

(114) **Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

(115) **Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

(116) **Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included in this definition.

(117) **Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the Scenic Area and that do not adversely affect those resources upon which they depend.

(118) **Restoration (wetlands):** A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

(119) **Retention:** A visual quality objective that provides for management activities that are not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture that are frequently found in the characteristic landscape. Changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be evident.

(120) **Review uses:** Proposed uses and developments that must be reviewed by the County Planning Department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan, and with provisions of Article 75.

(121) **Riparian area:** The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

(122) **Road:** The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys.

(b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.

(c) Structures that provide for continuity of the right-of-way, such as bridges.

(123) **Scenic Area:** The Columbia River Gorge National Scenic Area, established pursuant to Public Law 99.663. Article 75 applies only to those portions of the scenic area that are located in Hood River County.

(124) **Scenic travel corridor:** Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, Washington State Routes 14, 141, and 142 and Wyeth Bench Road located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

(125) **Secretary:** The Secretary U.S. Department of Agriculture.

(126) **Sensitive plant species that are**:

(a) endemic to the Columbia River Gorge and vicinity.

(b) listed as endangered or threatened pursuant to federal or state endangered species acts; or

(c) listed as endangered, threatened or sensitive by the Oregon Natural Heritage Program.

In the Special Management Area, sensitive plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

(127) **Sensitive wildlife species:** Animal species that are

(a) listed as endangered or threatened pursuant to federal or state endangered species acts;

(b) listed as sensitive by the Oregon Fish and Wildlife Commission; or

(c) considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.

In the Special Management Area, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

(128) **Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

(129) **Serviceable:** Presently useable.

(130) **Shall:** Action is mandatory.

(131) **Should:** Action is encouraged.

(132) **Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

(133) **Sign:** Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

(134) **Significant cultural resource (SMA):** A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation".)

(135) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

(136) **Soil Capability Class:** A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

(137) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

(138) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.

(139) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.

(140) **Story:** A single floor level of a structure, as defined by the Uniform Building Code.

(141) **Streams:** Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include road side ditches, irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

(142) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.

(143) **Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

(144) **Suitability:** The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

(145) **Travelers accommodations:** Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.

(146) **Treaty rights or other rights:** Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

(147) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

(148) **Undertaking:** Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural

resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements.

(149) **Unimproved lands:** Lands that generally do not have developments.

(150) **Upland:** Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

(151) **Uses allowed outright:** New uses and developments that may occur without being reviewed by the Hood River County Planning Department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.

(152) **Utility facility:** Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.

(153) **Viewshed:** A landscape unit seen from a key viewing area.

(154) **Visual Quality Objective (VQO):** A set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

(155) **Visually subordinate:** A description of the relative visibility of a structure where that structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

(156) **Water-dependent:** Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

(157) **Water-related:** Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

(158) **Wetlands:** Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

(159) **Wetlands functions:** The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and non-game birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

(160) **Woody plant:** A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

050. Exempt Land Uses and Activities

This Ordinance shall not apply to:

(1) Any treaty or other rights of any Indian tribes.

(2) Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as "in lieu" fishing sites pursuant to Public Law 100-581 before or after the effective date of the Management Plan. For those "in lieu" sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.

(3) Rights to surface or ground water.

(4) Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.

(5) The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.

(6) Laws, rules or regulations pertaining to hunting or fishing.

(7) The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the off-site disposal of excavation material.

(8) In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under county regulations that supersede that act.

060. Prohibited Land Uses and Activities

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area within Hood River County:

(1) Solid waste disposal sites or sanitary landfills within the Special Management Area.

(2) New industrial development in the Scenic Area outside of the Urban Areas.

070. Existing Uses

Except as otherwise provided below, existing uses in the Scenic Area may continue, notwithstanding the provisions of this Ordinance.

(1) Except as otherwise provided, any use or structure existing on the effective date of the Management Plan, may continue so long as it is used in the same manner and for the same purpose as on that date.

(2) Any use or structure damaged or destroyed by fire, shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such replacement uses or structures shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to provisions in this Ordinance, except, sections 170 through 505. The applicant shall be responsible for providing necessary information to demonstrate that the replacement structure is in-kind as defined by guideline 040(76). This may include photos and building plans.

(3) Replacement or reestablishment of a use or structure discontinued for more than one year shall be subject to provisions in this Ordinance. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.

(4) In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to sections 520 through 620 to minimize adverse effects on scenic, cultural, natural and recreation resources. Expansion beyond the dedicated site is prohibited. Commercial uses discontinued for 1 year or more shall no longer be considered as an existing use and shall no longer be permitted, in accordance with the provisions of this rule.

(5) Existing industrial uses in the General Management Area may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(6) In the General Management Area, existing industrial uses may convert to less intensive uses. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

(7) In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to provisions in this Ordinance if any of the following conditions exist:

(a) The mined land has been reclaimed naturally or artificially to a point where it is re-vegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation.

(b) The site has not maintained a required state permit.

(c) The site has not operated legally within 5-years before the date of adoption of the Management Plan.

(8) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue if both the following conditions exist:

(a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area.

(b) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(9) Except as otherwise provided, whether a use has a vested right to continue will be determined by the law on vested rights in Oregon.

080. Application for Review and Approval

(1) Prior to initiating any use or development that requires review and approval by the Director, an application shall be completed pursuant to section 080. The Director shall accept and review the application pursuant to sections 100 through 145 for consistency with appropriate guidelines. Review of a proposed use or development shall commence upon the acceptance of an application by the Director. The Director will charge a fee for review of applications.

(2) Standard application forms shall be available at county and city planning offices, the offices of the Columbia River Gorge Commission and the Forest Service.

(3) Applications for the review and approval of a proposed use or development shall provide the following information:

(a) The applicant's name, address and telephone number;

(b) The landowner's name, address and telephone number (if different from applicant's);

(c) The county in which the proposed use or development would be located;

(d) The section, quarter section, township and range in which the proposed development would be located;

(e) The street address of the proposed use or development;

(f) The tax lot number(s) and size in acres of the parcel(s) involved;

(g) A description of the current land use for the parcel(s) involved and adjoining lands;

(h) A written description of the proposed use or development, including details on the height, exterior color(s), and construction materials of the proposed structures.

(i) A list of Key Viewing Areas from which the proposed use would be visible.

(j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Director to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

(A) North arrow.

(B) Map scale.

(C) Boundaries, dimensions, and size of the subject parcel.

(D) Significant terrain features or landforms.

(E) Groupings and species of trees or other vegetation on the parcel.

(F) Location and species of vegetation that would be removed or planted.

(G) Bodies of water and watercourses.

(H) Location and width of existing and proposed roads, driveways, and trails.

(I) Location and size of existing and proposed structures.

(J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.

(K) Location and depth of all proposed grading and ditching.

(k) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in section 600(2).

(l) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.

(m) The signature of the applicant and property owner or a signed statement from the property owner indicating that he is aware of the application being made on his property.

(n) The signature of the property owner on a statement that authorizes the Director or his designee reasonable access to the site in order to evaluate the application.

(4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in this Ordinance or by the Director. Furthermore, all proposed uses within the GMA and SMA located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat and sensitive plant sites require additional site plan information.

(a) All buildings, roads or mining and associated activities proposed**[** ~~uses~~] on lands visible from Viewing Areas, pursuant to 520(2)(d).

(b) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 520(1)(e), 520(2)(d), (2)(e), (2)(v), and (2)(w).

(c) In the General Management Area, any structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and which slope is between 10 and 30 percent, pursuant to 520(2)(u).

(d) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 520(4)(d).

(e) Large-scale uses as defined by guideline 540(1)(c)(C) shall include reconnaissance and or historic survey reports, pursuant to 540(1)(c)(F)(G) and (H).

(f) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 540(1)(c)(H)(iii).

(g) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fish-bearing tributaries, pursuant to 150(8)(a)(A).

(h) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to section 560(1)(b).

(i) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to section 570(1)(b).

(j) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 580(1)(b). Large-scale uses as defined by 580(3) shall also include field survey information, pursuant to 580(3)(e).

(k) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to section 590(b). Large-scale uses as defined by 590(3) shall also include field survey information, pursuant to section 590(3)(e).

(l) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to section 190(1)(e), and if applicable, 190(1)(f).

(m)In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to section 190(1)(n).

(n) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative, pursuant to section 190(1)(h).

(o) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to section 270(1)(a),(c), and (l).

(p) In the Special Management Area, on lands designated Forest, a single-family dwelling, pursuant to section 270(2)(j).

(q) In the Special Management Area, on lands designated Forest, forest practices, pursuant to section 270(2)(b).

(r) In the Special Management Area, on lands designated Agriculture, a single-family dwelling necessary and accessory to agricultural use, pursuant to section 190(2)(b).

(s) In the Special Management Area, on lands designated Agriculture, farm labor housing and agricultural buildings, pursuant to section 190(2)(d).

(t) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to section 270(1)(b).

(u) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to section 190(1)(e).

(v) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to section 270(1)(o).

(w)Other uses as deemed necessary by the Director. However, the County's Burden of Proof criteria does not apply to lands in the NSA.

(x) In the Special Management Area on lands designated Open Space, any use or development, pursuant to section 340(5).

(5) Completed application forms shall be submitted directly to the Hood River County Planning and Community Development office.

090. Pre-Application Conference

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Ordinance, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action.

100. Acceptance of Application

Within 14 days of the receipt of an application, the Director shall review the application for completeness and adequacy. The Director shall accept a complete and adequate application within 14 days of receipt of the application.

(1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Director shall notify the applicant of all omissions and deficiencies in writing within 14 days of receipt of the application.

(2) No application shall be accepted which the Director deems cannot be acted upon reasonably within 72 days, pursuant to 130(3), except when the applicant consents to a longer period for action.

(3) No application shall be accepted unless accompanied by a list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in section 630. A statement from the County Assessor or appropriate agency confirming the accuracy of the list shall accompany the list.

(4) No application for a proposed use which is explicitly prohibited by section 060 shall be accepted.

(a) The application shall be returned to the applicant.

(b) A letter, signed by the Director, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.

(c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to provisions in the Hood River County Ordinance.

(5) Filing fee for applications shall be as specified in Article 69 - Filing Fees.

110. Notice of Development Review

(1) Within 7 days of the acceptance of an application, the Director shall issue notice of a proposed development review. The notice shall provide the following information:

(a) The name of the applicant;

(b) The general and specific location of the subject property;

(c) A brief description of the proposed action;

(d) The deadline for rendering a decision; and

(e) The deadline for filing comments on the proposed action.

(2) The notice shall state that the application and supporting documents are available for inspection at the County Planning Department during normal working hours.

(3) The notice shall state the applicant must comply with all applicable local, state, and federal laws.

(4) The notice shall be mailed to:

(a) The Forest Service, the applicable state, Indian Tribes and the applicable county and/or city; and

(b) Owners of property within a radius of the subject parcel(s) as determined by 640; and

(c) Other agencies and interested parties which request a notice which the Director determines should be notified.

(d) See section 640, Notice of Application Requirements.

(5) The notice shall be posted at the County Planning and applicable City Planning offices and shall be made available for posting to the Commission and Forest Service office(s) and applicable library or libraries.

(6) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.

(7) A copy of the notice shall be filed in the records of the Commission.

120. Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Director relative to the consistency of the proposed actions with the guidelines of this Ordinance.

(1) Within 7 days of the close of the comment period, the Director shall determine if a wildlife management plan pursuant to section 580(6), or a rare plant protection and rehabilitation plan pursuant to section 590(6) is required.

(2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Director shall forward the survey to the State Historic Preservation Officer, and Indian Tribes pursuant to sections 540(1)(b) and (2)(b)(A).

(3) Within 7 days of the close of the 30 day reconnaissance survey comment period for State Historic Preservation Officers and Indian Tribes, the Director shall determine if an evaluation of significance pursuant to section 540(3) is required.

130. Decision of the Director

(1) In making a decision on a proposed use or development the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(c) Consider all comments submitted pursuant to section 120; and

(d) Solicit and consider the comments of the Forest Service.

(2) The Director shall approve a proposed use or development only if it is consistent with this Ordinance. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the guidelines of this Ordinance.

(3) The Director shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with this Ordinance within 72 days after acceptance of the application except in one or more of the following situations:

(a) The applicant consents to an extension of time.

(b) The Director determines that additional information is required pursuant to section 120.

(c) The Director determines that additional information is necessary to evaluate the impacts of the proposed use to scenic, cultural, natural, and recreation resources.

(d) Unforeseen circumstances including, but not limited to, weather, illness, etc.

(4) The Director shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the state, the Indian Tribes, the applicable city and each person who submitted comments under section 150. The decision shall set forth the rights of appeal under the Hood River County Zoning Ordinance.

(5) The Director's decision shall be final unless a Notice of Appeal is filed in accordance with the Hood River County Zoning Ordinance.

(6) The decision of the Director approving a proposed development action shall become void

(a) when the development action is not undertaken within two years of the decision, or

(b) when the development action is discontinued for any reason for one year or more.

(7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an administrative action and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to 12 months total in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation. If not commenced within the time limitation due to the action or inaction of a governmental bureau, agency, etc., and application (if needed) to such body was made in a timely manner, the time of such delay shall not be counted as part of the elapsed time.

The Director shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect scenic, cultural, natural or recreation resources in the National Scenic Area.

140. Changes or Alterations to an Approved Action

Any change or alteration to a development action approved by the Board of County Commissioners, Planning Commission or Director pursuant to this Ordinance shall be processed as new action, except that the Director may approve minor changes or alterations deemed to be consistent with this Ordinance and the findings and conclusions for the original action.

145. Appeal Process

(1) The Planning Director's decision is appealable to the Hood River County Planning Commission pursuant to applicable provisions within the following sections of the Hood River County Zoning Ordinance: Article 60 - Administrative Procedures; Article 63 - Conduct of Public Hearings; and Article 72 - Planning Director's Review Procedures.

(2) The Hood River County Planning Commission's Decision is appealable to the Hood River Board of County Commissioners pursuant to provisions in Article 61 - Review by the Board of the Hood River County Zoning Ordinance.

(3) The Hood River County Board of Commissioners' decision is appealable to the Columbia River Gorge Commission pursuant to provisions in Commission Rule, Chapter 350, Division 60

150. General Guidelines

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (sections 520 through 620):

(1) Land Divisions and Cluster Development

Land Divisions within the Columbia River Gorge National Scenic Area may be allowed subject to compliance with provisions of the County's Subdivision Ordinance and the following:

(a) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan.

(b) Unless otherwise specified, creation of a parcel, regardless of size, or any division of land except a lot-line adjustment shall be subject to the guidelines in this Ordinance and the County's Subdivision Ordinance.

(c) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(d) Adjustment of the boundary between two or more contiguous parcels that does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.

(e) When allowed by a land use designation, a land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, the Ordinance must find that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings in one of the following manners:

(A) Be located in areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas.

(B) Avoid significant landscape features.

(C) Protect the existing character of the landscape setting.

(D) Minimize interference with movement of deer or elk in winter range.

(E) Avoid areas of known cultural resources.

(F) Consolidate road access, septic drain fields or other development features in order to reduce impacts associated with grading or ground disturbance.

(G) Reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources.

(H) Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.

(f) In the General Management Area, following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a 5-acre Residential or a 10-acre Residential designation or 2 acres in a Small-Scale Agriculture or Small Woodland designation.

(g) In the General Management Area, cluster development may create up to 25 percent more parcels than otherwise allowed by the minimum parcel size on lands designated 5-acre Residential or 10-acre Residential and up to 50 percent more parcels on lands designated Small-Scale Agriculture or Small Woodland. Any division in a cluster development under this guideline may create at least one additional parcel.

(h) In the General Management Area, at least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.

(i) In the General Management Area, contiguous parcels in the same ownership or in separate ownership may be consolidated and re-divided to take advantage of cluster development bonuses.

(j) When a land division is requested on a parcel that is split by land use designation boundaries, the resulting parcels shall conform to the specified minimum parcel sizes of each land use designation.

(2) Agricultural Buffer Zones

All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands designated Large-Scale or Small-Scale Agriculture and which are currently used for or are suitable for agricultural use:

(a) Setback Guidelines

Type of Buffer (size in feet)

Type of Agriculture	Open or Fenced	Natural or Created Vegetation Barrier	8-foot Berm or Terrain Barrier
Orchard	250’	100’	75’
Row crops/vegetables	300’	100’	75’
Livestock grazing Pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50’	30

(b) Earth berms may be used to satisfy, in part, the setback guidelines. Berms shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees and/or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.

(c) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(d) The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.

(e) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(f) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of section 150(7) have been satisfied.

(3) Temporary Use Hardship Dwelling

(a) The temporary placement of a mobile home in the General Management Area may be granted under the following circumstances:

(A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.

(B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional

dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

(C) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural and recreation resources of sections 520 through 620.

(b) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this rule and any other conditions of approval.

(c) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.

(d) A new permit may be granted upon a finding that a family hardship continues to exist.

(4) Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as specified in various land use designations consistent with the following conditions:

(a) A home occupation may employ only residents of the home.

(b) A cottage industry may employ up to three outside employees.

(c) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.

(d) No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.

(e) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.

(f) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.

(g) No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in section 150(5).

(h) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.

(i) Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

(j) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of section 150(4) and (5).

(k) In the Special Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of section 150(4) and (5), except section 150(5)(d).

(5) Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in specified land use designations subject to the following:

(a) Guests may not occupy a facility for more than 14 consecutive days.

(b) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(c) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

(d) In the Special Management Area, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

(6) Docks

(a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.

(b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.

(c) Public docks open and available for public use shall be allowed.

(7) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:

(a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and

(B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.

(b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:

(A) The land use designation otherwise authorizes a residence on the tract;

(B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer;

(C) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(c) The Director may grant a variance to the setback and buffer requirements in section 610, upon a finding that the following conditions exist:

(A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.

(B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.

(C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.

(D) The variance is the minimum necessary to accommodate the use.

(d) The Director may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.

(B) The proposed use is dependent on resources present at the site.

(C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan.

(E) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

(8) Indian Tribal Treaty Rights and Consultation. The following provisions apply to new uses in the GMA.

(a) Tribal Government Notice

(A) New uses located in, or providing recreation river access to, the Columbia River or its fish-bearing tributaries shall include the following supplemental information:

(i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.

(ii) The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

(I) Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.

(II) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.

(III) List tribal ceremonial fishing seasons in the project vicinity.

(IV) Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.

(B) Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and

modifying the location or design of the proposed uses, seasonal closures, stringent on-site monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

(C) Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the Director. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.

(b) Tribal Government Consultation

(A) When substantive written comments are submitted to the Director in a timely manner, the project applicant shall offer to meet with the Director and the Indian tribal government that submitted comments within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the Indian tribal government. Consultation meetings should provide an opportunity for the project application and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that the proposed use would not affect or modify treaty or other rights of any Indian tribe.

(B) Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty and other rights of any Indian tribe.

(C) The Director shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the Director.

(c) Conclusion of the Treaty Rights Protection Process

(A) The Director shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe. The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments. If the final decision contradicts the comments, recommendations, or concerns of Indian tribal governments, the Director must justify how it reached an opposing conclusion.

(B) The treaty rights protection process may conclude if the Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

(C) A finding by the Director that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

(9) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

(10) Section 8(o) of the National Scenic Act (16 USC § 544f(o) is hereby incorporated by reference. If a land owner within the NSA offers land for sale pursuant to provisions in section 8(o), the U.S.F.S will use provisions in section 8(o) and determine whether they will acquire and if funds are available to purchase the subject property. For further information, contact the Scenic Area Manager, U.S.F.S. The special rules in section 8(o) of the Scenic Area Act only apply to lands in the SMA.

(11) The following provisions apply to new uses in the SMA:

(a) The Forest Service shall consult with the Indian tribal governments to determine the effect of all new development or uses in the SMA on treaty rights and shall notify the County or reviewing agency of the determination.

(b) New uses and development shall not affect or modify any treaty or other rights of the Indian

(c) New developments or land use shall protect access to usual and accustomed tribal or Indian fishing sites or stations protected under treaty rights, and as established by court interpretations of those treaties.

(d) Indian tribal governments shall be invited to participate in the planning of public recreation developments that could affect treaty rights.

160. Signs

(1) Signs may be allowed in all land use designations in the General Management Area pursuant to the following provisions:

(a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:

(A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(B) New billboards.

(C) Signs with moving elements.

(D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(b) Any sign which does not conform with a provision of 160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:

(A) Alteration of existing non-conforming signs shall comply with section 160.

(B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(c) The following may be permitted without review, subject to consistency with section 160(1)(a):

(A) Ordinary repair and maintenance of signs.

(B) [1]Election signs. Removal shall be accomplished within 30 days of election day.

(C) "For Sale" signs not greater than 12 square feet. Removal shall be accomplished within 30 days of close of sale.

(D) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for

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public highway signs necessary for public safety and consistent with the *Manual for Uniform Traffic Control Devices*. Removal shall be accomplished within 30 days of project completion.

(E) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet.

(F) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal shall be accomplished within 30 days of the close of the event.

(G) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.

(H) Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings, not on roofs or marquees.

(d) All signs shall meet the following guidelines unless they conflict with the *Manual for Uniform Traffic Control Devices* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual for Uniform Traffic Control Devices* shall supersede these guidelines.

(A) The support structure shall be unobtrusive and have low visual impact.

(B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(D) Spot lighting of signs may be allowed where needed for night visibility. Back-lighting is not permitted for signs.

(e) Business identification or facility entry signs located on the premises may be allowed, subject to section 160(1)(d).

(f) Other signs not addressed or expressly prohibited by this rule may be permitted without review.

(2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:

(a) Prohibited Signs

(A) Advertising billboards.

(B) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(b) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.

(c) Temporary signs shall be permitted without review when in compliance with subsection (f) below and the following:

(A) [1]One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area. Removal shall be accomplished within 30 days of election day.

(B) "For Sale" signs not greater than 12 square feet, removal shall be accomplished within 30 days of close of sale.

(C) One temporary construction site identification sign which is not greater than 32 square feet. Removal shall be accomplished within 30 days of project completion.

(D) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.

(E) Temporary signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.

(F) Temporary signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.

(d) New signs shall be allowed as specified in the applicable land use designation.

(e) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

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(f) All new signs shall meet the following guidelines, and be consistent with the *Manual for Uniform Traffic Control Devices*:

(A) Signs shall be maintained in a neat, clean and attractive condition.

(B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

(C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(D) Signs shall be unobtrusive and have low contrast with the setting.

(E) The visual impact of the support structure shall be minimized.

(F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(G) Backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

(H) Sign internal illumination or back-lighting shall not be permitted except for highway construction, warning or safety.

(g) Public signs shall meet the following guidelines in addition to subsections (b) through (f) above:

(A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, route marker, interpretive, guide, directional, and urban area entry.

(B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(C) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

(h) Signs for public recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections (b) through (f):

(A) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.

(B) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(C) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.

(D) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(E) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(F) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

(i) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(j) Directional and safety signs are allowed to the extent necessary to satisfy requirements for smooth traffic flow and public safety. All parties and jurisdictions placing such signs must do so in accordance with the Graphic Signing System, consistent with the standards in the *Manual on Uniform Traffic Control Devices*.

(k) Interstate 84 shall not have interpretive signing, except for signs permitted for services. Regulatory, warning, service, and other signs as provided for in the Graphic Signing System are allowed.

170. Agricultural Zones (AG-1) (AG-2) (AG)

Sections 170 through 240 apply to lands within the GMA zoned Large-Scale (AG-1) and Small Scale Agriculture (AG-2) and lands within the SMA zoned Agriculture (AG). The above zoning districts implement the following land use designations: Large-Scale Agriculture; Small-Scale Agriculture and Agriculture.

180. Uses Allowed Outright

(1) The following uses are allowed on lands designated Large-Scale or Small-Scale Agriculture without review:

(a) Agricultural use, except new cultivation, pursuant to compliance with applicable provisions in sections 540 through 590.

(b) Forest practices that do not violate conditions of approval for other approved uses.

(c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.

(d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

190. Review Uses

(1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with the scenic, cultural, natural, and recreation resource guidelines (sections 520 through 620):

(a) New cultivation, subject to compliance with sections 540 through 590.

(b) Agricultural buildings in conjunction with agricultural use.

(c) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(d) The temporary use of a mobile home in the case of a family hardship, subject to section 150(3).

(e) On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:

(A) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.

(B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (e)(C)(iv) below; and

(C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(i)[1] The subject tract produced at least $80,000 [or $60,000 if not on High Value Farmland as defined by Section 7.05(D)(1) and (2) of the County Zoning Ordinance] in gross annual income from the sale of farm products in the last two years, or three of the last five years. (The cost of purchased livestock shall be deducted when determining the gross annual income);

(ii)[1] The dwelling will be occupied by a person who produced the commodities, which grossed the income in subsection 190(1)(e)(C)(i) above.

[1] (i) & (ii) Adopted June 21, 2004 – HRC Ordinance #257

(f) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria for use in evaluating the eligibility of cultural resources contained in the National Register Criteria for Evaluation (36 CFR 60.4).

(g) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally existing parcel.

(h) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:

(A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(C) The operation is a commercial enterprise as determined by section 190(1)(e)(C).

(i) Construction, reconstruction or modifications of roads not in conjunction with agriculture.

(j) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(k) Structures associated with hunting and fishing operations.

(l) Towers and fire stations for forest fire protection.

(m) Agricultural labor housing upon a showing that:

(A) The proposed housing is necessary and accessory to a current agricultural use;

(B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed 9 months; and

(C) The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(n) On lands designated Large-Scale Agriculture, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that all of the following conditions exist:

(A) The dwelling will not force a change in or increase the cost of accepted agricultural practices or forest practices on surrounding lands;

(B) The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject parcel to be utilized in conjunction with other agricultural operations in the area;

(C) The dwelling shall be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in section 150(2), or any abutting parcel designated Commercial Forest Land or Large or Small Woodland, as required in section 310;

(D) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and

(E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

(o) On parcels in Small-Scale Agriculture, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in section 150(1). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40, this provision will apply to parcels 80 acres or larger.

(p) Life estates, pursuant to section 210.

(q) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated on the land use designation and zoning maps and listed in section 225, below.

(2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (sections 520 through 620). The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:

(a) Forest uses and practices as allowed in section 270(2)(b).

(b) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:

(A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.

(B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy guideline (C)(iv), below.

(C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:

(i) Size of the entire farm or ranch, including all land in the same ownership.

(ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.

(iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

(iv) Income capability. The farm or ranch, and all its contiguous parcels, must be capable of producing at least $40,000 in gross annual income. This determination can be made using the following formula, with periodic adjustments for inflation:

(A)(B)(C) = I where:
A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity
C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch
I = Income capability

(D) Minimum parcel size of 40 contiguous acres.

(c) Accessory structures, greater than 60 square feet.

(d) Farm labor housing and agricultural buildings upon a showing that the following conditions exist:

(A) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by section 190(2)(b)(C).

(B) The housing or building shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

(C) The housing or building shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

(e) Home occupations and cottage industries pursuant to section 150(4). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(f) Bed and breakfast inns subject to section 150(5). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.

(h) Aquaculture.

(i) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercialforest products on lands within the Special Management Area.

(j) Utility facilities necessary for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Agriculture lands.

(B) The size is the minimum necessary to provide the service.

(k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(l) Signs as specified in section 160(2).

(m)Community facilities and non-profit facilities related to agricultural resource management.

(n) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(o) Recreation, commercial recreation, interpretive and educational developments and uses consistent with section 620.

(p) Road and railroad construction and reconstruction.

(q) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(r) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

200. Review Uses with Additional Approval Criteria -- Large-Scale or Small-Scale Agriculture Designations.

(1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (sections 520 through 620) and section 220.

(a) Utility facilities and railroads necessary for public service upon a showing that:

(A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

(B) The size is the minimum necessary to provide the service.

(b) Home occupations or cottage industries in existing residential or accessory structures, subject to section 150(4).

(c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

(d) Wineries, in conjunction with on-site viticulture, upon a showing that sales of wine are from agricultural products grown or processed on the subject farm or in the local region.

(e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(f) Exploration, development and production of mineral and geothermal resources subject to section 520.

(g) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(h) Aquaculture.

(i) Recreation development, subject to section 610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).

(j) Boarding of horses.

(k) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(l) Bed and breakfast inns in single-family dwellings, subject to section 150(5) and provided that the residence:

(A) Is included in the National Register of Historic Places; or

(B) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.

(m) Non-profit, environmental learning or research facilities.

(n) Expansion of existing schools or places of worship.

210. Approval Criteria for Life Estates -- Large-Scale or Small-Scale Agriculture Designations

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in section 040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in sections 520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guidelines in section 190(1)(e).

(2) Upon termination of the life estate, the original or second dwelling shall be removed.

220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture

Uses identified in section 200(1) may be allowed only if they meet both of the following criteria:

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

225. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed on private, State and County ownerships must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:

(A) Large-Scale Agriculture (AG-1) 40 acre.

(B) Small-Scale Agriculture (AG-2) 20 acre.

(b) SMA: Agriculture (AG) 40 acre. However, new land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies and guidelines of the Management Plan. (Compliance with Section 150 (1) (a) through (e) and (A) through (H).)

(3) Compliance with the Agricultural Buffer requirement listed under section 150 (2) (a) through (f).

(4) Height maximum: 35 feet, unless superseded by Landscape Setting requirements. (See sections 520 (3) (a) and 530 (4) (a).)

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Setbacks between buildings: 10 feet.

(e) Accessory farm buildings may be located within 10 feet of the rear property lines.

(f) Setbacks from streams: Compliance with provisions in sections 520, 570 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(g) Off-street parking for residential uses shall be provided.

(h) Lot width and depth: None required.

(i) Vision clearance: Vision clearance shall be 35 feet.

(j) Mobile homes shall comply with applicable provisions in Article 16, Section 16.20, subparagraphs A. and B.

250. Forest Zones (F-1) (F-2) (F-3) (F)

Sections 250 through 310 apply to lands within the GMA planned and zoned Commercial Forest Land (F-1), Large Woodland (F-2) and Small Woodland (F-3) and lands within the SMA zoned Forest (F). The above zoning districts implement the following land use designations: Commercial Forest Land, Large Woodland, Small Woodland and Forest.

260. Uses Allowed Outright

(1) The following uses are allowed on lands designated Commercial Forest Land or Large or Small Woodland without review:

(a) Forest practices that do not violate conditions of approval for other approved uses.

(b) Agricultural use, except new cultivation, pursuant to compliance with applicable provisions in sections 540 through 590.

(c) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.

(d) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

(2) The following uses are allowed on land designated SMA-Forest without review:

(a) New agricultural uses as allowed in section 180(2) and the open space uses allowed in section 340(10), except where there would be potential impact to cultural or natural resources.

(b) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.

(c) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.

270. Review Uses

(1) The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (sections 520 through 620):

(a) On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:

(A) The dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated Large Woodland is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management.

(B) The subject parcel has been enrolled in Oregon's forest assessment program.

(C) A plan for management of the parcel has been approved by the Oregon Department of Forestry and the Director. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.

(D) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.

(E) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" (section 310) and "Approval Criteria for Fire Protection in Forest Zones" (section 300).

(F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

(b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in Oregon's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with sections 300 and 310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or

forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

(c) One single-family dwelling if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm pursuant to section 190(1)(e). The siting of the dwelling shall comply with section 300.

(d) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.

(e) Temporary portable facilities for the primary processing of forest products grown on a parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(f) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(g) Structures associated with hunting and fishing operations

(h) Towers and fire stations for forest fire protection.

(i) New agricultural structures subject to section 300.

(j) The temporary use of a mobile home in the case of a family hardship, subject to sections 150(3), 300 and 310.

(k) Accessory building(s) greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peak; subject to sections 300 and 310.

(l) A second single-family dwelling for a farm operator's relative, subject to sections 190(1)(h), 300 and 310.

(m)Private roads serving a residence, subject to sections 300 and 310.

(n) Recreation development, subject to section 610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).

(o) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.

(p) Agricultural labor housing upon a showing that:

(A) The proposed housing is necessary and accessory to a current agricultural use.

(B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed nine months.

(C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

(q) On lands designated Commercial Forest Land, a temporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forestland from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to sections 300 and 310.

(r) On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development". If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.

(s) New cultivation, subject to compliance with sections 540, 560, 570, 580 and 590.

(t) Life Estates on lands designated Large or Small Woodland, pursuant to section 320.

(u) Land divisions of lands designated Commercial Forest Land or Large Woodland shall be allowed to facilitate forest management. No resulting parcel may be less than 80 acres in size.

(v) Lands designated Commercial Forest Land or Large Woodland may be divided to facilitate protection of scenic, cultural, natural, or recreation resources. Resulting parcel(s) may be used only for the purpose intended at the time of creation of the parcel(s) or for agriculture or forest use.

(w)A minimum size shall be established for the creation of new parcels on lands designated Small Woodland, considering the common size of forest units in the area, the impact on management efficiency, the existing landscape setting, wildlife habitat, and other resource factors.

(x) Lands designated Small Woodland may be divided into parcels as large or larger than the specified minimum parcel size, subject to the guidelines for land divisions in "Land Divisions and Cluster Development",(Section 150,(1) General Policies and Guidelines). No resulting parcel may be less than 20 acres in size.

(2) The following uses may be allowed on lands designated SMA-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (sections 520 through 620). The use or development will be sited to minimize the loss of land suitable for the production of forest products:

(a) Any use listed in section 190(2).

(b) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry, or other designated forest practices review agency including the following:

(A) The following information, in addition to the site plan requirements of section 080, shall be included on the site plan:

(i) Boundary of proposed commercial forest practice.

(ii) Location of proposed rock or aggregate sources.

(iii) Timber types.

(iv) Harvest units.

(v) Silvicultural prescriptions.

(vi) Road and structure construction and/or reconstruction design.

(vii) Major skid trails, landings, and yarding corridors.

(viii) Commercial firewood cutting areas.

(ix) Existing and proposed rock pit development plans.

(x) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(B) A discussion of slash disposal methods.

(C) A reforestation plan as reviewed by the Oregon Department of Forestry.

(c) Railroad and road construction or reconstruction.

(d) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the Special Management Area.

(e) Silvicultural nurseries.

(f) Utility facilities for public service upon a finding that:

(A) There is no alternative location with less adverse effect on Forest Land, and

(B) The size is the minimum necessary to provide the service.

(g) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(h) Fish hatcheries and aquaculture facilities.

(i) Public recreation, commercial recreation, interpretive and educational developments and uses consistent with section 620.

(j) One dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling is necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

(A) The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forestlands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.

(B) The subject parcel has been enrolled in the state's forest assessment program.

(C) A plan for management of the parcel has been approved by the Oregon Department of Forestry, and the Director. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(E) The dwelling complies with all applicable building code and fire protection guidelines.

(F) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(k) Accessory structures over 60 square feet.

(l) Home occupations and cottage industries pursuant to section 150(4).

(m) Temporary portable facility for the processing of forest products.

(n) Towers and fire stations for forest fire protection.

(o) Community facilities and nonprofit facilities related to forest resource management.

(p) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(q) Signs as specified in section 160(2).

280. Review Uses with Additional Approval Criteria -- Commercial Forest Land, or Large or Small Woodland Designations

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (sections 520 through 620) and section 290:

(1) Utility facilities and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (b) the size is the minimum necessary to provide the service.

(2) Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in section 150(4).

(3) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

(4) Wineries, in conjunction with on-site viticulture, upon a showing that sales of wine are from agricultural products grown or processed on the subject farm or in the local region.

(5) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(6) Exploration, development, and production of mineral and geothermal resources, subject to sections 520 through 530.

(7) Aquaculture.

(8) Boarding of horses.

(9) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

(10) Expansion of existing nonprofit group camps, retreats, or conference centers.

(11) Bed and breakfast inns in single-family dwellings, subject to section 150(5) and provided that the residence:

(a) Is included in the National Register of Historic Places, or

(b) Is identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.

(12) Nonprofit, environmental learning or research facilities.

290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland

Uses identified in section 280 may be allowed only if they meet the following criteria:

(1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large Scale or Small Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with section 300.

300. Approval Criteria for Fire Protection in Forest Designations

All uses, as specified, shall comply with the following fire safety guidelines:

(1) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(2) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).

(3) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

(4) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent without a waiver to do so. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district, the County Forester and the Oregon Department of Forestry.

(5) Within one year of the occupancy of a dwelling, the Director shall conduct a review of the development to assure compliance with these guidelines.

(6) Telephone and power supply systems shall be underground whenever possible.

(7) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass
shingle or tile. Roof materials such as cedar shake and shingle should not be used.

(8) Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(9) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

(10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.

310. Approval Criteria for Siting of Dwellings on Forest Land

The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:

(1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.

(2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing non-forest uses, adjacent dwellings, or land productivity.

(3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of section 150(7).

320. Approval Criteria for Life Estates in Commercial Forest Land or Small or Large Woodland

A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines in sections 520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guideline 190(1)(e).

(2) On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with guideline 270(1)(a).

(3) On lands designated Small Woodland, the proposed dwelling complies with guideline 270(1)(b).

(4) Upon termination of the life estate, the original or second dwelling shall be removed.

325. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Articles 75 shall prevail.

(1) All land divisions proposed on private, State and County ownership's must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:
(A) Commercial Forest Land (F-1) 80 acre.

(B) Large Woodland (F-2) 80 acre.

(C) Small Woodland (F-3) 40 acre.

(b) SMA: Forest (F) 40 acre. However, new land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies and guidelines of the Management Plan. (Compliance with section 150 (1) (a) through (e) and (A) through (H).)

(c) SMA: No new dwellings shall be permitted on parcels of less than 40 contiguous acres.

(3) Compliance, if applicable, with the Agricultural Buffer requirements listed under section 150 (2) (a) through (f).

(4) Height Maximum: 35 feet, unless superseded by Landscape Setting requirements. (See sections 520 and 530.)

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Setbacks between buildings: 10 feet.

(e) Accessory farm buildings may be located within 10 feet of the rear property lines.

(f) Setbacks from streams: Compliance with provisions in sections 520, 570 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(g) Off-street parking for residential uses shall be provided.

(h) Lot depth: 330 feet.

(i) Vision clearance: Vision clearance shall be 35 feet.

(j) Mobile homes shall comply with applicable provisions in Article 16, section 16.20, subparagraphs A. and B.

330. Open Space Zone (OS)

Sections 330 through 345 apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

335. Uses Allowed Outright

The following uses may be allowed on lands designated GMA-Open Space without review:

(1) Operation of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(2) Emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities including removal of fallen timber, rock, or other materials from road surfaces, railroad lines, and utility structures. The term "repair and maintenance" is defined in 040(116).

(3) Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities provided that:

(a) ground disturbing activities only occur on sites that have been previously disturbed by human activities and do not exceed the depth and extent of existing ground disturbance;

(b) clearing of vegetation, including tree removal, only occurs on sites that have been regularly cleared for maintaining utility facilities.

340. Review Uses

(1) The following uses may be allowed on lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (sections 520 through 620):

(a) Low intensity recreation, subject to section 610 (2).

(b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(c) Non-emergency repair and maintenance of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities that involve new ground disturbing activities or those which differ in depth and extent from past ground disturbance.

(d) Improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(e) Placement of structures for public safety.

(2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands Landscape Setting:

(a) All uses listed in section 340 (1).

(b) Livestock grazing.

(c) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(d) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

(e) Harvesting of wild crops.

(f) Educational or scientific research.

(g) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources (sections 520 through 620).

(3) The following uses may be allowed on lands designated GMA-Open Space within state parks:

(a) All uses listed in section 340 (1).

(b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research.

(4) On land designated SMA-Open Space, the maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, and utility facilities may occur without review.

(5) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (section 520 through 620) and when consistent with an open space plan reviewed and approved by the U.S. Forest Service pursuant to guideline (6) below:

(a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

(b) [1]Structures or vegetation management activities, (except noxious weed treatment) including scientific research, related to scenic, cultural, recreational, and natural resource enhancement projects.

(c) Low intensity recreation uses, including educational and interpretive facilities, consistent with section 620.

(d) Utility facilities for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Open Space land.

(B) The size is the minimum necessary to provide the service.

(e) New signs, pursuant to section 160.

(6) An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed and approved by the Forest Service. The Open Space plan shall include the following:

(a) Direction for resource protection, enhancement, and management.

[1] Adopted May 4, 1998 -- HRC Ordinance #220

(b) Review of existing uses to determine compatibility with Open Space values.

(c) Consultation with members of the public and with agency and resource specialists.

(7) [1]Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:
1. Displacement of native and traditionally gathered plants;
2. Degradation of wildlife habitat and forage;
3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;
4. Limitation of recreation uses.

(c) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

(d) Noxious weed is defined as those included on the official state noxious weed list of Oregon.

345. Dimensional Requirements:

Unless otherwise specified in Article 75,the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed on private, State and County ownership's must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:

(A) No minimum parcel size for lands designated Open Space (OS).

(B) Land divisions may be allowed to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(b) SMA: New land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies

[1] Adopted May 4, 1998 -- HRC Ordinance #220

and guidelines of the Management Plan. (Compliance with section 150 (1) (a) through (e) and (A) through (H).)

(3) Compliance, if applicable, with the Agricultural Buffer requirements listed under section 150 (2) (a) through (f).

(4) Height maximum: 35 feet, unless superseded by Landscape Setting requirements. (See sections 520 and 530.)

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Setbacks between building: 10 feet.

(e) Accessory farm buildings may be located within 10 feet of the rear property lines.

(f) Setbacks from streams: Compliance with provisions in sections 570 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(g) Off-street parking for residential uses shall be provided.

(h) Lot width and depth: None required.

(i) Vision clearance: Vision clearance shall be 35 feet.

350. Rural Residential Zone (RR)

(1) Sections 350 through 390 apply to lands within the GMA zoned Rural Residential (RR). The minimum lot sizes are shown on the NSA Land Use Designation Map and County Zoning Maps. The Rural Residential designation does not apply to lands in the SMA in Hood River County. The above zoning district implements the Residential Plan designation.

(2) The following provisions from the Management Plan apply to the area designated Residential and zoned Rural Residential located west of the Hood River Urban area but

east of Country Club Road: New development within the Rural Residential Landscape Setting shall be compatible with the Landscape Setting, but not necessarily visually subordinate.

360. Uses Allowed

The following uses are allowed on lands in the General Management Area designated Rural Residential without review:

(a) Agricultural use, except new cultivation, pursuant to compliance with applicable provisions in sections 540 through 590.

(b) Forest practices that do not violate conditions of approval for other approved uses.

(c) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.

(d) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

370. Review Uses

The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (sections 520 through 620):

(a) One single-family dwelling per legally created parcel.

(A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer and notification requirements of sections 150(2), 310(1), and the notification requirements of sections 190(1)(n)(E) and 290(1); and

(B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of section 300.

(b) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(c) The temporary use of a mobile home in the case of a family hardship, subject to section 150(3).

(d) Construction or reconstruction of roads.

(e) On parcels 10 acres or larger designated Residential-5, or 20 acres or larger designated Residential-10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of section 150(1).

(f) New cultivation, subject to compliance with sections 540 and 560 through 590.

(g) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation or Zoning Maps and listed below under section 395.

(h) [1]New Agricultural Structures

380. Review Uses with Additional Approval Criteria

The following uses may be allowed on lands in the General Management Area designated Rural Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (sections 520 through 620), and section 390:

[1] HRC Ordinance #219 – Adopted March 16, 1998

(1) Accredited child care centers on land designated 1-acre Residential or 2-acre Residential. A child care center may be allowed in other Rural Residential designations within an existing church or community building.

(2) Schools within an existing church or community building.

(3) Utility facilities and railroads.

(4) Home occupations and cottage industries pursuant to section 150(4).

(5) Fire stations.

(6) Recreation development, subject to compliance with section 610.

(7) Community parks and playgrounds, consistent with the guidelines of the National Park and
Recreation Society regarding the need for such facilities.

(8) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 150(4)(j).

390. Approval Criteria for Specified Review Uses on Lands Designated Rural Residential

The uses identified in section 380 may be allowed only if they meet all of the following:

(1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with section 150(2).

(4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use shall comply with section 300.

395. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning or Subdivision Ordinances and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed on private, State and County ownership's must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA: The minimum parcel sizes are shown on the County Zoning Maps and the NSA Land Use Designations Map. The minimum parcel size will vary according to its location on the Zoning Map and will range from one (1) to ten (10) acres.

(b) SMA: The Rural Residential zone designation does not apply to lands in the SMA in Hood River County.

(3) Compliance, if applicable, with the Agricultural Buffer requirements listed under section 150 (2) (a) through (f).

(4) Height maximum: 35 feet, excluding antennas and chimneys, unless superseded by Landscaping Setting requirements (see sections 520 and 530) or section 350 (2) above.

(5) Setback minimums:

(a) Front: 50 feet from the centerline of the road or 30 feet from the right-of-way of any local street as shown on the Hood River County Comprehensive Plan; 60 feet from the centerline or 30 feet from the right-of-way of any arterial street as shown on the Comprehensive Plan.

(b) Rear: 20 feet.

(c) Side: Interior lot - 10 feet. Exterior side of corner lot - 45 feet from the center line of any street.

(d) Between buildings - 10 feet.

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

(7) Minimum width and depth requirements:

(a) Average lot width: 100 feet.

(b) Lot width at street: 50 feet.

(c) Average lot depth: 100 feet.

(8) Vision clearance: 35 feet.

(9) Setbacks from streams: Compliance with provisions in sections 520, 570 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 – Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(10) Mobile homes shall comply with applicable provisions in Article 16, section 16.20, subparagraphs A. and B.

470. Public Recreation Zone (PR)

Sections 470 through 510 apply to lands zoned Public Recreation (PR) within both the GMA and SMA. The above zoning district implements the Public Recreation land use designation.

480. Uses Allowed Outright

(1) The following uses are allowed on lands in the General Management Area designated Public Recreation without review:

(a) Forest practices that do not violate conditions of approval for other approved development.

(b) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.

(c) Agricultural uses, except for new cultivation.

(2) The following uses are allowed on lands in the Special Management Area designated Public Recreation without review:

(a) Agricultural use, except where there would be potential impact to cultural or natural resources.

(b) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.

(c) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.

490. Review Uses

(1) The following uses maybe allowed on all lands in the General Management Area designated Public Recreation:

(a) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (sections 520 through 620), and where applicable section 610(5)(a) and (c) through (g):

(A) Publicly-owned, resource-based recreation uses consistent with section 610.

(B) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this section.

(C) New cultivation, subject to compliance with sections 540 and 560 through 590.

(b) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (sections 520 through 620), and section 500:

(A) Residences and accessory structures, limited to one single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(B) Agricultural buildings.

(C) Utility transmission, transportation, communication and public works facilities.

(c) Land divisions, subject to compliance with section 500(3), the Hood River County's Subdivision Ordinance and section 505 below.

(2) The following uses maybe allowed on lands in the Special Management Area designated Public Recreation subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (sections 520 through 620):

(a) Forest uses and practices as allowed in section 270(2).

(b) Public trails, consistent with section 620.

(c) Public recreational facilities, consistent with section 620.

(d) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

(e) All dwellings and accessory structures larger than 60 square feet.

(A) No new dwellings shall be permitted on parcels less than 40 contiguous acres.

(B) Dwellings shall only be allowed when they comply with provisions for agricultural land described in sections 190(2) and 225, or they comply with provisions for Federal and non-federal forest lands described in sections 270(2), 300, 310 and 325, or when they are shown to be necessary for public recreation site management purposes.

(f) Home occupations and cottage industries, pursuant to section 150(4).

(g) Road and railroad construction and reconstruction.

(h) Utility facilities for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Public Recreation land.

(B) The size is the minimum necessary to provide the service.

(i) New signs pursuant to 160(2).

(j) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(k) Agricultural uses as allowed in section 190(2).

(4) New commercial recreation facilities shall be allowed in Forest Land and Agricultural Land use designations, consistent with the guidelines established for the recreation intensity classes section 620. However, new commercial recreation facilities are not allowed in the Public Recreation Designation.

500. Approval Criteria for Non-Recreation Uses in Public Recreation Designation

The uses identified in section 490(1)(b) may be allowed only if they meet the following criteria:

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include on-site buffers, seasonal or temporary closures during peak recreation use periods, etc.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

505. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning and Subdivision Ordinances and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed on private, State and County ownership's must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) The Public Recreation designation, within both the GMA & SMA, is implemented with the Public Recreation zone (PR).

(b) Within the GMA, there is no minimum acreage requirement for lands in the Public Recreation zone. However, land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(c) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. No new dwellings shall be permitted on parcels less than 40 contiguous acres within the SMA.

(3) Compliance, if applicable, with the Agricultural Buffer requirements listed under section 150 (2) (a) through (f).

(4) Height maximum: 35 feet, unless superseded by Landscaping Setting requirements. (See sections 520 and 530.)

(5) Setback minimums:

(a) Front: 50 feet from the centerline of the road or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of- way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot - 10 feet. Exterior side of corner lot - 50 feet from the center line of any street.

(d) Setbacks between buildings - 10 feet.

(e) Setbacks from streams: Compliance with provisions in sections 520, 570 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(f) Parking spaces, pursuant to provisions in Article 51 - Off-Street Parking and Loading.

(g) Lot width and depth: None required.

(h) Vision clearance: Vision clearance shall be 35 feet.

(i) Mobile homes shall comply with applicable provisions in Article 16, section 16.20, subparagraphs A. and B.

520. General Management Area Scenic Review Criteria

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(1) All Review Uses:

(a) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.

(b) New buildings shall be generally consistent with the height and size of existing nearby development.

(c) Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in section 520.

(d) For all proposed development, the determination of compatibility with the Landscape Setting shall be based on information submitted in the site plan.

(e) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At a minimum, such reclamation plans shall include:

(A) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with 10 foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use.

(B) Cross-sectional drawings of the site showing pre-mining and post-mining grades.

(C) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(D) Description of drainage/erosion control features to be employed for the duration of the use.

(E) A landscaping plan providing for re-vegetation consistent with the vegetation patterns of the subject Landscape Setting, indicating the species, number, size and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) All Review Uses visible from Key Viewing Areas shall comply with the following applicable guidelines:

(a) Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such development is visually subordinate to its setting as seen from Key Viewing Areas.

(b) The extent and type of conditions applied to a proposed development to achieve visual sub-ordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary factors influencing the degree of potential visual impact include: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas from which it is visible, the number of Key Viewing Areas from which it is visible, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordinance and final conditions of approval shall include findings addressing each of these factors.

(c) Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

(d) For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in sections 080 and 520(1)(e) for mining and associated activities:

(A) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

(B) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.

(e) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to section 520(1)(e)

and subsection (d) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

(f) New buildings or roads shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

(g) In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be given priority over other means of achieving visual subordinance, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas.

(h) Driveways and buildings shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from Key Viewing Areas.

(i) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

(j) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(k) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the design guidelines for the subject property's Landscape Setting.

(l) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

(m) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.

(n) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if:

(A) The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and

(B) There is no practicable alternative means of altering the building without increasing the protrusion.

(o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(A) The facility is necessary for public service;

(B) The break in the skyline is seen only in the background; and

(C) The break in the skyline is the minimum necessary to provide the service.

(r) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(A) The facility is necessary for public service; and

(B) The break in the skyline is the minimum necessary to provide the service.

(s) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback

would render a property unbuildable. In such cases, variances to the setback may be authorized.

(t) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this guideline. In determining the slope, the average percent slope of the proposed building site shall be used.

(u) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas and which slope between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed by the Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

(A) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail, with contour intervals of at least 5 feet, including:

(i) Existing and proposed final grades;

(ii) Location of all areas to be graded, with cut banks and fill slopes delineated; and

(iii) Estimated dimensions of graded areas.

(B) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

(i) Its purpose;

(ii) An estimate of the total volume of material to be moved;

(iii) The height of all cut banks and fill slopes;

(iv) Provisions to be used for compaction, drainage, and stabilization of graded areas (preparation of this information by a licensed engineer or engineering geologist is recommended);

(v) A description of all plant materials used to re-vegetate exposed slopes and banks, including type of species, number of, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and

(vi) A description of any other interim or permanent erosion control measures to be utilized.

(vii) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

(A) The site plan requirements for such proposals pursuant to this chapter have been met.

(B) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas.

(C) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with section 520(1)(e).

(D) A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including:

(i) A list of Key Viewing Areas from which exposed mining surfaces (and associated facilities/activities) would be visible;

(ii) An estimate of the surface area of exposed mining surfaces that would be visible from those Key Viewing Areas;

(iii) The distance from those Key Viewing Areas and the linear distance along those Key Viewing Areas from which proposed mining surfaces are visible;

(iv) The slope and aspect of mining surfaces relative to those portions of Key Viewing Areas from which they are visible;

(v) The degree to which potentially visible mining surfaces are screened from Key Viewing Areas by existing vegetation, including winter screening considerations.

(vi) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc. and appropriate time frames to achieve such results, including winter screening considerations.

(w) Unless addressed by guideline (v) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

(A) The site plan requirements for such proposals pursuant to this section have been met;

(B) The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc. associated with the use would be fully screened from any Key Viewing Area; and

(C) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the applicable state agency with jurisdiction, or approved by the Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with section 520(1)(e).

(x) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(y) An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(z) Compliance with specific approval conditions to achieve visual subordinance (such as landscaped screening), shall occur within a period not to exceed 2 years after the date of development approval. This guideline shall apply to all development regulated by this section except mining and associated uses.

(3) All Review Uses within the following Landscape Settings shall comply with the following applicable guidelines: (See Landscape Settings Map.)

(a) Pastoral

(A) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

(iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).

(iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

(v) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by section 520(2)(k) or (l).

(D) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by section 610), occurring infrequently in the landscape.

(b) Coniferous Woodland

(A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) Structure height shall remain below the forest canopy level.

(C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(iv) The exteriors of structures shall be either natural or earth-tone colors unless specifically exempted by section 520(2)(k) or (l).

(D) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(c) Oak-Pine Woodland

(A) New development shall be compatible with the general scale (height, dimensions, and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) Structure height shall remain below the tree canopy level in wooded portions of this setting.

(C) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development.

(i) At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.

(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

(iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

(iv) The exteriors of structures shall be either natural or earth-tone colors, unless specifically exempted pursuant to section 520(2)(k) or (l).

For treeless portions or portions with scattered tree cover:

(v) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.

(vi) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

(vii) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

(viii) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted pursuant to section 520(2)(k) or (l).

(D) Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed pursuant to section 610, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.

(d) Rural Residential

(A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

(C) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to the "Developed Settings and Visual Subordinance Policies" Section in Part I, Chapter 1 of the Management Plan) the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(iv) Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by section 520(2)(k) or (l).

(D) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as small scenic overlooks).

(E) The following provisions, from the Management Plan, apply to the area designated Residential and zoned Rural Residential, located west of the Hood River Urban area but east of Country Club Road: New development within the Rural Residential Landscape Setting shall be compatible with the Landscape Setting, but not necessarily visually subordinate.

New uses and developments in these particular areas are subject to only the following guidelines for scenic resources: 520(1)(a) through (e); 520(2)(d), (e), (t), and (u); depending upon which setting the subject parcel is located in: 520(3)(d)(A),(B),(D), and (E); and 520(4)(a),(d),(e), and (f).

(e) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland

(A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) In the event of a possible conflict between the guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.

(C) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(f) River Bottomlands

(A) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include: black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.

(iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.

(iv) The exteriors of structures shall be dark and either natural or earth-tone colors unless specifically exempted by section 520(2)(k) or (l).

(C) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderate-intensity and/or high-intensity recreation uses may be compatible, provided that:

(i) their designs emphasize retention and/or enhancement of native riparian communities,

(ii) structures and parking areas are visually subordinate, and

(iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.

(g) Gorge Walls, Canyons and Wildlands

(A) New development and expansion of existing development shall be screened so it is not seen from Key Viewing Areas, to the maximum extent practicable.

(B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.

(C) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

(D) All structures shall be limited in height to a maximum of 1 and 1/2 stories.

(E) All structures' exteriors shall be non-reflective.

(F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highway guidelines require otherwise.

(G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such compatible uses (such as trails) are generally associated with minimal facility development, if any.

(4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:

(a) For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.

(b) All new buildings and alterations to existing buildings, shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to section 150(7). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway shall comply with guideline (4)(b) above to the maximum extent practicable.

(d) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:

(A) An evaluation of potential visual impacts of the proposed project as seen from any Key Viewing Area;

(B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.

(e) When evaluating possible locations for under-grounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for under-grounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

(f) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in section 520(2)(y).

(g) Expansion of existing quarries may be allowed pursuant to section 520(2)(v). Compliance with visual subordinance requirements shall be achieved within time frames specified in section 520(2)(x).

530. Special Management Area Scenic Review Criteria

The following scenic review guidelines shall apply to all Review Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(1) All Review Uses in the Special Management Area regardless of location or Landscape Setting shall comply with the following applicable guidelines:

(a) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.

(b) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.

(c) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the Landscape Setting. Colors for structures and signs should be slightly darker than the surrounding background.

(d) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.

(e) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(f) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding Landscape Setting except for road lighting necessary for safety purposes.

(g) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.

(h) Reflectivity of structures and site improvements shall be minimized.

(i) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

(j) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

(2) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.

(3) All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

(4) New land uses or developments shall comply with the following applicable design guidelines:

(a) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

(A) New developments and forest practices shall meet the Visual Quality Objective of partial retention.

(B) The use of plant species common to the Landscape Setting shall be encouraged. The use of plant species in rows as commonly found in the Landscape Setting is encouraged.

(C) Exterior colors of structures shall be earth-tone colors which will result in low contrast with the surrounding landscape.

(D) Exterior colors of structures may be white, except for the roof, only in the Mt. Pleasant and Dodson-Warrendale areas where other white structures are evident in the setting.

(b) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

(A) New developments and land uses in lands designated Federal Forest or Open Space shall meet the Visual Quality Objective of retention; all other land use designations shall meet the Visual Quality Objective of partial retention as seen from Key Viewing Areas.

(B) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the Visual Quality Objective identified for those lands in those plans.

(C) Buildings in the Coniferous Woodland Landscape Setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland Landscape Setting.

(D) Use of plant species native to the Landscape Setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

(E) The exteriors of structures in the Coniferous Woodland Landscape Setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.

(F) Exterior colors of structures in Oak-Pine Woodland Landscape Setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.

(c) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

(A) New developments and land uses shall meet the Visual Quality Objective of partial retention, except in areas designated as open space, where they shall meet the visual quality objective of retention.

(B) Buildings shall have an overall horizontal appearance in areas with little tree cover.

(C) Use of plant species native to the Landscape Setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

(D) Exterior colors of structures shall be earth-tone or water-tone colors which will result in low contrast with surrounding landscape.

(d) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.

(A) New developments and land uses shall meet the Visual Quality Objective of retention as seen from Key Viewing Areas.

(B) Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

(C) Temporary roads shall be promptly closed and re-vegetated.

(D) New utilities shall be below ground surface, where feasible.

(E) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

(F) Exterior colors of structures shall be dark earth tones that will result in the structure having low contrast with the surrounding landscape.

(5) For forest practices the following guidelines shall apply.

(a) Forest practices must meet the design guidelines and Visual Quality Objective for the Landscape Setting designated for the management area.

(b) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries shall be delineated by the Forest Service.

(c) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.

(d) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, the maximum size of created openings shall be five acres.

(e) Clearcutting shall not be used as a harvest practice on land designated Federal Forest Lands.

(f) Created openings shall not create a break or opening in the vegetation in the skyline as viewed from a Key Viewing Area.

(g) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy shall be at least 20 feet tall.

540. General Management Area Cultural Resource Review Criteria

(1) General Provisions for Implementing the Cultural Resources Protection Process.

(a) All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).

(b) Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and any interested persons who submit written comments on a proposed use. Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as an historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.

(c) Reconnaissance and Historic Surveys and Survey Reports.

(A) Reconnaissance survey requirements and exceptions.

(i) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exceptions in section 540(1)(c)(A)(ii) below.

(ii) A reconnaissance survey shall be required for all proposed uses, except:

(I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; low-intensity recreation uses, such as fishing, hunting, and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of

mobile homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

(IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include, but are not limited to, grading and cultivation.

(V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.

(VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

- Residential development that involves two or more new dwellings for the same project applicant.

- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.

- Public transportation facilities that are outside improved rights-of-way.
- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.
- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting Indian tribal governments and state historic preservation officers, shall prepare and adopt a map

showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(B) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

(C) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

For section 540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(D) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

(i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

(ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

(E) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

(i) A description of the fieldwork methodology used to identity cultural resources, including a description of the type and extent of the reconnaissance survey.

(ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.

(iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

(F) Reconnaissance Surveys for Large-Scale Uses

(i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

(I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

(II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

(III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

(IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.

(G) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

(i) A description of the proposed use, including drawings and maps.

(ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

(iii) A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.

(iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(vi) A summary of all written comments submitted by Indian tribal governments and other interested persons.

(vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(H) Historic Surveys and Reports

(i) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.

(ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

(iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.

(e) Cultural resources are significant if one of the following criteria is satisfied:

(A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4).

(B) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

(f) The Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes. If a project applicant's and Indian tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Indian tribal government's substantiated concerns. The CAC will submit a recommendation to the Director as to whether affected cultural resources are significant.

(2) Cultural Resource Reconnaissance and Historic Surveys

(a) Consultation and Ethnographic Research

(A) When written comments are submitted to the Director within the comment period provided in section 120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project applicant and the interested persons.

Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(B) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

(b) Notice of Survey Results

(A) The Director shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the Indian tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(B) The State Historic Preservation Officer and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the proposed use would be consistent with section 540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how it reached an opposing conclusion.

(B) The cultural resource protection process may conclude when one of the following conditions exists:

(i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

(ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

(iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the

cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

(C) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

(i) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

(ii) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *the Secretary of the Interior Standards for the Treatment of Historic Properties (U.S. Department of the Interior 1992) and The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior 1992).*

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Director question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

(3) Evaluation of Significance

(a) Evaluation Criteria and Information Needs:

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

(A) Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior, no date) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(B) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.

(C) The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

(D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO 1990). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.

(b) Notice of Evaluation Results

(A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Director shall submit a copy of the evaluation of significance to the State Historic Preservation Officer and the Indian tribal governments.

(B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Cultural Resources are Culturally Significant

(A) If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant,

the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.

(B) The Indian tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Director, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Director within 30 calendar days from the date the evaluation of significance is mailed.

(d) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Officer or CAC, the Director shall justify how an opposing conclusion was reached.

(B) The cultural resource protection process may conclude if the affected cultural resources are not significant.

(C) If the project applicant or the Director determines that the cultural resources are significant, the effects of the proposed use shall be assessed.

(4) Assessment of Effect

(a) Assessment Criteria and Information Needs:

If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:

(A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.9) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.8.

(i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant.

(ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on cultural resources include, but are not limited to:

(I) Physical destruction, damage, or alteration of all or part of the cultural resource.

(II) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.

(III) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.

(IV) Neglect of a significant cultural resource resulting in its deterioration or destruction.

(B) The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.

(C) The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:

(i) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

(ii) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with The Secretary of the Interior's Standards for the Treatment of Historic Properties (U.S. Department of the Interior 1992) and The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior 1992).

(b) Notice of Assessment Results

(A) If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Director shall submit a copy of the assessment to the State Historic Preservation Officer and the Indian tribal governments.

(B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how an opposing conclusion was reached.

(B) The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

(C) A mitigation plan shall be prepared if a project applicant or the Director determines that the proposed use would have an adverse effect on significant cultural resources.

(5) Mitigation Plans

(a) Mitigation Plan Criteria and Information Needs:

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

(A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.

(B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable.

Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

(C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.8(d), including, but not limited to:

(i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.

(ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.

(iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.

(iv) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and Director.

(v) Copies of any written recommendations submitted to the Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

(b) Notice of Mitigation Plan Results

(A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Director shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the Indian tribal governments.

(B) The State Historic Preservation Officer, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how an opposing conclusion was reached.

(B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.

(C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(6) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Director and the State Historic Preservation Officer. Indian tribal

governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

(b) Notification. The project applicant shall notify the Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

(c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute 273.705, ORS 358.905 to 358.955. It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in "Reconnaissance Survey Reports for Large-Scale Uses" and "Evaluation of Significance: Evaluation Criteria and Information Needs".

Based on the survey and evaluation report and any written comments, the Director shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

A mitigation plan shall be prepared if the affected cultural resources are significant.

(d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

(7) Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(b) Notification. Local law enforcement officials, the Director, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

(c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.

(d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

(e) Treatment. In Oregon, prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs".

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" are met and the mitigation plan is executed.

550. Special Management Area Cultural Resource Review Criteria

(1) General Guidelines for Implementing the Cultural Resources Protection Process

(a) All cultural resource information shall remain confidential, according to Section 6(a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

(b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.

(c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in section 550(4) for forest practices and National Forest System lands.

(d) New developments or land uses shall not adversely affect significant cultural resources.

(2) The procedures and guidelines in section 540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.

(3) The procedures and guidelines in 36 CFR 800 and section 550(4) shall be used by and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.

(4) The following procedures as well as the provisions in 36 CFR 800 shall be used to assess potential effects to cultural resources.

(a) Literature Review and Consultation

(A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.

(B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.

(C) Consultation with cultural resource professionals knowledgeable about the area.

(D) A field inventory by a cultural resource professional shall be required if the Forest Service determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.

(b) Field Inventory

(A) Tribal representatives shall be invited to participate in the field inventory.

(B) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:

(i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.

(ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(C) A field inventory report shall be prepared, and shall include the following:

(i) A narrative integrating the literature review of section (4)(a) above with the field inventory of section (4)(b) above.

(ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

(iii) A statement of the presence or absence of cultural resources within the area of the new development or land use.

(iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.

(D) Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.

(E) The field inventory report shall be presented to the Forest Service for review.

(c) Evaluations of Significance

(A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with to the criteria of the National Register of Historic Places (36 CFR 60.4).

(B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

(C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.

(D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service shall review evaluations for adequacy.

(E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

(F) An assessment of effect shall be required if the Forest Service determines that the inventoried cultural resources are significant.

(d) Assessment of Effect

(A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for sections (4)(d)(B) through (4)(d)(D) below. The Forest Service shall review each determination for adequacy.

(B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.8, to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.8(a).

(C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b) to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented. This documentation shall follow the process outlined under 36 CFR 800.5(e).

(D) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8 ("Documentation Requirements").

(e) Mitigation

(A) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(C) The Forest Service shall review all mitigation proposals for adequacy.

(5) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service if cultural resources are discovered during construction or development.

(a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.

(b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(A) The applicant shall stop all work in the vicinity of the discovery.

(B) The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(C) The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to section 550(4)(c) and report the results to the Forest Service.

(c) The cultural resource review process shall be complete and work may continue if the Forest Service determines that the cultural resource is not significant.

(d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to section 550(4)(e) if the Forest Service determines that the cultural resource is significant.

560. General Management Area Wetland Review Criteria

(1) Wetlands Boundaries and Site Plans for Review Uses in Wetlands

(a) If the proposed use is within a wetland or wetlands buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary.

(A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments.

(B) All wetlands delineations shall be conducted by a professional which has been trained to use the federal delineation process, such as a soil scientist, botanist, or wetlands ecologist.

(C) The Director may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Director shall, at the applicant's expense, obtain professional services to render a final delineation.

(b) In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include:

(A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;

(B) the exact boundary of the wetland and the wetlands buffer zone; and

(C) a description of actions that would affect the wetland.

(2) Uses allowed outright in wetlands and wetlands buffer zones.

(a) Section 560 shall not apply to proposed uses that would occur in the main stem of the Columbia River. The main stem of the Columbia River is depicted on the map titled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 and dated September 1986. (This map is available at county planning departments and Commission and Forest Service offices.) The boundaries of the main stem appear as a heavy black line that generally follows the shoreline. For this Ordinance, backwaters and isolated water bodies created by roads and railroads are not part of the main stem of the Columbia River.

(b) The following uses are allowed in wetlands and wetlands buffer zones without review, if they:

(A) Are conducted using best management practices;

(B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and

(C) Comply with all applicable federal, state, and county laws:

(i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.

(ii) Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.

(iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.

(iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.

(v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.

(vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.

(vii) Commercial fishing and trapping.

(viii) Educational uses and scientific research.

(ix) Navigation aids, including structures covered by Section 17(a)(3) of the Scenic Area Act.

(x) Forest practices that do violate conditions of approval for other approved uses.

(xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.

(3) The following uses may be allowed in wetlands and wetlands buffer zones when approved pursuant to the provisions in section 560(5), and reviewed under the applicable provisions of sections 520 through 620:

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(A) Increase the size of an existing structure by more than 100 percent,

(B) Result in a loss of wetlands acreage or functions, or

(C) Intrude further into a wetland or wetlands buffer zone. New structures shall be considered intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

(b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(4) Uses not listed in section 560(2) and (3) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to section 560(6) and reviewed under the applicable provisions of sections 520 through 620.

(5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in wetlands shall demonstrate that:

(a) Practicable alternatives to locating the structure outside of the wetlands or wetland buffer zone and/or minimizing the impacts of the structure do not exist;

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of the wetlands, existing contour, functions, vegetation, fish and wildlife resources, and hydrology;

(c) The structure will be constructed using best management practices;

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(e) The structure complies with all applicable federal, state, and county laws.

(6) Applications for all other Review Uses in wetlands shall demonstrate that:

(a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

(A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands;

(B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands; and

(C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

(b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

(A) The extent of public need for the proposed use.

(B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(C) The functions and size of the wetland that may be affected.

(D) The economic value of the proposed use to the general area.

(E) The ecological value of the wetland and probable effect on public health and safety, fish, plants, and wildlife.

(c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.

(f) The proposed use complies with all applicable federal, state, and county laws.

(g) Areas that are disturbed during construction will be rehabilitated to the maximum extent practicable.

(h) Unavoidable impacts to wetlands will be offset through restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

(A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.

(B) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.

(C) Wetlands restoration, creation, and enhancement projects shall use native vegetation.

(D) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered or destroyed):

(i) Restoration: 2:1

(ii) Creation: 3:1

(iii) Enhancement: 4:1

(E) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.

(F) Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.

(G) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.

(H) Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

(I) Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.

(7) Wetlands Buffer Zones

(a) The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

(b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(A) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(B) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(C) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(c) Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required:

(A) Forest communities: 75 feet

(B) Shrub communities: 100 feet

(C) Herbaceous communities: 150 feet

(d) Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(8) Wetlands Compensation Plans:

Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a wetlands compensation plan, as described in this section.

All enhancement plans must be approved by the County after consultation with federal and state agencies with jurisdiction over wetlands.

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands. They shall satisfy the following guidelines:

(a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

(b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.

(e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

570. General Management Area Stream, Pond Lake and Riparian Area Review Criteria

(1) Stream, Pond, and Lake Boundaries and Site Plans for Review Uses in Aquatic and Riparian Areas.

(a) If a proposed use would be in a stream, pond, lake or their buffer zones, the project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation.

(b) In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include:

(A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;

(B) the exact boundary of the ordinary high watermark or normal pool elevation and prescribed buffer zone; and

(C) a description of actions that would alter or destroy the stream, pond, lake, or riparian area.

(2) Uses allowed outright in streams, ponds, lakes, and their buffer zones.

(a) Section 570 shall not apply to proposed uses that would occur in those portions of the main stem of the Columbia River that adjoin the Urban Area.

(b) The following uses are allowed in streams, ponds, lakes, and their buffer zones without review, if they:

(A) Are conducted using best management practices;

(B) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and

(C) Comply with all applicable federal, state, and county laws:

(i) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.

(ii) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.

(iii) Low-intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.

(iv) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.

(v) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. For this guideline cultivation and vegetation removal may be allowed in conjunction with a home garden.

(vi) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.

(vii) Commercial fishing and trapping.

(viii) Educational uses and scientific research.

(ix) Navigation aids, including structures covered by Section 17(a)(3) of the Scenic Area Act.

(x) Forest practices that do not violate conditions of approval for other approved uses.

(xi) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.

(3) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to section 570(5), and reviewed under the applicable provisions of sections 520 through 620:

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(A) Increase the size of an existing structure by more than 100 percent,

(B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(C) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion

of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

(b) The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs.

(c) The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

(4) Uses not listed in section 570(2) and (3) may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to section 570(6) and reviewed under the applicable provisions of sections 520 through 620.

(5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

(a) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

(c) The structure will be constructed using best management practices;

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

(e) The structure complies with all applicable federal, state, and local laws.

(6) Applications for all other Review Uses in streams, ponds and lakes and riparian areas shall demonstrate that:

(a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by section 560(6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.

(b) The proposed use is in the public interest as determined by section 560(6)(b), substituting the term stream, pond, lake, or riparian area as appropriate.

(c) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife, 1986).

(B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

(C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

(F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(f) The proposed use complies with all applicable federal, state, and county laws.

(g) Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Enhancement of streams, ponds, lakes and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the streams, ponds, lakes and riparian area provisions in this Management Plan. Enhancement efforts shall

be conducted pursuant to a rehabilitation and enhancement plan, as described in this section.

All enhancement plans shall be approved by the County, after consultation with federal and state agencies with jurisdiction over streams, ponds, lakes and riparian areas.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement guidelines shall apply:

(A) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.

(B) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(C) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.

(D) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

(E) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(F) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.

(G) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

(H) Rehabilitation and enhancement efforts shall be completed no later 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(I) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The owner shall

monitor the replacement vegetation and take corrective measures to satisfy this guideline.

(7) Stream, Pond, and Lake Buffer Zones

(a) Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(A) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet

(B) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet

(C) Ponds and lakes: Buffer zone widths shall be based on dominant vegetative community as determined by section 560(7)(b), substituting the term pond or lake as appropriate.

(b) Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(c) Determining the exact location of the ordinary high watermark or normal pool elevation shall be the responsibility of the project applicant. The Director may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the Director shall, at the project applicant's expense, obtain professional services to render a final delineation.

(8) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area. They shall satisfy the following guidelines:

(a) Rehabilitation and enhancement plans are the responsibility of the project applicant; they shall be prepared by qualified professionals, such as fish or wildlife biologists.

(b) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. The assessment shall include hydrology, flora, and fauna.

(c) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(A) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

(B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(C) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(d) A 3-year monitoring, maintenance, and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

580. General Management Area Sensitive Wildlife Review Criteria

(1) Sensitive Wildlife Areas and Sites and Site Plans Near Sensitive Wildlife

(a) Proposed uses shall not adversely affect sensitive wildlife areas or sensitive wildlife sites:

(A) "Sensitive wildlife areas" in the Columbia Gorge means the following land and water areas that appear in the wildlife inventory map prepared and maintained by the Gorge Commission:

Bald eagle habitat
Deer and elk winter range
Elk habitat
Mountain goat habitat
Peregrine falcon habitat
Pika colony area
Pileated woodpecker habitat
Pine marten habitat
Shallow water fish habitat (Columbia R.)
Special streams
Special habitat area
Spotted owl habitat
Sturgeon spawning area
Tributary fish habitat
Turkey habitat
Waterfowl area
Western pond turtle habitat

(B) "Sensitive wildlife sites" means sites that are used by animal species that are

(i) listed as endangered or threatened pursuant to federal or state endangered species acts,

(ii) listed as sensitive by the Oregon Fish and Wildlife Commission, or

(iii) considered to be of special interest to the public (limited to great blue heron, osprey, golden eagle, and prairie falcon).

(b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(2) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:

(a) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.

(b) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.

(c) Forest practices that do not violate conditions of approval for other approved uses.

(d) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.

(e) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.

(3) Field Survey

A field survey to identify sensitive wildlife areas or sites shall be required for:

(a) Land divisions that create four or more parcels;

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(c) Public transportation facilities that are outside improved rights-of-way;

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

(4) Uses not listed in section 580(2) may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to section 580(5) and reviewed under the applicable provisions of sections 520 through 620.

(5) Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

(a) Site plans shall be submitted to the Oregon Department of Fish and Wildlife. State wildlife biologists will review the site plan and their field survey records and:

(A) Identify/verify the precise location of the wildlife area or site,

(B) Ascertain whether the wildlife area or site is active or abandoned, and

(C) Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.

(b) The following factors may be considered when site plans are reviewed:

(A) Biology of the affected wildlife species.

(B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(D) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.

(E) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.

(c) The wildlife protection process may terminate if the Director, in consultation with the state wildlife agency, determines:

(A) The sensitive wildlife area or site is not active, or

(B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

(d) If the Director, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Director will incorporate them into the development review order and the wildlife protection process may conclude.

(e) The project applicant shall prepare a wildlife management plan if the Director, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

(f) The Director shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife. The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the Director.

The Director shall record and address any written comments submitted by the state wildlife agency in the land use review order.

Based on the comments from the state wildlife agency, the Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Director shall justify how the opposing conclusion was reached.

The Director shall require the applicant to revise the wildlife management plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

(6) Wildlife Management Plans

Wildlife management plans shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet the following guidelines:

(a) Wildlife management plans shall be prepared by a professional wildlife biologist hired by the project applicant.

(b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.

(c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.

(d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

(e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.

(B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.

(f) Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site.

Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

(g) The applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall

track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

(7) New fences in deer and elk winter range

(a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(b) New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson, et. al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:

(A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(D) Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

(c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

590. General Management Area Rare Plant Review Criteria

(1) Sensitive Plants and Site Plans for Review Uses Near Sensitive Plants

(a) Proposed uses shall not adversely affect sensitive plants. "Sensitive plants" means plant species that are

(A) endemic to the Columbia River Gorge and vicinity,

(B) listed as endangered or threatened pursuant to federal or state endangered species acts, or

(C) listed as endangered, threatened, or sensitive by the Oregon Natural Heritage program.

(b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(2) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:

(a) Low-intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming and hiking. Regarding sensitive plants, horseback riding is not considered a low-intensity use.

(b) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. New cultivation is subject to review and shall comply with applicable provisions in sections 540 through 590.

(c) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems Necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or lain idle, for more than 5 years.

(d) Forest practices that do not violate conditions of approval for other approved uses.

(e) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.

(3) Field Survey

A field survey to identify sensitive plants shall be required for:

(a) Land divisions that create four or more parcels;

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(c) Public transportation facilities that are outside improved rights-of-way;

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and (e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

(4) Uses not listed in section 590(2) may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to section 590(5), and reviewed under the applicable provisions of sections 520 through 620.

(5) Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:

(a) Site plans shall be submitted to the Oregon Natural Heritage Program by the Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

(b) The rare plant protection process may conclude if the Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.

(c) New uses shall be prohibited within sensitive plant species buffer zones, except those listed in section 590(2).

(d) If a proposed use must be allowed within a sensitive plant buffer area in accordance with section 150(7), the project applicant shall prepare a protection and rehabilitation plan pursuant to section 590(6).

(e) The Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Director.

The Director shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritage Program staff, the Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Director shall justify how the opposing conclusion was reached.

(6) Protection and Rehabilitation Plans

Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance.

Protection and rehabilitation plans shall meet the following guidelines:

(a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

(b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

(c) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

(d) Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

(e) Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

(f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

(g) Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:

(A) Describe the biology of sensitive plant species that will be affected by a proposed use.

(B) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.

(C) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.

(D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Director an annual report that documents milestones, successes, problems, and contingency actions.

(7) Sensitive Plant Buffer Zones

(a) A 200-foot buffer zone shall be maintained around sensitive plants. Buffer areas shall remain in an undisturbed, natural condition.

(b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.

(c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:

(A) Identifies the precise location of the sensitive plants,

(B) Describes the biology of the sensitive plants, and

(C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(d) The Director shall submit all requests to reduce sensitive plant species buffer areas to the Oregon Natural Heritage Program. The Natural Heritage Program staff will have 20 days from the date that such a request is mailed to submit written comments to the Director.

The Director shall record and address any written comments submitted by the Oregon or Washington Natural Heritage Program in the development review order.

Based on the comments from the Oregon or Washington Natural Heritage Program, the Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Director shall justify how the opposing conclusion was reached.

600. Special Management Area Natural Resource Review Criteria

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, are protected from adverse effects. The Forest Service will provide the natural resource site evaluation and project analysis and evaluation for new uses and developments, except those sponsored by non-Forest Service federal and state agencies. Natural resources include, but are not, limited to, wetlands, streams, ponds and lakes, riparian areas wildlife and wildlife habitat, rare plants and natural areas.

(1) Buffer zones shall be undisturbed unless it has been shown that no practicable alternatives exist, pursuant to compliance with the following criteria (a) through (d). New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan that no adverse effects would result.

(a) The basic purpose of the use cannot be reasonably accomplished using one or more sites in the vicinity that would avoid a result of less adverse effects on the natural resource.

(b) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid a result in less adverse effects on the natural resource.

(c) Reasonable attempts have been made to remove or accommodate constraints that cause a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practical alternatives do not exist.

(d) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking in consideration, cost, technology, logistics, and overall project purposes.

(2) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection guidelines:

(a) Location of the following sites and areas. The Forest Service will provide this information to the applicant.

(A) Sites of sensitive wildlife and sensitive plant species.

(B) Location of riparian and wetland areas. The exact location of the wetlands boundaries shall be delineated using the procedures specified in the Federal

Manual for Identifying and Delineating Jurisdictional Wetlands (Federal Interagency Committee for Wetland Delineation, 1989). Changes to this manual shall not apply to wetlands in the Special Management Area unless the Management Plan has been amended.

(b) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate State or federal agency and reviewed and approved by the Director.

(4) Review of the site plan shall consider the following:

(a) Biology and habitat requirements of the flora or fauna of concern.

(b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.

(c) Existing condition of the site and the surrounding habitat and the useful life of the site.

(d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.

(e) Minimum natural resource protection guidelines including buffer zones.

(f) Closure of forest practice roads necessary to protect natural resources.

(g) Comments from state and federal agencies.

(5) Minimum natural resource protection guidelines include:

(a) Sites of sensitive wildlife and sensitive plant species.

(A) A 200-foot buffer zone shall be created for sensitive plant species.

(B) A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by a Forest Service biologist in consultation with other state or federal agency biologists.

(b) Riparian areas, wetlands, ponds, and lakes.

(A) Wetlands shall not be destroyed except within roads and railroad rights-of-way as provided in section 600(5)(b)(G). Riparian areas shall not be destroyed, except for

water-dependent uses, such as boat ramps, and road construction and reconstruction. The above-stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.

(B) Adding any fill or draining of wetlands is prohibited.

(C) A minimum 200-foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;

(D) A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.

(E) A 50-foot buffer zone shall be created along intermittent streams.

(F) Re-vegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.

(G) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all the following:

(i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way;

(ii) The wetland is not critical habitat as determined by a natural resource specialist; and

(iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(c) Fish and wildlife habitat:

(A) Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.

(B) New developments and uses shall not interfere with fish passage.

(C) Filling of shallow-water fishery habitat shall be allowed only after an analysis shows that no other practicable sites exist. Filling shall only be considered for water-dependent uses, and mitigation shall be required.

(D) New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Dept. of Fish and Wildlife 1986).

(E) In areas of big game winter range, adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.

(F) Forest practices shall maintain the following:

(i) Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16-inch diameter at breast height (dbh) or greater, preferably with limbs down to the ground, shall be maintained.

(ii) Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.

(iii) Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.

(d) Bio-diversity.

(A) New uses shall avoid disturbance to old-growth forests.

(B) Forest practices shall maintain species composition at existing proportions in the activity area.

(C) Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of 1-foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than 1-foot dbh. No area greater than 10 acres in size and supporting existing oak species shall be devoid of oak trees.

(D) A mix in age and size of hardwoods shall be maintained to provide vertical diversity and replacement.

(E) For re-vegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.

(e) Soil productivity.

(A) New developments and land uses shall control all soil movement within the area shown on the site plan.

(B) The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.

(C) Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

(D) Forest practices shall maintain the following:

(i) Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities, respectively.

(ii) Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.

(f) Air and water quality.

(A) Stream bank and shoreline stability shall be maintained or restored with natural re-vegetation.

(B) All new developments shall be carried out to comply with state water quality requirements.

(C) Label instructions and state rules for pesticide use shall be followed.

(D) Existing levels of air visibility shall not be degraded.

(g) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:

(A) Include existing natural and cultural features.

(B) Include proposed actions within and adjacent to the buffer zone.

(C) Include mitigation measures as necessary to comply with the minimum natural resource protection guidelines and protect natural resources from adverse effects.

(D) Be prepared by a natural resource specialist as defined.

(E) Demonstrate mitigation measures that would offset the adverse effects of the proposed new use or developments and that would ensure protection, long-term viability, and function of the resource being protected by the buffer zone.

(F) Be reviewed to ensure the proposed mitigation measures are adequate and comply with minimum natural resource protection guidelines. The mitigation plan shall be reviewed by the Forest Service in consultation with appropriate state or federal agencies, and reviewed and approved by the Director.

610. General Management Area Recreation Resource Review Criteria

The following uses may be allowed, subject to compliance with section 610(5) and (6):

(1) Recreation Intensity Class 1 - Very Low Intensity

(a) Parking areas for a maximum of 10 cars for any allowed uses in Recreation Intensity Class 1.

(b) Trails for hiking, equestrian and mountain biking use.

(c) Pathways for pedestrian and bicycling use.

(d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(e) Scenic viewpoints and overlooks.

(f) Wildlife/botanical viewing and nature study areas.

(g) River access areas.

(h) Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.

(i) Entry name signs not to exceed 10 square feet per sign.

(j) Boat docks, piers or wharfs.

(k) Picnic areas.

(l) Rest-rooms/comfort facilities.

(2) Recreation Intensity Class 2 - Low Intensity

(a) All uses permitted in Recreation Intensity Class 1.

(b) Parking areas for a maximum of 25 cars, including spaces for campground units, to serve any allowed uses in Recreation Intensity Class 2.

(c) Simple interpretive signs and displays, not to exceed a total of 100 square feet.

(d) Entry name signs not to exceed 20 square feet per sign.

(e) Boat ramps, not to exceed two lanes.

(f) Campgrounds for 20 units or less, tent sites only.

(3) Recreation Intensity Class 3 - Moderate Intensity

(a) All uses permitted in Recreation Intensity Classes 1 and 2.

(b) Parking areas for a maximum of 75 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 3.

(c) Interpretive signs, displays and/or facilities.

(d) Visitor information and environmental education signs, displays or facilities.

(e) Entry name signs not to exceed 32 square feet per sign.

(f) Boat ramps, not to exceed three lanes.

(g) Concessions stands, pursuant to applicable policies in Chapter 4, Part I of the Management Plan.

(h) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(4) Recreation Intensity Class 4 - High Intensity

(a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(b) Parking areas for a maximum of 250 cars, including spaces for campground units, for any allowed uses in Recreation Intensity Class 4.

(c) Horseback riding stables and associated facilities.

(d) Entry name signs, not to exceed 40 square feet per sign.

(e) Boat ramps.

(f) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(5) Approval Criteria for Recreation Uses

All proposed recreation projects outside of the Public Recreation designation shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines sections 520 through 620 and shall satisfy the following:

(a) Compliance with sections 520 through 610.

(b) Cumulative effects of proposed recreation projects on Landscape Settings shall be based on the "compatible recreation use" guideline for the Landscape Setting in which the use is located.

(c) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:

(A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.

(B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

(d) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the rural fire protection district) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

(d) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan.

(f) For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.

(g) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with guidelines for protection of tribal treaty rights in Part IV, Chapter 3, Indian Tribal Treaty Rights and Consultation in the Management Plan.

(h) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(i) For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access):

A demonstration that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This requirement may be waived upon a demonstration that provision of such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

(6) Facility Design Guidelines for All Recreation Projects

(a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

(b) The facility design guidelines contained herein are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

(c) Parking areas, access roads, and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing

grading activities and utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.

(d) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.

(e) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

(f) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be
minimized to the greatest extent practicable.

(g) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

(h) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

(i) Exterior lighting shall be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from Key Viewing Areas.

(j) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Director may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

(k) A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the Landscape Setting in which they occur (Landscape Setting design guidelines specify lists of appropriate species).

(l) All structures shall be designed such that height, exterior colors, reflectivity, mass and siting result in the structures blending with and not noticeably contrasting with their setting.

(m)Landscape buffers around the perimeter of parking areas accommodating more than 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or

less, 20 feet for 50 vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

(n) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

(o) Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.

(p) Minimum required perimeter landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the Director, if existing vegetation stands and/or existing topography are utilized such that the development is not visible from any Key Viewing Area.

(q) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

(r) All parking areas and campsites shall be set back from Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks. Setbacks from rivers shall be measured from the ordinary high water mark. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.

(s) Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape guidelines contained herein, and shall be responsible for such maintenance and survival.

(t) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

(u) All proposed projects at levels consistent with Recreation Intensity Class 4 on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with section 610(5)(i) regarding provision of mass transportation access.

620. Special Management Area Recreation Resource Review Criteria

(1) The following shall apply to all new recreation developments and land uses in the Special Management Area. When planning new interpretive or education programs and/or facilities, recommendations of the Interpretive Strategy for the Columbia River Gorge National Scenic Area shall be followed. (This document is available at the Gorge Commission office in White Salmon and the Forest Service office in Hood River.)

(a) New developments and land uses shall not displace existing recreational use.

(b) Only natural resource-based recreation shall be allowed.

(c) Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on and off site cumulative effects shall be required.

(d) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(e) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(f) The facility guidelines contained in section 620(1) are intended to apply to individual recreation facilities. For the purposes of these guidelines, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

(g) New development and reconstruction of scenic routes (see Part III, Chapter 1 of the Management Plan) shall include provisions for bicycle lanes.

(h) The Director may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the criterion in the absence of current applicable studies.

(B) The proposed use is dependent on resources present at the site.

(C) Reasonable alternative sites, including those in Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(D) The proposed use is consistent with the goals, objectives, and policies in Chapter 4, Part I of the Management Plan.

Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

(G) Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.

(i) Accommodations of facilities for mass transportation (bus parking, etc.) shall be required for all new high-intensity (Recreation Class 3 and 4) day-use recreation sites, except for sites predominantly devoted to boat access.

(2) Special Management Areas Recreation Intensity Class Guidelines

(a) Recreation Intensity Class 1 - Very Low Intensity:

Emphasis is to provide opportunities for semi-primitive recreation opportunities.

(A) Permitted uses are those in which people participate in outdoor activities to realize experiences including but not limited to, solitude, tension reduction, and nature appreciation.

(B) The maximum site design capacity shall not exceed 35 people at one time on the site. The maximum design capacity for parking areas shall be 10 vehicles.

(C) The following uses may be permitted:

(i) Trails and trailheads.

(ii) Parking areas.

(iii) Dispersed campsites accessible only by a trail.

(iv) Viewpoints and overlooks.

(v) Picnic areas.

(vi) Signs.

(vii) Interpretive exhibits and displays.

(viii) Rest-rooms.

(b) Recreation Intensity Class 2 - Low Intensity

Emphasis is to provide semi-primitive recreation opportunities.

(A) Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation, and escape from noise and crowds.

(B) The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.

(C) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:

(i) Campground with vehicle access.

(ii) Boat anchorages designed for no more than 10 boats at one time.

(iii) Swimming areas.

(c) Recreation Intensity Class 3 - Moderate Intensity:

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

(A) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(B) Maximum site design capacity shall not exceed 250 people at onetime on the site. The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.

(C) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:

(i) Campgrounds improvement may include water, power, sewer, and sewage dump stations.

(ii) Boat anchorages designed for not more than 15 boats.

(iii) Public visitor, interpretive, historic, and environmental education facilities.

(iv) Full service rest-rooms, may include showers.

(v) Boat ramps.

(vi) Riding stables.

(d) Recreation Intensity Class 4 - High Intensity:

Emphasis is for providing road natural, rural, and suburban recreation opportunities with a high level of social interaction.

(A) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(B) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(C) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4.

635. Enforcement

(1) Failure to comply with provisions in this Ordinance, including any conditions of approval will require the County, through the Planning and Community Development Department, to seek enforcement.

(2) Violation of the NSA Ordinance will be processed pursuant to provisions in Article 70-Enforcement of the Hood River County Zoning Ordinance or, if applicable, provisions in Article 68-Revocation.

(3) In addition to any penalty assessed by Hood River County, Congress authorized the Columbia River Gorge Commission to assess a civil penalty in order to prevent violation of provisions of this Ordinance. The penalty may not exceed $10,000.00 per violation.

640. Notice Of Application Requirements:

RESIDENTIAL GENERAL MANAGEMENT AREA	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Residential LUD – Review uses except SFDs located adjacent to Agriculture & Forest LUDs, and those uses within 1000 feet of a sensitive wildlife area or site, or a rare plant.	X	X	X	X	X			
Residential LUD – SFDs adjacent to Agriculture & Forest LUDs except those within 1000 feet of sensitive wildlife area or site, or a rare plant.	X	X	X	X		X		
Residential LUD – Review uses within 1000 feet of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs.	X	X	X	X	X		X	
Residential LUD – SFDs adjacent to Agriculture & Forest LUDs within 1000 feet of a sensitive wildlife area or site.	X	X	X	X		X	X	
Residential LUD – Review uses within 1000 feet of a rare plant except SFDs located adjacent to Agriculture or Forest LUDs.	X	X	X	X	X			X
Residential LUD – SFDs adjacent to Agriculture & Forest LUDs within 1000 feet of rare plant.	X	X	X	X		X		X

AGRICULTURE GENERAL MANAGEMENT AREA	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Agriculture LUD – Review uses except non-farm SFD in Large-Scale Agriculture LUD and uses within 1000 feet of sensitive wildlife area or site, or rare plant.	X	X	X	X	X			
Agriculture LUD – Review uses within 1000' of sensitive wildlife area or site except non-farm SFD in Large-Scale Agriculture LUD.	X	X	X	X	X		X	
Agriculture LUD – Review uses within 1000' of a rare plant except non-farm SFD in Large-Scale Agriculture LUD.	X	X	X	X	X			X
Agriculture LUD – Non-farm SFD in Large-Scale Agriculture LUD, except those within 1000 feet of sensitive wildlife area or site, or rare plant.	X	X	X	X		X		
Agriculture LUD – Non-farm SFD in Large-Scale Agriculture within 1000 feet of sensitive wildlife area or site.	X	X	X	X		X	X	
Agriculture LUD – Non-farm SFD in Large-Scale Agriculture within 1000 feet of rare plant.	X	X	X	X		X		X

FOREST GENERAL MANAGEMENT AREA	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD – Review uses except utility facilities, railroads, home occupations, cottage industries, wineries, ag product processing & packing, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit learning/research facilities, and those review uses within 1000 feet of a sensitive wildlife area or site, or rare plant.	X	X	X	X	X			
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag produce processing & packing mineral resources, geothermal resources, aquaculture, boarding or horses, temporary asphalt/batch plants, expansion of non-profit learning/research facilities, and not within 1000 feet of a sensitive wildlife area or site, or rare plant.	X	X	X	X		X		
Forest LUD – Review uses within 1000 feet of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries, ag produce processing & packing, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit camps-retreats-conference centers, B&Bs, non-profit learning/research facilities.	X	X	X	X	X		X`	

FOREST (CONTINUED) GENERAL MANAGEMENT AREA	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Forest LUD – Review uses within 1000 feet of a rare plant except utility facilities, railroads, home occupations, wineries, ag produce processing & packing, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit camps-retreats-conference centers, B&Bs, non-profit learning/research facilities.	X	X	X	X	X			X
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag produce processing & packing, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non –profit camps-retreats-conference centers, B&Bs, non-profit learning/research facilities within 1000 feet of a sensitive wildlife area or site.	X	X	X	X		X	X	
Forest LUD – Utility facilities, railroads, home occupations, wineries, ag produce processing & packing, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit learning/research facilities within 1000 feet of a rare plant.	X	X	X	X		X		X

COMMERCIAL, RECREATION, OPEN SPACE & SPECIAL GENERAL MANAGEMENT AREA	Tribes	USFS	State	County	Landowners w/in 200'	Landowners w/in 500'	Wildlife	Heritage
Commercial LUD – Review uses except those within 1000 feet of a sensitive wildlife area or site, or rare plant.	X	X	X	X	X			
Commercial LUD – Review uses within `1000 feet of a sensitive wildlife area or site.	X	X	X	X	X		X	
Commercial LUD – Review uses within 1000 feet of a rare plant.	X	X	X	X	X			X
Recreation LUD – Review uses except those within 1000 feet of a sensitive wildlife area or site, or a rare plant.	X	X	X	X	X			
Recreation LUD – Review uses within 1000 feet of a rare plant.	X	X	X	X	X			X
Open Space LUD – Review uses except those within 1000 feet of a sensitive wildlife area or site, or a rare plant.	X	X	X	X	X			
Open Space LUD – Review uses within 1000 feet of a sensitive wildlife area or site.	X	X	X	X	X		X	
Open Space LUD – Review uses within 1000 feet of a rare plant.	X	X	X	X	X			X
Agriculture – Special LUD – Review uses.	X	X	X	X	X			X
SPECIAL MANAGEMENT AREAS								
Review Uses – All LUDs	X	X	X	X	X		X	