

CITY OF CASCADE LOCKS  
PLANNING COMMISSION  
AGENDA

Thursday, April 12, 2018 at 7:00 PM  
City Hall

1. Call Meeting to Order.
2. Approval of March 8, 2018 Minutes.
3. New Business:
  - a. Public Hearing LU18-003 Osprey Homes, LLC - Variance.
  - b. Public Hearing- Code Amendments – Draft #3.
4. Public Comment.
5. Adjournment.

**The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for person with disabilities, should be made at least 48 hours in advance of the meeting by contacting the City of Cascade Locks office at 541-374-8484.**



1. **Call Meeting to Order.** Chair Cramblett called the meeting to order at 7:03 PM. Planning Commission Members present were Gyda Haight, Virginia Fitzpatrick, Gary Munkhoff, Todd Bouchard, and Chair Larry Cramblett. Also present were City Administrator Gordon Zimmerman, Planning Consultant Stan Foster, City Recorder Kathy Woosley, and Butch Miller.
2. **Approval of February 8, 2018 Minutes.** PCM Fitzpatrick moved, seconded by PCM Haight, to approve the minutes. The motion passed unanimously.
3. **New Business:**
  - a. **Public Hearing LU18-002 City of Cascade Locks Conditional Use Permit.** Chair Cramblett and PC Foster went through the Planning Commission Procedures. Hearing no conflicts of interest or ex parte contact PC Foster went through the staff report and stated it was Staff's recommendation to approve the conditional use permit to allow the operation of a municipal water tower at the location provided by the Port of Cascade Locks.

Applicant: CA Zimmerman explained that the Dry Creek Reservoir would be eliminated and the location off of Harvey Road was the best suited for the water tower due to the height elevation being at the same elevation as the Oxbow tank. He explained that it will be located in a geological hazard zone so it will be built with extra reinforced footings.

CA Zimmerman said the Dry Creek Reservoir leaks, has animals and concrete asbestos pipe. He said the pipe coming down from Dry Creek Reservoir will be abandoned. He said having the water tank at this location also makes the Port's land more sellable and there will be enough water for the development of the other properties in that area. He said the project should be done before the end of August 2018.

PCM Munkhoff asked how far off of Moody the tank would be located. CA Zimmerman said it is 350 feet from where Moody turns up to Undine. Chair Cramblett asked why it is going to be located on the right side of Harvey instead of the left. CA Zimmerman said the Forest Service owns the property to the left and the City didn't want to go through the permitting process that would be required. Chair Cramblett said that property is a nice piece of property and wondered what affect the water tower might have on building in that area. CA Zimmerman said the tank will be lower than the trees in that area and completely landscaped. He said the landscape plan is included in the packet.

There were no proponents or opponents.

PCM Bouchard moved, seconded by PCM Munkhoff, to approve the Conditional Use Permit. The motion passed unanimously.

Chair Cramblett closed the hearing at 7:22 PM.

- b. **Review Proposed Short Term Rental Ordinance and Make Recommendation to City Council for Adoption.** Chair Cramblett received a letter from Alan Amoth (Exhibit A). CA Zimmerman highlighted the changes that appear in color in the proposed ordinance. He said the attorney's edits are in blue and his are red. CA Zimmerman went through the highlighted portions of the proposed ordinance.

Chair Cramblett asked if there is a generic word that can be used instead of listing all definitions that are listed in the proposed ordinance. PC Foster said the City would be better off if the terms are as close as they can be to conventional terms and can be interpreted in the Code. He advised being too generic could be more limiting than trying to capture as much as you can. CA Zimmerman said these terms are in the Code so this will be consistent and there are statutory differences with some of these terms. PC Foster said the stronger the definitions and terms are the stronger the City's case will be if ever having to be in court. PCM Munkhoff said he reviewed the language for Cannon Beach and they

refer to Transient Rental Occupancy Requirements to cover everything and defined as 30 days or less. He said this term covers in-house rooms. He said they have the term Vacation Home Rentals to define whole house rentals. PCM Munkhoff said Cannon Beach separates requirements for each type. He said in reviewing their language they have obviously had their feet held to the fire. PCM Munkhoff said any one person or entity is allowed only one permit for a vacation rental in Cannon Beach. He questioned only allowing one per person in Cascade Locks. PC Foster said that was probably put into place due to absentee owners.

PCM Munkhoff said that in Cannon Beach they also limit the number of vacation rentals. CA Zimmerman said the proposed ordinance has a requirement for the operator to obtain a transient business license. He explained that the City can't set a new fee without a vote of the citizens so decided this was the best way to do it. He said it will cost the operator nothing but the transient room tax fee they have to collect and pay to the City. PCM Munkhoff questioned if the City should limit the same as Cannon Beach and allow only one per property owner. PCM Bouchard asked what the goal was and what would be accomplished by limiting to one per property owner. PCM Munkhoff said if the numbers of permits are limited it would be fairer to only allow one per property owner.

CA Zimmerman asked PCM Munkhoff again what terms were used in the Cannon Beach Code. PCM Munkhoff said they call them Transient Rental Occupancy and Vacation Rental Home Occupancy and clarified at 30 days or less. CA Zimmerman said Cascade Locks' Code states less than 30 days to collect transient room tax. PCM Munkhoff said for the purpose of the ordinance the other terms could be eliminated. He said he could see a problem with trying to force them to abide with how many occupants are in the house at one time. CA Zimmerman said if there are complaints he would call the emergency contact that is required to live no more than 30 minutes away. He said if there isn't a response then they will be cited into municipal court. PCM Bouchard said places that are listed on sites include the amount of people that are allowed. He explained that someone could search the listing and if you know it is a two bedroom house but lists accommodates 12 then you know there is a problem. CA Zimmerman said there probably won't be a lot of code enforcement but will be a lot of neighborhood pressure on the owner. PCM Bouchard said the owner of the house would not want more people in it. He said that would be harder on the house.

CA Zimmerman addressed Mr. Amoth's concern about the requirement of proof of home owner's insurance that includes short term rental coverage on the subject property. He said this requirement will protect the homeowner. PC Foster said this requirement would be in the City's interest to protect its citizens.

PCM Munkhoff said short term rentals are motels and wondered why the City would not require information on the renters, license plate numbers, etc. just like registering in a motel. CA Zimmerman explained that the City audits the short term rentals and the owner would have to have the information for audit purposes. PC Foster suggested a requirement stating each owner shall maintain a registration book which identifies the occupancy, duration of stay, home address of the occupant, and be available to the City during an audit. CA Zimmerman said the business owner has to maintain those records for three years. PCM Bouchard said we want these people to run their business professionally, have a bank account, kept separate from personal account, but then going to say they can only have one. He explained the hardship of owning one and trying to hire the person to clean only one. He said it would be a better economy to be able to own more than one. He said if a person had two or three they would run it as a Limited Liability Company (LLC) with better tax opportunities. He said these requirements are making it hard for someone to have a business. PC Foster said this was not intended as a business opportunity. He said it was an opportunity for the residents of Cascade Locks to have a supplemental income. PCM Bouchard said he is a private property individual and if he wanted to buy a house and

not be hurting anyone else by what he is doing there he should be able to do that. He asked what it would hurt if he wanted to spend the money and buy two houses for vacation rentals. PCM Bouchard said he didn't think this would be a problem here and he wouldn't limit it at all. PCM Munkhoff said we are a rural city with only a certain amount of housing. PC Foster said he could envision people from Portland buying homes here specifically for short term rentals. PCM Munkhoff said we are a residential area with a very small commercial and industrial district. He said it is not good to allow people to start running businesses in the residential areas. PCM Munkhoff said if he wanted to own three homes for short term rentals he should be running a motel. He said we are not here to run businesses in the residential areas. He said allowing people to run these businesses in the residential areas is counter to the zoning.

PCM Haight said she personally would not like to have these businesses surrounding her where she lives but on the other side can see the other side of people being able to be financially ready for retirement. PCM Bouchard said STR's brings visitors into town and gives them options. He said the sailors say they want to be here for a couple of weeks at a time and are forced to stay in Washington because there isn't anything available here in town. He said these people are frequenting stores and restaurants in Washington and not here because there aren't enough places in Cascade Locks for them to stay. PCM Fitzpatrick said it should not be open ended but maybe one isn't enough. She said there is a big turnover with STR's and can be messy. She said she would agree with owning two at the most. Chair Cramblett said he would agree with PCM Fitzpatrick. PCM Munkhoff said Cannon Beach has obviously had some problems and asked if Cascade Locks wants families or tourists. He said we have limited housing and we do need a balance. He said if we don't have families the businesses in the winter will not survive. PCM Bouchard said he would not limit ownership at all. He said he has had many more issues with the home owner or long term rental than he has ever had with an STR that is the same distance from his house as the long term rental.

Butch Miller said he is against STR's. He said if the City issues a license for an STR the City would be liable. CA Zimmerman disagreed. Mr. Miller said work force housing will be eliminated if allowing STR's. He said it is not a true statement to say you couldn't find someone to clean just one STR. He said fire alarms, carbon monoxide, and fire extinguishers should not be recommended but required. CA Zimmerman said it can't be made mandatory if there is no one to inspect. Mr. Miller said STR's started out as a family business but now grown into corporations.

CA Zimmerman suggested that B.3. be written to exclude management companies and other business real estate entities to operate STR's in order to eliminate the corporate feel. PCM Bouchard said it could be clearer that a management company could manage the property but that management company would have to be within 30 minutes of the property. He said the intent is that a management company could not come in and purchase a number of houses for STR's. CA Zimmerman said the City wants private ownership and not businesses and an addition could be made under B.3. or B.7. to better clarify that.

4. Public Comment. None.
5. Adjournment. Chair Cramblett adjourned the meeting. The meeting was adjourned at 8:25 PM.

Prepared by  
Kathy Woosley, City Recorder

APPROVED:

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Larry Cramblett, Chair



# HOW TO CONDUCT A PUBLIC HEARING

## Order of the Hearing

1. Open Hearing
2. Hearing Disclosure Statement
3. Declare Conflicts of Interest or Ex Parte Contact
4. Staff Report
  - a. Approval Criteria
  - b. Findings of Fact
  - c. Conclusion and Recommendation
5. Applicant's Testimony
6. Proponent's Testimony
7. Opponent's Testimony
8. Staff Response to Testimony and Commission Questions
9. Rebuttal
10. Close Hearing
11. Commission Deliberation
12. Decision Notice (Tentative Approval) or Final Order
13. Appeal

Z:CityRecorder/Planning/Howtoconductapublichearing

Z: Templates





## CASCADE LOCKS PLANNING COMMISSION PROCEDURES

**CHAIR:** Good evening, my name is **Larry Cramblett**. I am the Chair for the Planning Commission, and I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of **Osprey Homes Variance** Case No. **LU-18-003**; an application by **Osprey Homes, LLC**.

This hearing is now open. Oregon land use law requires several items to be read into the record at the beginning of each and every public hearing. Stan Foster, the City's Planning Consultant will review this material; your patience is appreciated as he goes through these statements.

**STAN FOSTER:** An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with and accompanied by statements or evidence sufficient to afford the Commission and those in attendance an adequate opportunity to respond to the issue. Failure of an applicant to raise constitutional or other issues with sufficient specificity for the City to respond to the issues shall prohibit the applicant from seeking damages in circuit court.

The applicable substantive criteria upon which this case will be decided are found in the Cascade Locks Development Ordinance, Section **8-6.56, 8-6.102, 8-6.140, 8-6.148, and 8-6.160**. The specific criteria are summarized in the staff report and will be reviewed at this hearing. All testimony and evidence received during this public hearing must be directed toward this approval criteria, or to such other rule, law, regulation or policy which you believe applies.

This case will proceed with the staff report, followed by the applicant's presentation. The applicant may have additional people participate in making this presentation. This is followed by testimony of those who are in support of the application. All of those opposed to the application will then be allowed to speak. This is followed by those with general comments who are neither for nor against this application. The Commission, staff and participants may ask questions of those who testified. All questions are directed through the Commission Chair, meaning you must ask the Commission Chair for permission to ask the question. Finally, the applicant and only the applicant will be entitled to a rebuttal.

The applicant is entitled to 20 minutes to make their presentation. All other speakers should try to limit comments to 5 minutes. Please try to avoid repetition if someone else has already expressed the same thoughts. It is perfectly acceptable to instead state that you agree with the comments of another speaker. Please be assured everyone will have an opportunity to speak.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak,

please leave the material with staff who will make sure the evidence is entered into the planning record.

You must come to the podium if you are going to testify or to ask a question. This is so you can be recorded. You must give your name and address before you speak so the record of the hearing can be complete and so you can receive a copy of the final decision.

In order to move the hearing along more efficiently, there are sign-up slips near the podium. Please fill this out and give it to the City Recorder at any time.

Prior to the conclusion of the first hearing on a land use application, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, it will be up to this body to determine if the hearing will be continued to a time and date certain, or if the record will be kept open for submission of additional evidence or testimony. If the record is kept open, it will be for a minimum of seven days, with a short rebuttal period thereafter afforded to the applicant.

**CHAIR:** Before we begin with the hearing, I need to ask the audience if there are any objections to the notice that was sent in this case? Are there any objections to the jurisdiction of this body to hear and consider this case? Are there any declarations of conflict or bias by any members of this body?

We are now ready for the staff report.

CITY OF CASCADE LOCKS  
PLANNING STAFF REPORT  
April 12, 2018

**Application File Number:** LU 18-003  
**Applicant Representative:** Osprey Homes, LLC  
**Type of Action Requested:** Variance  
**Code Authority:** Variance (8-6.160)  
**Application certified as complete:** March 15, 2018  
**Action Deadline:** July 13, 2018 (120 days)  
**Approval Criteria:** 8-6.160 (Variance)  
8-6.56 (Low Density Residential)  
8-6.140 (Planned Unit Development)  
8-6.148 (Site Plan Review)  
8-6.102 (Zero Side Yard Dwellings)

**Applicant(s):** Osprey Homes, LLC  
10013 NE Hazel Dell Avenue, PMB 504  
Vancouver, WA 98625

**Location:** 1266 SE Windsong Drive  
Cascade Locks, Oregon 97014

**Township: T 02N**      **Range: R 08E**      **Section: 5CC**      **Taxlot: # 200**

**Zoning:** (LDR) Low Density Residential

**Minimum Lot Size:** Planned Development Exceptions

**Specific Action Requested:** To secure a variance approval allowing the applicant to add a seventh zero yard dwelling in Wasco Creek Planned Unit Development.

**Staff Summary:** Staff has reviewed the application and the relevant criteria governing development in the Wasco Creek Planned Development. The applicant is seeking to secure a variance to the side setback requirements of 5 feet on a “townhome” design of seven units of single family housing located in the Wasco Creek Planned Development. Furthermore, the applicant is seeking to expand the allowable units to seven from the six currently allowed under the rules set forth in Section 8.6.102.020 (F) which limits the number of units to six in a 125 foot length of the townhouse common wall development. The applicant asserts that there are special circumstances, “such as peculiar lot size or shape, topographical constraints or limitations caused by the existing development, over which the applicant has no control and which are not applicable to other properties in the same zoning district”. Staff was not present when this

“Planned Development” was approved and therefore cannot attest to whether this was an error at the time or simply an oversight in making the final approval. Staff will address the issues at hand in the following finding sections. Finally a Planned Development as implemented in this case did not retain the underlying zoning district criteria and rather was given wide latitude to create a “unique housing development” with special conditions and criteria which was approved by the planning officials at the time.

**FINDINGS:**

1. 8-6.160.050 Approval Criteria for variance may be approved when;
  - A. Proposed variance will equally or better meet the purpose of the regulation being modified.
  - B. There are special circumstances (sic) over which the applicant has no control.
  - C. The intended use is compatible with the applicable zoning district
  - D. Existing natural or physical systems will not be adversely affected by this use.
  - E. The hardship is not self-imposed and the variance requested is the minimum variance necessary.

**The applicant purchased seven “developable” lots as established by the Planned Development (PD). The PD provided for common wall construction in this specific case and established seven lots. Some lots within the PD were granted zero side setbacks as a condition of approval for this PD, although notes placed on the plat did not indicate that lot thirteen (subject lot of this request) was exempted from the 5’ setback criteria. This lot abuts a steep slope to the west which is undevelopable and will remain in its natural state due to its slope. 8-6.160.050 (A) is subject to interpretation and since the underlying criteria was modified by the PD, staff has elected to let the duly appointed Planning Commission members determine whether this equals or betters the purpose of the setback regulation without a staff recommendation. 8-6.160.050 (B) Staff concludes that there are special circumstances over which the applicant has no control on this matter, especially since the lot was approved by the City of Cascade Locks Planning Commission. 8-6.160.050 (C) Staff concludes that the intended use is consistent with the approved PD. 8-6.160.050(D) There are existing natural land shapes which will not be adversely impacted by granting this exception. 8-6.160.050(E) The hardship is not self-imposed and is consistent with other developments in the PD.**

**Staff concludes that four out of the five criteria are clearly met and the Planning Commission as the duly appointed body authorized to review and approve any variance request shall determine whether all five criterion are met.**

2. 8-6.56 Low Density Residential Zone (LDR)

- “The purpose of the LDR is to provide land for housing opportunities for individual households. The zone implements the Comprehensive Plan policies and regulations that are intended to create, maintain, and promote single family residential neighborhoods.”

**Approval of the request would not materially alter the neighborhood as this is a Planned Development (PD) which has already been approved as acceptable within this zoning district at this specific site.**

Staff concludes the criterion is met.

- o Minimum dimensional requirements for single family dwellings in LDR zone, unless modified by a PD or a variance is;
  - a. Front yard is 15'
  - b. Side yard is 5'
  - c. Side yard on a street side is 10'
  - d. Rear yard is 15'
  - e. Garage vehicle entrance is 20'

**Staff concludes since a PD was formed and a seventh lot (lot 13) was approved at this site that previous officials determined that this was acceptable.**

**Staff concludes the criterion was met by the Planned Development approval.**

3. Facilities that will generate significant traffic volumes shall have direct access to a collector or arterial street. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties. The approval authority may grant an exemption to these requirements when access is limited by City; Hood River County; or Oregon Department of Transportation requirements. However access must be approved by the City Fire Chief.

**There will be no change in traffic volume as anticipated by the approved Planned Development. Because the City does not have adequate fire-fighting resources to stop a structure fire in a seven unit townhouse, the City Fire Chief is recommending that these units be "sprinkled" to prevent a catastrophic structural fire in these units.**

**Staff concludes that this criterion is met and recommends that the applicant voluntarily comply with the request from the City Fire Chief.**

3. 8-6.140.070 Residential Density Bonus

The Planning Commission is authorized to grant a residential density bonus under a Planned Development Overlay zone. Therefore such a bonus was granted in Wasco Creek Planned Development as evidenced by the approval of seven common wall lots in the PD. Such a bonus was granted at the time of approval and therefore was existing at the time that the applicant purchased the subject property.

**Staff concludes that this criterion is met without regard to the density calculations set forth in 8-6.140.060 (B) due to the PD overlay.**

4. 8-6.148 Site Plan Review

A review of the proposed development is required which ensures that this design meets the overall intent of the Comprehensive Plan, the approved PD and is compatible with the surrounding neighborhood.

**Staff has concluded since the lots were part of the original approved Planned Development, that the proposed development is a reasonable application for the anticipated lots. The criterion is met.**

5. 8-6.102 (F) Building Design

The applicant is requesting a variance (exemption) from this provision of the code. Once again the Planned Development modified the underlying zoning district by placing a PD overlay on all the subject property.

F. Building Design – All new development shall conform to the following building design guidelines and standards. See Figure 1 for illustration of these concepts:

1. Buildings shall not be More than 125 feet in length, as measured from end-wall to end-wall, and shall not exceed six attached dwellings.
2. Building articulations shall be required by providing offsets, projections, and/or recessed entries at a minimum of every 30 feet; and
3. Buildings shall utilize at least five of the following design features to provide visual relief along all elevations of the building:
  - a. Dormers
  - b. Gables
  - c. Recessed entries
  - d. Covered porch entries
  - e. Cupolas
  - f. Pillars or posts
  - g. Bay windows with a minimum 12” projection
  - h. Eaves with a minimum 6” projection
  - i. Off-sets with a minimum of 16 inches in building face or roof
  - j. Repetitive windows with a minimum 4 inch trim
  - k. Variations in material, patterns, or texture
  - l. Trellises, arbors, climbing vines or other landscaping enhancement treatments;
  - m. Architectural detailing, such as cornices, pilasters, or trim;
  - n. Innovative lot schemes and site plans which reduce the visual impact of the blank wall.

**Staff concludes that this criterion has been met due to the PD overlay zone subject to Planning Commission approval of minimum of design features set forth in section 3.**

G. Sprinkler Systems. All attached dwelling units shall meet the Uniform Fire Code requirements for residential sprinkler systems applying to multi-family dwelling units.

**Staff notes that the City Fire Chief has called for sprinkling all units as public safety and fire suppression measures.**

**ACTION REQUIRED:** The Planning Commission after hearing testimony from proponents and opponents will deliberate and take action to either approve or deny the applicant’s request.

**STAFF RECOMMENDATION:** Staff recommends approval of the variance subject to Planning Commission deliberation and consideration of the above findings.

**DECISION:**

**\_\_\_\_\_ Planning Commission denies the request based on the testimony and consideration of the circumstances and regulations which govern development of the subject property within the Wasco Creek Planned Development.**

\_\_\_\_\_ Planning Commission approves the request for a variance based on consideration of the testimony received and the findings provided herein. Furthermore, Planning Commission acknowledges that an affirmative decision in this matter is singular in nature based on the unique conditions on this property and does not apply to any other properties within the Wasco Creek Planned Development.

**CONDITIONS OF APPROVAL:**

1. Applicant shall pay all fees and charges necessary prior to this permit being in effect.
2. Applicant shall comply with all building requirements for a common wall construction between dwelling units as set forth by the Oregon Uniform building code and as interpreted by the County Building official. Applicant voluntarily will ensure that all units discussed herein are sprinkled as recommended by the City Fire Chief.
3. Applicant acknowledges that a sewer easement exists on the west side of lot number 13 and extends through lot 12 and 11, which is proposed to be paved over as part of the variance. A deed note shall be attached to lots 13, 12, and 11 which indicates that "the developer/builder was notified at the time of this approval that should the City Public Works Department or any other agent of the City of Cascade Locks need to access this sewer easement for any reason, that removal of the concrete may be necessary and the City shall not be liable for any removal or replacement costs for gaining such access to the sewer easement and the owner of lots 13, 12, and 11 shall have no recourse for any such action of the City.
4. By reference herein, the full staff report and conditions of approval shall constitute the order hereof.

\_\_\_\_\_  
Larry Cramblett, Planning Commission Chair

\_\_\_\_\_  
Date

Staff Report and order prepared by Stan Foster, Planning Consultant City of Cascade Locks, Oregon.



City Hall  
P.O. Box 308  
Cascade Locks, Oregon 97014  
Phone: 541-374-8484  
Fax: 541-374-8752



## VARIANCE APPLICATION

### I. BACKGROUND INFORMATION

#### Applicant

Applicant Name: Osprey Homes LLC Phone: 360-607-7849

Address: 10013 NE Hazel Dell Ave PMB 504 Vancouver, WA 98685

Applicant Standing (Fee Owner, Contract Purchaser, etc.): Fee owner

#### Property Owner (if different)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

#### Property Information

Property Address: 1266, 1264, 1262, 1260, 1258, 1256, 1254 Windborg Drive

Township; Range; Section; Tax Lot: Wasco Creek Subdivision Lots 7-13 2N, 8E, 5CC

Zone: DR Property Size: 7 lots = ~ 0.4 Acres

Existing Use/Structures: None

Application Proposal: Variance - Remove Interior Side Staircase (lot 13); Length of building > 125 ft > 6 units

#### FOR OFFICE USE ONLY

File Number: LU 18-003

Submittal Date: 2/27/18 Fee: 450.00 Received by: KW

Application Type: Variance completeness: 3/6/18 120th Day: 7/5/18

II. APPLICATION REQUIREMENTS



- (A)  Completed and signed application form.
- (B)  Written response to the approval criteria. It is the applications responsibility to prove the need for the variance.
- (C)  TEN copies of the site plan drawn to scale. The site plan should include information necessary to evaluate the proposal against approval criteria. and should be in the following format
  1. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
  2. The site plan shall be drawn using an engineering scale; and
  3. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals one foot.

City staff will assist the applicant in determining what information is required on the site plan.
- (D)  Names and addresses of all the property owners within 150 feet of the boundaries of the property. This list must be provided by a Title Company or the Hood River County Assessor.
- (E)  Copy of the latest deed, sales contract, or title report indicating property ownership.
- (F)  A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property
- (G)  A signed fee agreement and payment for filing fee.

III. SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

David D. Wilson 1/29/06  
Applicant/Owner Date

\_\_\_\_\_  
Applicant/Owner Date

City of Cascade Locks

Community Planning

RE: Variance Request for 1266 SE Windsong Drive. Lot 13 Wasco Creek

Attached please find a variance request for Lot 13 of Wasco Creek Subdivision. Specifically we are asking for relief from the following

- 1) LDR Side Setbacks of 5 feet (East Side Only)
- 2) Section 8.6.102.020 F limiting the building to 6 units and not more than 125 feet

According to Cascade Locks code 8.6.102.010 there are many purposes for having zero side yard dwellings and we believe that the building that we designed for Wasco Creek lots 7 – 13 meet all of these criteria. The building makes great use of the space on these lots, provides a visually appealing design, provides better choices for the marketplace while remaining more affordable which should encourage home ownership.

We believe that we meet the approval criteria of 8.6.160.050 variance handbook. Specifically

- A) The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan.
  - i. We assume that the original development was done this way to make up for the steep slopes that surround it so that the land within the Urban Growth Boundary.
  - ii. This is the only reasonable way in which these 7 lots can be developed to best meet some of the other requirements of section 8.6.102.020 such as having 10 feet building separation (8.6.102.020 D). Putting 10 feet between lots 12 and 13 would require one of the units to be either extremely narrow (13 feet) or extremely far back from road (60 feet).
  - iii. This design allows for a better mix of housing as the 7 plex design has multiple different units.
- B) There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by the existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district.
  - i. The slope to the west of lot 13 would preclude this property from being developed and Wasco Creek has steep slopes that required for small lots and attached buildings to make the best use of the available land. The applicants did not do the original development and land that is further developed in Cascade Locks will likely not be allowed to be designed in such a manner.
  - ii. The overall width of the 7 lots at a reasonable distance behind the curb is 158 feet and the 5 interior lot widths averaging 20 feet wide. On both sides of this building area there are steep slopes (uphill and downhill). This topographic constraint is unique.

- C) The use proposed is permitted or conditional use as allowed in the applicable zoning district, and the standards of this title will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.
  - i. Attached Housing is allowed in the zoning district.
- D) Existing physical and natural systems, such as but not limited to transportation facilities, utilities and sensitive lands, will not be adversely affected any more than would occur if the use or the structure were developed in accordance with the provisions of the title.
  - i. By allowing the applicant to develop the 7 connected units in the manner proposed we believe that the overall architectural design is more appealing than other options and thus is the best fit for the neighborhood, the natural area around the neighborhood and the scenic character of the area.
- E) The hardship is not self imposed and the variance requested is the minimum variance that would alleviate the hardship.
  - i. We are not the original developers of Wasco Creek and are innocent purchasers that assumed that since all lots had been developed and platted under the Cascade Locks codes that they would be buildable. We also assumed that it was simply a scribes error and the side setback handwritten note should have been specifically for the setback from the exterior boundary of the development (a common development code in other jurisdictions that we have developed in).
  - ii. Creating a design that fits these 7 lots was a unique and challenging feat. The building that we came up to fit onto the unique situation requires us to exceed the 125 feet building length as there is no good place to split up this building with 5 interior lots with a width of 100 feet.

We ask that you agree that this building design will enhance Cascade Locks housing stock and help the city to meet the objectives that are desirable within the Urban Growth Boundary. This unique situation within 8.6.102.010 is best met by allowing a variance to the building length and recognition that the side setback of 5 feet on lot 13 should only pertain to the project exterior side or west side of lot 13.

Respectfully Submitted



Daniel D Wisner

Osprey Homes LLC

10013 NE Hazel Dell Ave PMB 504

Vancouver, WA 98685



NOTICE TO APPLICANT  
REIMBURSEMENT TO CITY OF CASCADE LOCKS  
FOR ADMINISTRATIVE FEES



TO: APPLICANT

The City of Cascade Locks, like many other small cities in Oregon, is faced with a severely reduced budget for the administration of the City's Ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process land use applications, the city must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure that applications are processed fairly and promptly. Because of reduced budgets, the City finds it necessary to transfer some administrative costs to you, the applicant, as part of the land use planning process. Therefore, you are asked to read and sign the agreement below indicating that you understand and agree to this requirement.

AGREEMENT TO REIMBURSE CITY  
FOR ADMINISTRATIVE COSTS

I/We, the applicant(s), Osprey Homes LLC,  
hereby agree to reimburse the City of Cascade Locks for administrative costs over and above the costs covered by the Basic Fee, which we have paid. We have been advised that an estimated cost is \$ 450, but that actual costs could exceed this amount. In the event the City is required to commence litigation to recover these costs, the prevailing party shall be awarded costs and reasonable attorney's fees, including any costs and fees on appeal.

The amount not paid shall also become a lien against the property on which the land use action is sought, in favor of the City of Cascade Locks, and shall be docketed in the City Lien Docket.

DATED this 29 day of January, 2018.

LAND USE APPLICANT(S): Donald D. Horn

PROPERTY OWNER(S):  
(If Different Than Above)

Site Address	Owner Name	Tax ID	Assessor's Acct#	Mailing Address
92 SE SHAHALA DR	Thomas Stout	02N08E06DD01500	13394	10151 SE SUNNYSIDE RD #499 CLACKAMAS, OR 97015
94 SE SHAHALA DR	Lee Sanderson	02N08E06DD01900	13398	PO BOX 916 AURORA, OR 97002
96 SE SHAHALA DR	MRED PROPERTIES, LLC	02N08E06DD02000	13399	PO BOX 742 FAIRVIEW, OR 97024
1192 SE CHINOOKAN DR	Thomas Stout	02N08E06DD02100	13400	10151 SE SUNNYSIDE RD #499 CLACKAMAS, OR 97015
1188 SE CHINOOKAN DR	MRED PROPERTIES, LLC	02N08E06DD03500	13414	PO BOX 742 FAIRVIEW, OR 97024
1180 SE CHINOOKAN DR	Urszula Struck	02N08E06DD03700	13416	1376 DILLON RD HOOD RIVER, OR 97031
1176 SE CHINOOKAN DR	MRED PROPERTIES, LLC	02N08E06DD03900	13418	PO BOX 742 FAIRVIEW, OR 97024
1242 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01400	13559	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1244 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01300	13558	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1246 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01200	13557	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1248 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01100	13556	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1250 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01000	13555	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1252 SE WINDSONG DR WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC00900	13554	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
Wasco Creek Common Area WINDSONG DR	WASCO CREEK LLC	02N08E05CC02200	13567	1801 NE 82ND VANCOUVER, WA 98665
1247 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC02100	13566	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1245 SE WINDSONG DR	Anthony & Samantha Pirello	02N08E05CC02000	13565	1245 SE WINDSONG DR CASCADE LOCKS, OR 97014

1293 SE WINDSONG DR	Martha Elizabeth Lamont	02N08E05CC02300	13568	PO BOX 428 CASCADE LOCKS, OR 97014
1295 SE WINDSONG DR	Martha Elizabeth Lamont	02N08E05CC02400	13569	PO BOX 428 CASCADE LOCKS, OR 97014
1297 SE WINDSONG DR	Martha Elizabeth Lamont	02N08E05CC02500	13570	PO BOX 428 CASCADE LOCKS, OR 97014
1237 SE WINDSONG DR	Shannon & Tyler Stevens	02N08E05CC01900	13564	PO BOX 354 HOOD RIVER, OR 97031
1235 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01800	13563	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685
1233 SE WINDSONG DR	OSPREY HOMES, LLC	02N08E05CC01700	13562	10013 NE HAZEL DELL AVE #PMB 504 VANCOUVER, WA 87685

**RECORDING COVER SHEET** (Please print or type)  
 This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, and does NOT affect the instrument. ORS 205.234

HOOD RIVER COUNTY, OR **2016-02464**  
 D-WD 07/21/2016 09:03 AM  
 Cnt=1 Str=2 COUNTER  
 \$25.00 \$11.00 \$20.00 \$10.00 \$15.00 \$81.00



I certify that this instrument was received and recorded in the records of said county.  
 Brian D. Beebe, Director of Records and Assessment and Ex-Officio Recorder.

After recording return to: ORS 205.234(1)(c)  
 Osprey Homes, LLC  
 10013 NE Hazel Dell Ave PMB 504  
 Vancouver, WA 87685

1. Title(s) of the transaction(s) ORS 205.234(1)(a)  
 Warranty Deed

2. Direct party(ies) / grantor(s) Name(s) ORS 205.234(1)(b)  
 Wasco Ventures, LLC, a Utah Limited Liability Company

3. Indirect party(ies) / grantee(s) Name(s) ORS 205.234(1)(b)  
 Osprey Homes, LLC a Washington Limited Liability Company

4. True and actual consideration:  
 ORS 205.234(1) Amount in dollars or other  
 \$ **360,000.00**  
 Other:

5. Send tax statements to: ORS 205.234(1)(e)  
 Osprey Homes, LLC  
 10013 NE Hazel Dell Ave PMB 504  
 Vancouver, WA 87685

6. Satisfaction of lien, order, or warrant:  
 ORS 205.234(1)(f)  
 FULL  PARTIAL

7. The amount of the monetary obligation imposed by the lien, order, or warrant: ORS 205.234(1)(f)  
 \$

8. Previously recorded document reference: 2016-02031

9. If this instrument is being re-recorded complete the following statement: ORS 205.244(2)  
 "Rerecorded at the request of Columbia Gorge Title  
 to correct Legal Description to include "Lot 21" see exhibit "A"  
 previously recorded in book \_\_\_\_\_ and page \_\_\_\_\_, or as fee number 2016-02031."

Columbia Gorge Title 16-0165

HOOD RIVER COUNTY, OR	2016-02031
D-WD	
Stn=4 DANIEL CHANGAR	06/17/2016 02:41:47 PM
\$15.00 \$11.00 \$10.00 \$20.00 \$15.00	\$71.00

I certify that this instrument was received and recorded in the records of said county.

Brian D. Beebe, Director of Records and Assessment and Ex-Officio Recorder.

After recording return to Grantee and until a change is requested all tax statements shall be sent to the Grantee at the following address:

Osprey Homes, LLC  
10013 NE Hazel Dell Ave PMB 504  
Vancouver, WA 97685

Grantor Address:  
Wasco Ventures, LLC, a Utah Limited Liability Company  
12395 World Trade Drive #200  
San Diego

### WARRANTY DEED

Parcel Map and Tax No.: 2N08E05CC 00200-02700

The true consideration for this conveyance is \$360,000.00. (Here comply with requirements of ORS 93.030)

Wasco Ventures, LLC, a Utah Limited Liability Company, Grantor, hereby grant, bargain, sell, warrant and conveys to Osprey Homes, LLC, a Washington Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 and 25, WASCO CREEK SUBDIVISION, in the City of Cascade Locks, of Hood River County, in the State of Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 AND 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

I certify this to be a correct and whole transcript of the original document, consisting of 3 page(s), on file in Hood River County Records & Assessment.

Certified this 19th of July, 2016

By:   
Samantha Dorsey - Deputy

1 of 3

Dated this 16<sup>th</sup> day of June, 2016.

Wasco Ventures, LLC, a Utah Limited Liability Company

[Signature]  
By: Craig Faulkner, Managing Member

*See Attached*

STATE OF CA  
COUNTY OF San Diego } SS:

I certify that I know or have satisfactory evidence that Craig Faulkner, Managing Member of Wasco Ventures, LLC, a Utah Limited Liability Company is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in this instrument

Dated: June 16, 2016.

Rebecca L. Cannariato  
Notary Public in and for the State of CA  
Commission Expires 10/28/2019



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Diego )  
On June 16, 2010 before me, Rebecca L. Cannariato, Notary,  
Date Here Insert Name and Title of the Officer  
personally appeared Craig Faulkner  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Rebecca L. Cannariato  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

Corporate Officer -- Title(s): \_\_\_\_\_

Partner --  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer -- Title(s): \_\_\_\_\_

Partner --  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

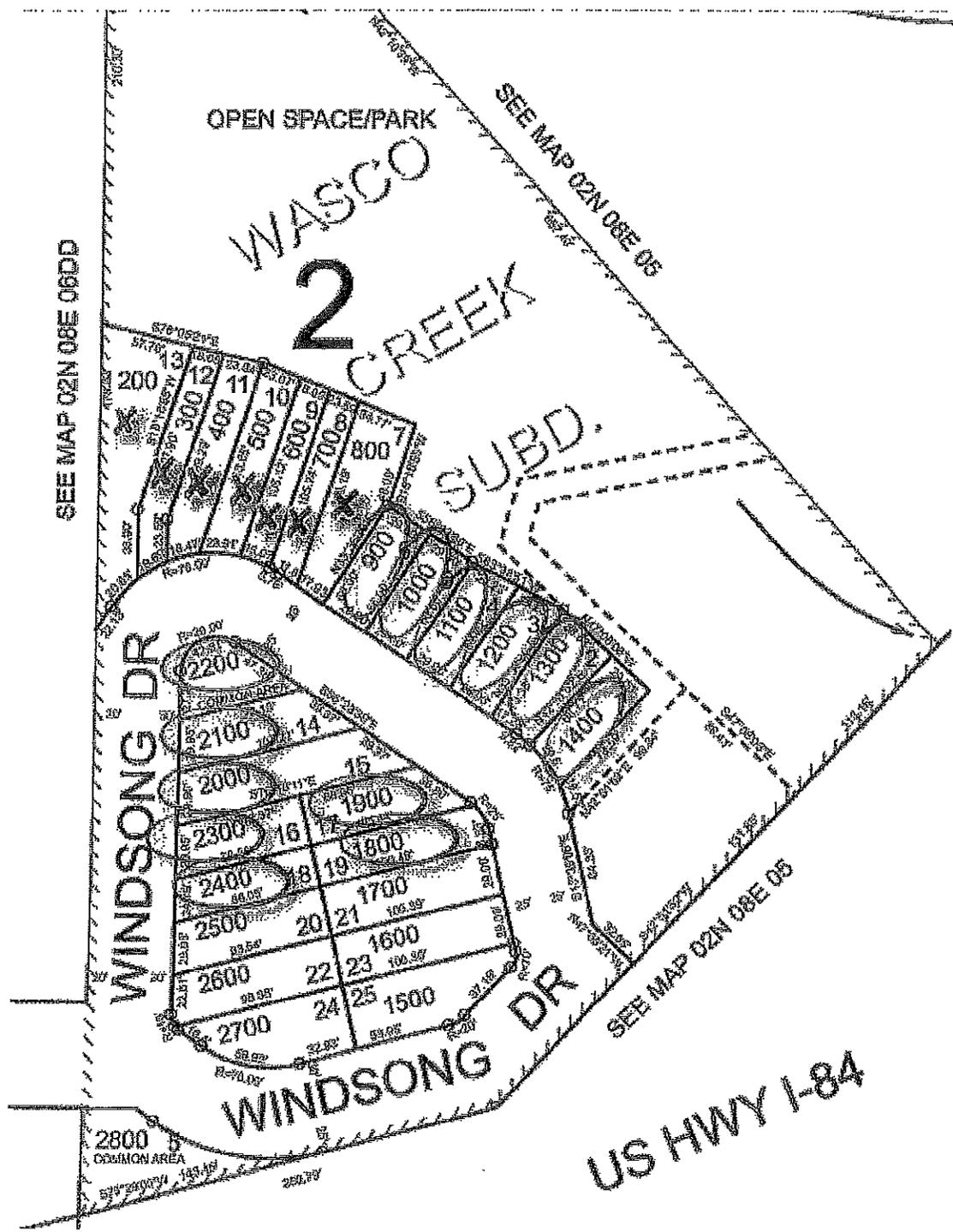
Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

ORDER NO. 16-0165ED

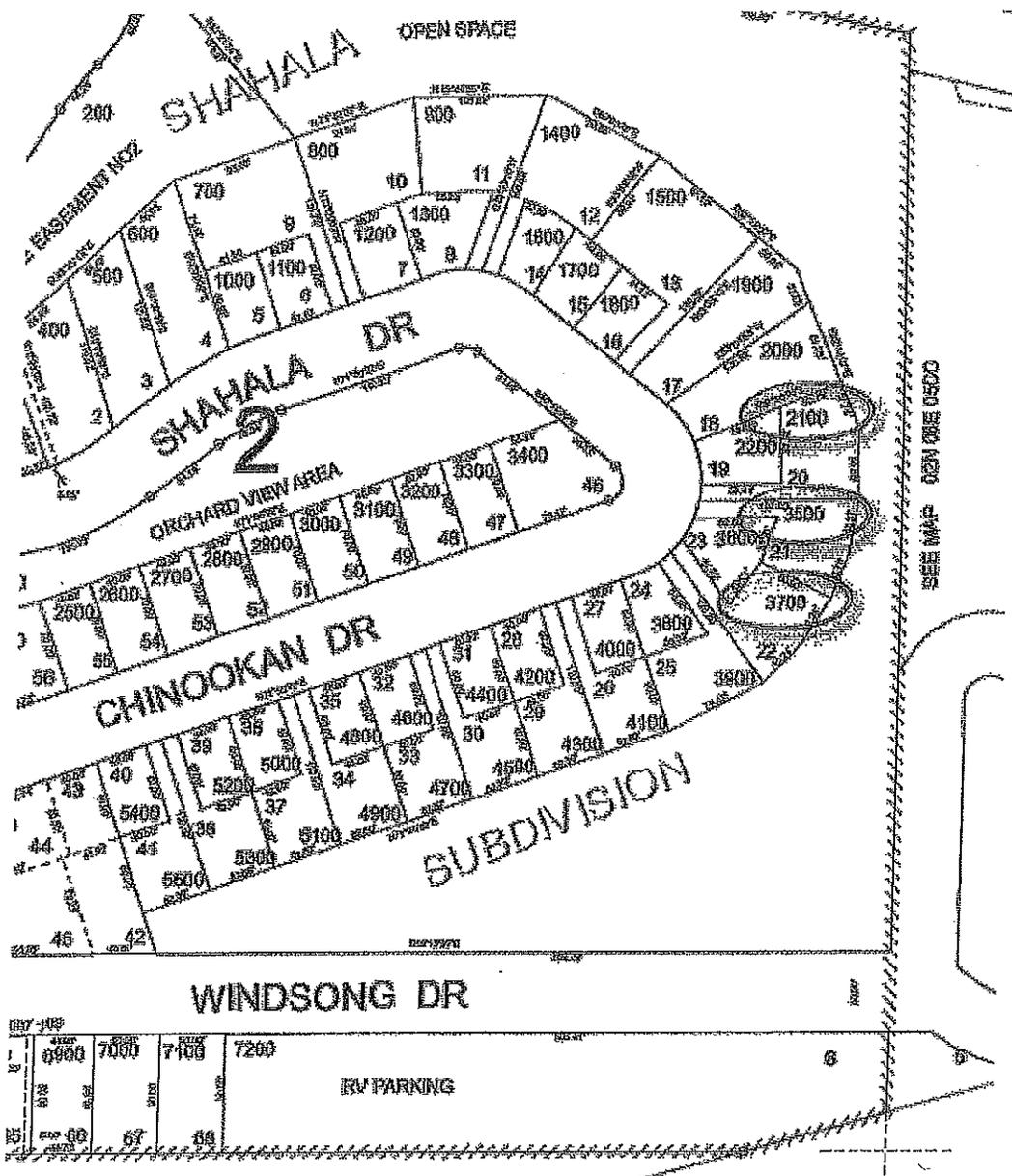
EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, WASCO CREEK SUBDIVISION, in the City of Cascade Locks, of Hood River County, in the State of Oregon.



**Windsong Subdivision  
Hood River, OR 97031**

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



Windsong Subdivision  
Hood River, OR 97031

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF







## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cascade Locks Planning Commission, at its meeting on April 12, 2018 at 7:00 PM, in the City Council Chambers of the City Hall, Cascade Locks, Oregon, will consider the following application:

**FILE TITLE:** Osprey Homes, LLC - Variance Request LU 18-003

**APPLICANT:** Osprey Homes, LLC  
10013 NE Hazel Dell Avenue, PMB 504  
Vancouver, WA 98625

**REQUEST:** To remove interior 5' side setback from Lot 13 in the Wasco Creek Planned Unit Development and remove limitation of six units and the limit of 125 feet in length.

**LOCATION:** 2N 8 5 CC, Tax Lot 200  
1266 SE Windsong Drive  
Cascade Locks, OR 97014

**APPLICABLE REVIEW CRITERIA:** Cascade Locks Community Code Sections 8-6.56, 8-6.102, 8-6.140, 8-6.148, and 8-6.160.

**PROPERTY OWNERS WITHIN 250 FEET OF THE SUBJECT PROPERTY ARE RECEIVING THIS NOTICE. SPECIAL NOTICE TO MORTGAGEE, LEINHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.**

The Public Hearing on this matter will be conducted in accordance with the rules contained in the zoning ordinance adopted by the Cascade Locks City Council, which is available at City Hall.

All interested persons may appear and provide testimony and only those who submit written comments or testify at the hearing shall be entitled to appeal.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

At least seven days prior to the Hearing, a copy of the staff report will be available for inspection at no cost, or a copy can be obtained for fifteen cents per page.

For further information, please contact Cascade Locks City Hall, at 374-8484, 140 WaNaPa, Cascade Locks, OR 97014.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cascade Locks will hold a public hearing in the City Council Chambers at City Hall at 7:15 PM on Thursday, April 12, 2018. The public hearing is for the purpose of considering proposed amendments and clarification of the text of the Cascade Locks Community Development Code and create new chapters.

The applicable criteria for considering text amendments are found in Community Development Code Chapter 8-6.176. Copies of the proposed amendments, and the Code, are available for review at City Hall during regular business hours and can also be found on the City's website.

All interested parties are encouraged to submit testimony either at the hearing or in advance in writing. All correspondence should be addressed to Kathy Woosley, City Recorder, City of Cascade Locks, PO Box 308, Cascade Locks, OR 97014 or [kwoosley@cascade-locks.or.us](mailto:kwoosley@cascade-locks.or.us). For additional information contact Kathy Woosley at 541-374-8484 x 102.



**PUBLIC HEARING SCRIPT**  
**LEGISLATIVE/ADMINISTRATIVE HEARINGS**

**INTRODUCTION**

Chair Cramblett: Any Planning Commissioner must declare a potential or actual conflict of interest.

Inform the public that an issue must be raised at the Planning Commission hearing to have standing on appeal to LUBA.

The public hearing on the **proposed amendments and clarification of the text of the Cascade Locks Community Development Code and the creating of new chapters** is called to order.

The public hearing this evening will be conducted as follows:

1. **Staff will present the staff report**
2. **Questions (if any) by the Planning Commission for staff.**
3. **Receive any written testimony.**
4. **We will then open the public hearing for testimony, and time will be limited to 3 minutes per person. Any interested person may present testimony.**
5. **We will then close the public hearing – (No other comments will be heard from the public)**
6. **Final comments by staff**
7. **Questions of staff, if any, by the Planning Commission.**
8. **Discussion by the Planning Commission.**
9. **Motion to forward to City Council as presented or motion to forward to City Council as amended.**

**[FIRST HEARING]**

This is the first hearing before the Planning Commission on this item. A second hearing on this item is currently scheduled for May 14, 2018 with the City Council.

If you wish to speak, please fill out one of the Request to Speak forms and submit it to the City Recorder prior to the time the public hearing is opened for testimony. The Planning Commission Chair will recognize people who wish to speak and any comments must be addressed through the Chair. When you come forward please state your name and place of residence for the record, as this hearing will be recorded. Please speak clearly and precisely.

In reaching a decision on this item, the Planning Commission may be required to consider whether the matter meets relevant approval criteria and any other applicable law. If applicable, those criteria are identified in the staff report, and testimony and evidence must address these criteria or other criteria you believe to apply to the decision.



## City of Cascade Locks

April 5, 2018

TO: Planning Commission

FROM: Kathy Woosley, City Recorder

SUBJECT: Planning Public Hearing on Proposed Community Development Code Amendments.

**Issue:** Adoption of Community Development Code Amendments

**Recommendation:** Direct Staff to prepare an Ordinance for adoption of the Community Development Code Amendments as outlined in Draft #3.

**Discussion:** Staff has been working for several months to prepare updated Community Development Code amendments. This work is funded as a grant with a joint program of Oregon Department of Transportation and Oregon Department of Land Conservation and Development, known as the Transportation Growth Management Program.

The Program started with work sessions with the Planning Commission in 2015. Several public meetings have taken place along with several management team meetings in preparation of Draft #3.

A copy of the proposed amendments is attached.

It is recommended that the Planning Commission conduct the hearing, receive testimony, and then pass the following motion:

*To direct Staff to prepare an ordinance for consideration, with attached findings, adopting the proposed Community Development Code Amendments and have the first reading of the proposed ordinance at the City Council meeting on May 14, 2018.*



## Criteria and Findings for Amending the Development Code

The following chapters of the Development Code are proposed to be amended or added:

- Chapter 8-6.08 DEFINITIONS
- Chapter 8-6.56 LOW DENSITY RESIDENTIAL ZONE (LDR)
- Chapter 8-6.101 BUILDING DESIGN STANDARDS FOR SINGLE FAMILY AND DUPLEX DWELLING
- Chapter 8-6.100 MANUFACTURED/MOBILE HOME REGULATIONS
- Chapter 8-6.60 MEDIUM DENSITY RESIDENTIAL ZONE (MDR)
- Chapter 8-6.64 HIGH DENSITY RESIDENTIAL (HDR)
- Chapter 8-6.164 ACCESSORY STRUCTURES
- Chapter 8-6.165 ACCESSORY RESIDENTIAL UNITS [NEW CHAPTER]
- Chapter 8-6.166 COTTAGE DEVELOPMENTS [NEW CHAPTER]
- Chapter 8-6.140 PLANNED DEVELOPMENTS
- Chapter 8-6.70 DOWNTOWN ZONE (D)
- Chapter 8-6.2 COMMERCIAL ZONE (C)
- Chapter 8-6.80 RESORT COMMERCIAL ZONE (RC)
- Chapter 8-6.180 SUBDIVISION
- Chapter 8-6.184 MAJOR AND MINOR LAND PARTITIONS AND LOT LINE ADJUSTMENTS
- Chapter 8-6.16 DEVELOPMENT PERMIT
- Chapter 8-6.48 CODE INTERPRETATIONS [MODIFIED CHAPTER]

Criteria for amending the Development Code are found in Chapter 8-6.176 of the Development Code and are addressed as follows. Only those criteria that apply to the proposed amendments are addressed. (A double backslash “//” is used to indicate where the narrative skips over non-applicable code provisions.)

### 8-6.176.030 Administration

- A. *Application(s) for an amendment to the Comprehensive Plan or Development Code text or a legislative Comprehensive Plan map amendment shall follow the City Council review process in accordance with Article II, Procedures.*

**Finding:** The proposed Development Code text amendments are being processed as legislative amendments because they affect more than a small number of properties. Some amendments apply to specific zones, while others apply to more than one zone.

- B. *Application for a quasi-judicial Comprehensive Plan and/or zoning map amendment shall follow the Planning Commission review process in accordance with Article II, Procedures.*

**Finding:** Criterion B is not applicable because the proposed amendments are legislative.

C. Amendment applications shall be initiated in the following manner:

//

2. *Legislative*

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

**Finding:** The City Council initiated the proposed amendments, directing staff and the Planning Commission to complete amendments identified in the 2015 Development Code Evaluation and Action Plan.

8-6.176.040 Submittal Requirements

A. *In addition to the application form and information required in Section 8-6.24.030, the applicant shall submit a supporting narrative, illustrations, plans, etc. to demonstrate compliance with the provisions of this chapter.*

//

**Finding:** This request, initiated by the City of Cascade Locks, has been filed pursuant to the above submittal requirements. The background and findings contained herein and attached to the staff report serve as the supporting narrative for this request.

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

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

- A. *Comply with the Statewide Planning Goals and related administrative rules.*
- B. *Comply with the Comprehensive Plan goals, policies, and implementation strategies.*
- C. *Be internally consistent with related Comprehensive Plan or Development Code provisions.*

*D. Promote provision of adequate public facilities and services for the community.*

**Finding:** The proposed amendments do not modify the Comprehensive Plan, which was found to comply with all applicable Statewide Planning Goals and administrative rules during the most recent update to the Plan in 2001. Therefore, in order for Criterion A to be met, the proposed amendments need only comply with the applicable goals, policies, and implementation strategies of the Comprehensive Plan, be internally consistent with other Development Code provisions, and promote the provision of adequate public facilities and services. The applicable Comprehensive Plan provisions are addressed, as follows.

*I. Natural Resources and Hazards*

*B. Land (Statewide Planning Goals 3, 4, 5, 6, 7 and 14)*

*Goals*

- 1. To promote efficient use of land within the Urban Growth Boundary while being compatible with existing development and physical development limitations.*

**Finding:** The proposed amendments promote more efficient use of land by allowing Accessory Residential Units in the LDR and MDR zones and Cottage Development in the MDR zone, decreasing the amount of open space required of Planned Developments (from 20% to 10%), and expanding the types of uses allowed in the Resort Commercial zone. Land use standards and review procedures are proposed to ensure compatibility between these types of development and existing development. The amendments add two terms to Chapter 8-6.08 Definitions, *Accessory Residential Unit* and *Cottage Development*, for internal consistency with amendments to the LDR and MDR zones. Adequate public facilities and services are assured for these uses through the use-specific standards contained in Chapters 8-6.165 and 8-6.166. These criteria are met.

[Because Cottage Development is not needed housing as defined by ORS 197.301 or the City of Cascade Locks Comprehensive Plan it can be allowed subject to discretionary (conditional use permit) criteria.]

*D. Energy (Statewide Planning Goals 5 and 13)*

*Goal*

*To promote efficient energy use.*

*Policies*

*The city shall:*

//

- 2. Encourage efficient forms of transportation including walking, bicycling, and transit.*

**Finding:** The proposed amendments to Chapter 8-6.16 Development Permit assure transportation efficiency by providing criteria for requiring adequate public facilities in

new development, including streets and sidewalks, pursuant to the City's Transportation System Plan. This criterion is met.

## ***II. Infrastructure and Public Services***

### ***A. Public Transit and Special Transportation Needs (Statewide Planning Goal 12)***

#### ***Goal***

*To provide safe, convenient, and economical transportation opportunities for all Cascade Locks residents and businesses as provided in the Cascade Locks Transportation System Plan.*

### ***B. Pedestrian and Bicycle Travel (Statewide Planning Goal 12)***

#### ***Goal***

*To encourage walking and bicycling as provided in the Cascade Locks Transportation System Plan.*

### ***C. Streets (Statewide Planning Goal 12)***

#### ***Goal***

*To provide a street system that meets the needs of residents and businesses as provided in the Cascade Locks Transportation System Plan.*

### ***D. Utilities and Services (Statewide Planning Goal 11)***

#### ***Goal***

*To plan for and provide timely, orderly, and efficient maintenance and improvement of public facilities and services within the Urban Growth Boundary at a pace which keeps up with the city's growth rate and needs.*

#### ***Policies***

*The city shall:*

- 1. Phase utility improvements to support development in areas that can be most effectively served.*
- 2. Encourage development in areas that have adequate facilities and services.*
- 3. Work to provide sanitary sewer service to all properties within the Urban Growth Boundary.*
- 4. Work to provide appropriate water service to all properties within the Urban Growth Boundary to satisfy residential, business, and fire fighting needs.*
- 5. Coordinate with the Port of Cascade Locks to provide utilities and services to the proposed development on the port property.*
- 6. Require new development to provide the utilities and services necessary to serve the development.*

**Finding:** The above policies in part are intended to require adequate public facilities and services in new development. The amendments to Chapter 8-6.16 Development Permit assure adequate public facilities in new development, including all modes of transportation, pursuant to the Transportation System Plan, utilities and city services. This criterion is met.

### ***III. Economy***

#### ***A. Commercial and Industrial Revitalization and Development (Statewide Planning Goal 9)***

##### *Goal*

*To promote a diversified city economy.*

##### *Policies*

*The city shall:*

- 1. Continue to work closely with the Port of Cascade Locks to implement the Master Plan for the Industrial Park and Government Rock.*
- 2. Provide sufficient quantities of appropriately located and zoned land for new businesses in the community.*
- 3. Provide facilities, services, and amenities to promote tourism.*
- 4. Promote the downtown as the primary commercial and service center of the city.*

##### *Implementation Strategies*

- 1. Implement the recommendations contained in the Economic Development Plan for the city of Cascade Locks.*
- 2. Implement the Downtown Street Theme dated September 1992.*
- 3. Establish Comprehensive Plan land use designations and zoning requirements that support the Master Plan for the Industrial Park and Government Rock.*

#### ***B. Jobs Creation (Statewide Planning Goal 9)***

##### *Goal*

*To create family wage jobs for city residents by implementing the Economic Development Plan for the city of Cascade Locks.*

##### *Policies*

*The city shall:*

- 1. Provide sufficient commercially and industrially zoned land to encourage the expansion of existing businesses and the establishment of new employment opportunities.*
- 2. Coordinate efforts with the Port of Cascade Locks to implement the Master Plan for the Industrial Park and Government Rock.*

##### *Implementation Strategies*

1. *Create Comprehensive Plan and Zoning Ordinance land use designations and standards to help implement the Master Plan for the Industrial Park and Government Rock.*
2. *Implement the recommendations contained in the Economic Development Plan for the city of Cascade Locks.*
3. *Work with the Port of Cascade Locks, Hood River School District, Columbia Gorge Community College, and Mt. Hood Community College to provide assistance with job training and retraining.*
4. *Provide incentives to existing or new businesses to provide employment and/or training opportunities to city residents.*

**Finding:** The proposed amendments to the Commercial Resort Zone (CR) broaden the range of uses allowed on the Port property, consistent with the Port of Cascade Locks Master Plan and Policies A.1 and B.1 and B.2, and Implementation Strategy B.1 through B.4. The amendments to the CR zone also make efficient use of employment lands and encourage tourism, consistent with Policies 2 and 3. Amendments to the Downtown Zone (D) strengthen the position of downtown as a commercial and service center by clarifying the development and design standards of the zone, including downtown streetscape elements, consistent with Policy A.4 and B.1 and Implementation Strategy A.2. These criteria are met.

#### ***IV. Planning***

##### ***A. Citizen Involvement (Statewide Planning Goal 1)***

###### *Goal*

*To continue the city's citizen involvement program by improving the opportunity for citizens to actively participate in all phases of the planning process.*

###### *Policy*

*The city shall continue to use citizen committees to help resolve community issues.*

###### *Implementation Strategy*

*Provide notice of Comprehensive Plan, land use ordinance, and land development proposals.*

##### ***B. Communication (Statewide Planning Goal 1)***

###### *Goal*

*To provide public information about planning activities and city functions to enhance public understanding about the city and the services it provides.*

###### *Implementation Strategies*

1. *Town Hall meetings that are structured to provide public information about community issues and to receive citizen comments.*
2. *Continue to publish and distribute The Locks Tender quarterly newsletter.*
3. *Establish a home page on the Internet.*

### ***C. Agency Coordination and Cooperation (Statewide Planning Goal 2)***

#### ***Goal***

*To provide appropriate coordination of planning programs with other local, state, and federal agencies.*

#### ***Policy***

*The city shall continue to work closely with local, state, and federal agencies to provide well coordinated planning programs.*

#### ***Implementation Strategies***

- 1. Provide timely notice of Comprehensive Plan, land use ordinance, and land development proposals to affected agencies.*
- 2. Meet with other agencies on a regular basis (e.g., semi-annually).*

### ***D. Land Use Planning (Statewide Planning Goal 2)***

#### ***Goal***

*The city shall develop a coordinated planning program including an overall vision for the community, clear goals, and implementation programs.  
The city shall provide an orderly transition from rural to urban land uses.*

#### ***Policy***

*The city shall continue to amend its Comprehensive Plan and zoning designations to reflect changes in the community and state planning requirements.*

#### ***Implementation Strategy***

*Amend the Comprehensive Plan and zoning designations as necessary to address changing circumstances.*

**Finding:** The proposed code amendments were developed through an inclusive public process which began in 2015 with an initial code evaluation and action plan (Phase 1) that included participation by business owners, Port representatives, and members of the general public, Planning Commission, and City Council. The list of code amendments was refined in Phase 2 of the process, which involved community outreach by the City, two Planning Commission public work sessions, a community meeting, and public hearings before the Planning Commission and City Council (forthcoming). At each of the meetings, the public and other potentially affected agencies such as the Port and the Oregon Department of Transportation were invited to participate and provide input. The City has provided public notice to other potentially affected public agencies, housing providers, and the public in accordance with the public outreach and involvement plan developed for Phase 2 and the notification requirements in Chapter 8-6.24.050. As required by state law, the City also notified the Oregon Department of Land Conservation and Development 35 days prior to the first evidentiary hearing on this proposal. The criteria Part IV of the Comprehensive Plan are met.

## ***V. Quality of Life***

### ***A. Sense of Place (Statewide Planning Goal 5)***

#### *Goal*

*To maintain the historic, small town character and scenic beauty of the community.*

#### *Policy*

*The city shall conserve important open space and natural and scenic resources.*

#### *Implementation Strategies*

- 1. Develop planned development ordinance provisions that encourage or require transfer of density within the area south of I-84 to concentrate development in the most suitable areas while providing common open space areas to protect the scenic qualities of the remaining land which is less suited for development.*
- 2. Implement the Downtown Street Theme.*

### ***B. Housing Opportunities (Statewide Planning Goal 10)***

#### *Goal*

*To provide adequate housing opportunities.*

#### *Policies*

*The city shall:*

- 1. Encourage a variety of housing types and prices.*
- 2. Strive to make public infrastructure available to support new residential development.*

#### *Implementation Strategies*

- 1. Implement the Housing Study*
- 2. Streamline ordinance procedures to make it easier to provide new housing.*

**Finding:** Consistent with the policies in subsections A and B, the proposed amendments to the Planned Development standards in Chapter 8.6.140 promote housing variety and efficiency by reducing the percentage of open space required for planned developments from 20% to 10% and ensuring required open space is appropriate located and usable for residents. These policies and the implementation strategies that follow are also met by the proposed amendments allowing Accessory Residential Units in the LDR and MDR zones and Cottage Development in the MDR zone. Land use standards and review procedures are proposed to ensure compatibility between these types of development and existing development. The amendments add two terms to Chapter 8-6.08 Definitions, *Accessory Residential Unit* and *Cottage Development*, for these uses, and for internal consistency with amendments to the LDR and MDR zones. Adequate public facilities and services are

assured for these uses through the use-specific standards contained in Chapters 8-6.165 and 8-6.166, consistent with Policy B.2. These criteria are met.

[Because Cottage Development is not needed housing as defined by ORS 197.301 or the City of Cascade Locks Comprehensive Plan it can be allowed subject to discretionary (conditional use permit) criteria.]



**CITY OF CASCADE LOCKS DEVELOPMENT CODE UPDATE  
DRAFT #3**

**PLANNING COMMISSION PUBLIC HEARING**

**APRIL 12, 2018**

## **CITY OF CASCADE LOCKS DEVELOPMENT CODE UPDATE - BACKGROUND**

During 2015, the City of Cascade Locks received a grant through the State Transportation and Growth Management (TGM) Program to evaluate the Development Code. The Planning Commission and City Council worked on the study with consultant Siegel Planning Services, who conducted outreach to the community culminating in a Code Update Action Plan. The Action Plan outlined future steps the City could take to improve its code. That Action Plan, a separate report prepared by Rick Williams Consulting that specifically addressed downtown parking, and a subsequent evaluation prepared by Siegel Planning Services in November 2017, are available at City Hall and posted on the City's website.

This document contains the proposed set of code amendments intended to implement the Action Plan. Specifically, the amendments are intended to help guide development and achieve:

- Appropriate densities with a mix of complementary land uses
- Complete neighborhoods with a variety of housing
- Quality development design
- Efficient use of land, while maintaining a high quality of life
- Enhanced walkability and bikeability
- Improved transportation connections and recreational opportunities
- Downtown development that improves the walkability of the area along WaNaPa Street (U.S. Hwy 30) while accommodating tourist automobile traffic and maintaining the historic character of the highway

In 2015, Siegel Planning reviewed Cascade Locks' Comprehensive Plan and Development Code and met with members of the Planning Commission and small groups of individuals representing the Port of Cascade Locks, downtown merchants, and local industry. In addition to holding its own work sessions on the code, the Planning Commission met jointly with the Cascade Locks City Council to discuss the recommendations.

In 2017, the City received a second grant from the TGM Program to complete the code updates. Commission in the fall of 2017 to review the work plan and to provide initial direction on the scope of the amendments. The City held a Community Meeting in January where a preliminary draft of the code was presented and discussed. The Commission then met in February 2018 to review a revised draft of the amendments.

This packet contains the third draft, the Public Hearing Draft, of the code amendments, as requested by the Planning Commission's and city staff. The Planning Commission public hearing scheduled for April 12, 2018, 7:00 PM, at Cascade Locks City Hall.

CITY OF CASCADE LOCKS DEVELOPMENT CODE UPDATE (DRAFT #1)

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**Note to Reviewers:**

The following code amendments are shown as ~~strikeout~~ text (for deletions) and **underlined (bold)** text for additions. (For readability, where an entire chapter is new, the underlined text is not boldface.)

For brevity, large portions of the existing code that are not proposed to change are not shown. Where the draft skips over those portions, the “//” symbol is used. In some instances, the draft includes sections of existing code that are not proposed to change for context; the consultant has not edited existing code sections where no substantive amendment is required.

Explanatory text, including discussion of alternatives considered for some amendments, is contained in text boxes. These boxes are to be removed from the final, adopted code.

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**Chapter 8-6.08 DEFINITIONS**

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8-6.08.020 Definitions of Specific Terms

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**Cottage Housing Development.** Four or more detached dwelling units on one or more lots developed under a unified site plan approved pursuant to Section 8-6.166 Cottage Housing Development standards.

//

**Accessory Residential Unit.** An accessory residential unit is an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling, subject to the siting and design standards of Section 8-6.165.

//

<p><u>Action Item:</u> New terms added to support new development standards for Cottage Housing Developments and Accessory Residential Units. The definitions clarify how many dwelling units are allowed on a lot for the respective use.</p>
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## Chapter 8-6.56 LOW DENSITY RESIDENTIAL ZONE (LDR)

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### 8-6.56.020 Permitted Uses

A permitted use is a use which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Permitted uses in the LDR district are:

- A. Dwelling, single-family detached;
- B. Dwelling, duplex on corner lot;**
- C. Accessory residential unit**
- DB.** Manufactured home on an individual lot;
- EC.** Residential home;
- FD.** Family day care (Family Care);
- GE.** Accessory buildings **structures not exceeding 400 square feet;** and
- HF.** Home occupations.

//

### 8-6.56.030 Conditional Uses

//

### **J. Accessory structures exceeding 400 square feet**

<p>Action Item: Chapter 8-6.1.164 contains unified standards and review procedures for accessory structures. Currently, accessory structures &gt;400 sq. ft. (not to exceed 1,500 sq. ft.) are permitted. Staff has recommended requiring Planning Commission review (conditional use permit) for structures in the LDR and MDR zones exceeding 400 sq. ft.</p>
---

### 8-6.56.040 Dimensional Requirements

Unless modified as provided in Chapter 8-6.140, Planned Development Overlay Zone or Chapter 8-6.160, Variance, the dimensional requirements in the LDR district are:

- A. All uses except Zero Side Yard Dwellings **and Duplexes:**
  - 1. A minimum lot area 6,500 for individual lots and an average minimum lot size of 7,500 square feet when two or more lots are created; and
  - 2. A minimum average lot width of 50 feet.
  - 3. A minimum average lot depth of 80 feet.
  - 4. A minimum lot width at the street of 40 feet and 20 feet on a cul-de-sac or for a flag lot.

B. Zero Side Yard Dwellings **and Duplexes**

1. A minimum **development area** lot size for the entire zero side yard dwelling development of 12,000 square feet, and an
2. **A minimum** average lot size of 3,500 square feet **per dwelling unit (7,000 square feet for a duplex)** for individual lots created within the development of 3,500 square feet. See Sections **8-6.101 and 8-6.102.**
3. A minimum lot width of 20 feet **for zero side yard dwellings and 50 feet for duplexes.**

C. Minimum building setback requirements of:

1. Front yard of 15 feet for the building and garage;
2. Side yard of 5 feet, **or 0 feet for attached single family dwellings or detached single family dwellings where the setback between structures on the abutting property is approved by the Building Official and is permanently assured;**

**Note:** The above amendment is for consistency with the existing LDR standards that permit zero side yard dwelling development.

3. Side yard (street) of 10 feet;
4. Rear yard of 15 feet; and
5. Garage vehicle entrance setback of 20 feet.

D. No building shall exceed 35 feet in height.

E. The maximum height and size and minimum setbacks for accessory structures shall comply with the provisions of Chapter 8-6.164, Accessory Structures.

F. The maximum coverage of buildings and impervious surfaces shall not exceed 75 percent of the total lot area.

**G. Duplexes shall meet the following standards:**

1. **Duplexes are permitted only on corner lots where both abutting streets are paved in conformance with minimum City standards.**
2. **Garages for each duplex unit shall receive access from a separate street, except where the City Engineer determines that traffic safety or operations requires access from the same street, in which case the total width of the street opening (curb cut) for both units shall not exceed 20 feet.**
3. **Duplexes shall conform to the building design standards for single family and duplex dwellings in Chapter 8-6.101.**

//

**Duplex on Corner Lot.** The amendment allows duplexes on corner lots in the LDR zone subject to transportation and building design standards. It addresses Cascade Locks' very limited land supply due to topography and the physical barriers of the river, railroad, and interstate. It also

establishes design standards for duplexes similar to single family dwellings for other zones (MDR and HDR) where they are permitted. The city has an interest in making the most efficient use of land that it can while providing housing choices and preserving community identity and quality of life. (The proposed amendment also clarifies the setback standard for garage entrances, which is 20 feet.)

**Chapter 8-6.101 BUILDING DESIGN STANDARDS FOR SINGLE FAMILY AND DUPLEX DWELLINGS**

**8-6.101.010 Purpose**

The following standards will be applied to all single family dwellings **and duplexes**, whether modular or manufactured homes, or site-built homes, to be constructed or located in any zone in order to provide visual relief along the front of the home:

**8-6.101.020 Single Family and Duplex Design Standards**

All single family homes **and duplexes**, whether modular or manufactured homes, or site-built homes, shall utilize at least two of the following design features on the front side of the home:

- A. Dormers;
- B. Gables;
- C. Recessed entries;
- D. Covered porch entries;
- E. Cupolas;
- F. Pillars or posts;
- G. Bay or bow windows;
- H. Eaves (minimum 6" projection);
- I. Off-sets on building face or roof (minimum 16")

**Note:** The above extends the building design standards to duplexes for compatibility with single family uses in the LDR zone.

## Chapter 8-6.100 MANUFACTURED/MOBILE HOME REGULATIONS

//

**Action Item:** Under state law, standards applied to manufactured dwellings must be comparable to those required for stick-built homes. In its review of Draft #2, the Planning Commission directed that the proposed amendments include removal of the garage/carport requirement in Section 8-6.100.040.1.1. The advantage to removing the requirement is that it would reduce construction costs and increase affordability for homebuyers who prefer not to have a garage. The reason for requiring a garage or carport is mainly for aesthetics and security, as fewer automobiles may be parked outside and the need for accessory storage structures may be reduced with a garage. If no garage is required, a shed may be a more economical option for storage, especially for items such as garden equipment that do not require a conditioned space.

### 8-6.100.040 Manufactured Homes on Individual Building Lots

- A. The establishment, location, and use of manufactured homes on individual lots shall be permitted in the absence of covenants, conditions, and restrictions in any zone permitting installation of a detached single-family dwelling unit. Manufactured homes shall be subject to requirements and limitations which apply generally to such residential uses in the district and shall meet the following requirements:
1. The manufactured home shall be multi-sectional with a minimum floor area of 1,000 square feet (excluding any garage or carport);
  2. The manufactured home on sites with a grade of 5% or less shall be placed on an excavated and backfilled concrete or masonry foundation and enclosed at the perimeter such that the finished first floor of the manufactured home is located an average of not more than 12 inches above exterior grade measured five feet outside the foundation on the uphill side of the home. No skirting shall be allowed other than the continuous concrete or masonry foundation;
  3. The manufactured home shall be securely anchored to the foundation system in accordance with the requirements of the state building codes agency for manufactured structures;
  4. The manufactured home shall have a pitched roof with a slope minimum of 3 feet in height for each 12 feet in width;
  5. Review Area. As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within 250 feet as measured from the lot line to lot line. If there are not five residences within 250 feet, only those homes within 250 feet shall be used.
  6. Predominant Material. As used herein, "predominant material" shall be the material used on the majority of the residences in the review area. If there is no majority of residences using the same material, then the material used on the largest plurality of homes in the review area shall be the predominant material.

7. The manufactured home shall utilize one of following roof materials.
  - A. Metal.
  - B. Composition roofing material.
  - C. The predominant roofing material used on residences in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.
8. Exterior Material. The manufactured home shall utilize one or more of the following exterior materials.
  - A. Lap siding composed of wood, vinyl, concrete composite or other materials giving the appearance of wood.
  - B. Grooved siding composed of wood or wood composites.
  - C. Board and batten siding composed of wood or wood composites.
  - D. Shakes or shingles composed of wood or wood composites.
  - E. Brick, brick veneer, stucco, or other masonry materials.
  - F. The predominant siding material used on the front of the houses in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area.
9. The manufactured home shall have an exterior thermal envelope conforming to current HUD standards, as determined by the Building Official.
10. The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards or a HUD certificate indicating compliance.
- ~~11. If the dwellings within the review area have garages or carports, then the manufactured home shall have a garage or carport, and such garage or carport shall be constructed of like materials commonly used on residential dwellings within the community.~~
12. The manufactured home shall meet all applicable development standards, such as setbacks and height limitations, in the Cascade Locks Community Development Code.

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## **Chapter 8-6.60 MEDIUM DENSITY RESIDENTIAL ZONE (MDR)**

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### **8-6.60.020 Permitted Uses**

A permitted use is a use which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Permitted uses in the MDR district are:

- A. Dwelling, single family detached;
- B. Manufactured home on an individual lot;
- C. Dwelling, zero side yard, meeting standards of Section 8-6.102;
- D. Dwelling, duplex, triplex and fourplex;
- E. Residential home;
- F. Family day care (Family Care);
- G. Accessory buildings; and
- H. Home occupations.

//

### **8-6.60.030 Conditional Uses**

//

#### **J. Accessory structures exceeding 400 square feet**

**Accessory Structures:** Chapter 8-6.1.164 contains unified standards and review procedures for accessory structures. Currently, accessory structures >400 sq. ft. (not to exceed 1,500 sq. ft.) are permitted. Staff has recommended requiring Planning Commission review (conditional use permit) for structures exceeding 400 sq. ft.

#### **K. Dwelling, cottage development, meeting standards of Section 8-6.166;**

**Action Item:** Allow cottage developments based on successful models from small towns nearby, to provide a more economical housing option. Cottage developments would be allowed in the MDR zone subject to specific standards. Options considered include permitting the use outright (no discretionary review), conditional use permit (proposed), and requiring rezoning as a prerequisite to any application for cottage development. The advantage to permitting uses outright is that the permit process is predictable and short, as the approval standards are clear and objective and can be administered by staff or the Planning Commission. The downside is the City may have less control over quality of design and other

issues that are not clearly prescribed by code. The advantage of requiring a rezone, which is similar to how cottage development works in White Salmon, WA, is the city has control over the decision to allow the use on a site-by-site basis. However, if the development standards are clear and objective, the city still may not have code authority to direct design changes. The proposed alternative, conditional use permit, provides certainty on the location where cottage development is allowed (any MDR property that is large enough) and flexibility to require design changes/conditions of approval to achieve compliance with discretionary criteria.

Background on Cottage Developments: Cottage developments have multiple small detached dwellings (cottages) oriented to a common open space referred to as a 'green.' Parking is usually grouped in bays, which may include covered parking, garages and/or storage, but it may also be on a street as is typical of historic cottage clusters. Some cottage developments have a small community building or other shared facilities such as recreation facilities or storage lockers. The draft code below is adapted from White Salmon, Washington, which allows cottage developments in its R-2 and R-3 zones subject to overlay zone standards. The draft code for Cascade Locks would allow them as a permitted use in the MDR zone. See proposed standards for Cottage Development later in this draft.

#### 8-6.60.040 Dimensional Requirements

Unless modified as provided in Chapter 8-6.140, Planned Development Overlay Zone, **Section 8-6.166, Cottage Development**, or Chapter 8-6.160, Variance, the dimensional requirements in the MDR district are:

- A. Lot area:
  - 1. Detached single family dwellings. A minimum lot size of 4,500 square feet and an average minimum lot size of 5,000 square feet when two or more lots are created.
  - 2. Zero side yard dwellings. A minimum lot size for the entire development of 8,000 square feet and a minimum lot size for individual lots created within the development of 2,000 square feet. See Section 8-6.102.
  - 3. Duplex, triplex, and fourplex dwellings. A minimum of 4,000 square feet per unit.
- B. A minimum average lot width of 40 feet for detached single family units, and 25 feet per unit for duplex, triplex, and fourplex units. See 8-6.102 for zero side yard dwelling units.
- C. A minimum average lot depth of 80 feet.
- D. A minimum lot width at the street of 30 feet and 20 feet on a cul-de-sac or for a flag lot.
- E. Minimum building setback requirements of:
  - 1. Front yard of 15 feet for the building and garage;
  - 2. Side yard of 5 feet or 0 feet for attached single family dwellings or detached single family dwellings where the setback between structures on

the abutting property is approved by the Building Official and is permanently assured;

3. Side yard (street) of 10 feet;
4. Rear yard of 15 feet; and
5. Garage vehicle entrance setback of 20 feet.

Comment: The amendment to #1 clarifies the garage entry setback in #5, which is 20 ft.

- F. No building shall exceed 35 feet in height.
- G. The maximum height and size and minimum setbacks for accessory structures shall comply with the provisions of Chapter 8-6.164, Accessory Structures.
- H. The maximum coverage of buildings and impervious surfaces shall not exceed 75 percent of the total lot area.

## Chapter 8-6.64 HIGH DENSITY RESIDENTIAL (HDR)

### Sections

8-6.64.010	Purpose
8-6.64.020	Permitted Uses
8-6.64.030	Conditional Uses
8-6.64.040	Dimensional Requirements

### 8-6.64.010 Purpose

The purpose of the HDR zone is to provide land for housing opportunities for individual households. The zone implements the Comprehensive Plan policies and regulations that are intended to create, maintain, and promote high density residential neighborhoods.

### 8-6.64.020 Permitted Uses

A permitted use is a use which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Permitted uses in the HDR zone are:

- A. Dwelling, single-family detached;
- B. Dwelling, zero side yard, meeting standards of Section 8-6.102;
- C. Dwelling, duplex, triplex and fourplex;
- D. Dwelling, multi-family;
- E. Manufactured home on an individual lot;
- F. Residential home;

Action Item: The following amendment brings the code into conformance with state law.
---

### G. Residential facility;

- ~~GH.~~ Accessory buildings;
- ~~HI.~~ Family day care (Family Care);
- ~~IJ.~~ Bed and breakfast facilities; and
- ~~JK.~~ Home occupations.

### 8-6.64.030 Conditional Uses

A conditional use is a use which is subject to a discretionary decision by the Planning Commission. The approval criteria are set forth in Chapter 8-6.152. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Conditional uses in the HDR district are:

- A. Schools;
- B. Utilities;

- C. Community services;
- D. Parks and open space;
- E. Religious assembly;
- F. Public facilities;
- G. Day care, group home (Family Care);
- H. Adult day care (Family Care); and
- I. Residential facility.

**Background:** State law requires that "residential homes" (up to 5 individuals) and "residential facilities" (15 or more individuals) be permitted in any zone that allows a single-family dwelling or multifamily dwelling, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions. See ORS 197.670.

**ORS 443.400**

//

(3)"Resident" means any individual residing in a facility who receives residential care, treatment or training. For purposes of ORS 443.400 (Definitions for ORS 443.400 to 443.455) to 443.455 (Civil penalties), an individual is not considered to be a resident if the individual is related by blood or marriage within the fourth degree as determined by civil law to the person licensed to operate or maintain the facility.

(4)"Residential care" means services such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

(5)"Residential care facility" means a facility that provides, for six or more socially dependent individuals or individuals with physical disabilities, residential care in one or more buildings on contiguous properties.

(6)"Residential facility" means a residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home.

## Chapter 8-6.164 ACCESSORY STRUCTURES

### Sections

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

//

### 8-6.164.030 Administration

- A. Accessory structure applications shall be administered and reviewed as an Administrative review, **except where Planning Commission review is required,** in accordance with Article II of this title.

//

**Action Item:** Chapter 8-6.1.164 contains unified standards and review procedures for accessory structures. The following amendment is provided for consistency with amendments to the LDR and MDR zones. Currently, accessory structures >400 sq. ft. (not to exceed 1,500 sq. ft.) are permitted. Staff has recommended requiring Planning Commission review (conditional use permit) for structures exceeding 400 sq. ft.

## Chapter 8-6.165 ACCESSORY RESIDENTIAL UNITS [NEW CHAPTER]

### Sections:

- 8-6.165.010 Purpose.
- 8-6.165.020 Standards.

Action Item: Allow Accessory Residential Units in the LDR zone. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling regulations can be difficult to enforce, particularly where local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate utility connections to and pay system development charges for water and sewer services can pose barriers to development. Other potential concerns include ARUs being used as short-term rentals (depleting needed housing), adequate parking, and other factors should also be considered.

### 8-6.165.010 Purpose.

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

### 8-6.165.020 Standards.

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

A. **One Unit.** A maximum of one ARU is allowed per legal lot; the ARU may be a detached cottage, a unit attached to a dwelling, or separate unit in a portion of an existing dwelling.

B. **Owner Occupancy.** The property owner shall register the ARU with the City and maintain his or her primary residence on the subject property, as long as the ARU is occupied. ARUs shall not be used for transient lodging.

C. **Floor Area.** The ARU shall not exceed 800 square feet of floor area.

D. **Lot Size.** The lot on which the ARU is located shall meet the minimum lot size of the zone.

E. **Building Design.** The ARU shall be constructed of materials that are the same or similar to the materials used on the primary dwelling and shall comply with applicable Oregon Structural Specialty Code requirements.

**F. Building Height.** The height of the ARU shall not exceed the height of the primary dwelling on the lot, except that a second story building addition to a single family dwelling or lawfully established accessory structure for the purposes of creating the ARU is permitted provided it does not exceed the height limit of the zone.

**G. Parking.** A minimum of two off-street parking spaces are required total for the primary dwelling unit and the ARU.

**H. Screening and Buffering.** A sight-obscuring landscape hedge (reaching six feet at maturity) or a six-foot sight-obscuring fence shall be installed on the property line between a detached ARU and abutting lot containing a single-family dwelling, where the ARU is placed within 10 feet of the common property line.

## Chapter 8-6.166 COTTAGE DEVELOPMENTS [NEW CHAPTER]

### Sections:

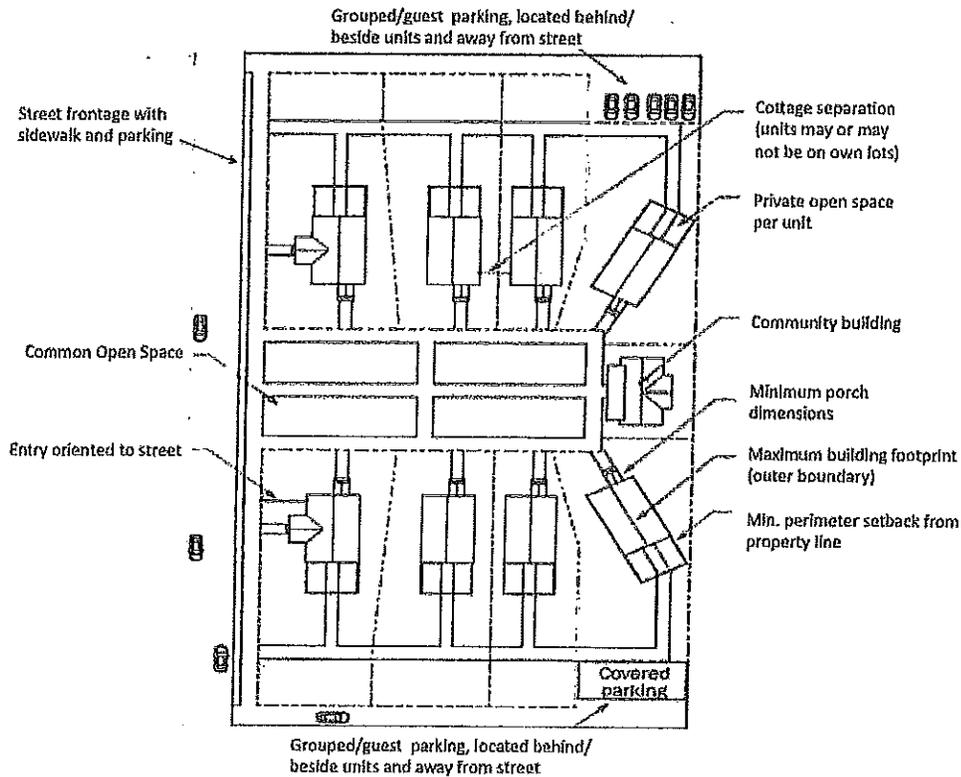
- 8-6.166.010 -- Purpose and intent.
- 8-6.166.020 - Density and lot area.
- 8-6.166.030 - Unit size.
- 8-6.166.040 - Lot coverage.
- 8-6.166.050 - Open space.
- 8-6.166.060 - Building separation.
- 8-6.166.070 - Setbacks.
- 8-6.166.080 - Building height.
- 8-6.166.090 - Parking and storage.
- 8-6.166.100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

### 8-6.166.010 -- Purpose and intent.

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

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

F. All cottage housing developments are subject to applicable City standards for public facilities and stormwater management.



8-6.166.020 - Density and lot area.

<u>Zoning District</u>	<u>MDR</u>
<u>Maximum Cottage Density</u>	<u>1 cottage dwelling unit per 3,000 s.f.</u>
<u>Minimum number of cottages per development</u>	<u>4</u>
<u>Maximum number of cottages per development</u>	<u>12</u>
<u>Minimum size cottage development area</u>	<u>12,000 s.f. (approx 1/3 acre)</u>
<u>Note: Density is based on net development area after deducting any required right-of-way dedications. Every unit must comply with the maximum floor area standards.</u>	

8-6.166.030 - Unit size.

A. Floor Area. To ensure that the overall size, including bulk and mass, of cottage structures and cottage housing developments is small and in scaled with adjacent development, and creates less visual and physical impact than standard sized single-family dwellings that are required to be located on larger lots, the following floor area limitations apply to cottage housing. Two types of cottages are provided for to allow for a mixture of building sizes and footprints, while anticipating and addressing the varied impacts from each housing type.

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

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

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

#### 8-6.166.040 - Lot coverage.

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

Stormwater low impact development techniques that encourage the natural treatment and infiltration of stormwater to mimic pre-development site conditions shall also be employed. Examples of low impact development techniques include directing stormwater to landscape areas with amended soils or into improved drainage areas under porches or

eaves, green or living roofs, the use of pervious pavers, and retention of existing mature trees. Aggressive employment of stormwater low impact development techniques may allow for additional lot coverage if an applicant develops a project design that demonstrates the ability to handle surface and storm water in common areas without limiting the community or public benefits of the established common areas. Private areas may also be relied on for stormwater infiltration if determined to be adequately protected by easement to ensure the continued availability of these areas as infiltration areas.

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

#### 8-6.166.050 - Open space.

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

8-6.166.060 - Building separation.

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

8-6.166.070 - Setbacks.

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

8-6.166.080 - Building height.

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

8-6.166.090 - Parking and storage.

A. One off-street parking space is required for each cottage dwelling.

B. Off-street parking and accessory storage shall be:

1. Fully contained on the cottage development site; any storage must be enclosed in a structure or cabinet designed for outdoor use.
2. Screened from view from abutting residences. This may be accomplished with landscaping or structural screens.
3. Grouped to correspond with cottage clusters and avoid single large parking areas that are difficult to screen from view.
4. Where practical, clustered to limit grading, curb cuts, and impervious surfaces.

C. Detached garage and carport structures:

1. Where provided, shared carports or garages shall be limited to a maximum of four vehicles per structure and shall be detached from the dwelling units.
2. The design of carports and garages must have roof lines and use materials similar to that of the dwelling units within the development.
3. Parking of vehicles and storage shall be limited to those owned by the residents of the development.

D. On-street parking shall be provided on streets abutting the cottage development; the applicant may be required to dedicate right-of-way for required street improvements, which shall include on-street parking. Where a development lacks sufficient street frontage, it shall provide on-site visitor parking in addition to the parking required for each dwelling at a ratio of one visitor space for every three dwelling units.

8-6.166.100 - Design standards.

A. Site Design.

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

B. Building Design.

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

C. Community Buildings.

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

8-6.166.110 - Alternative cottage housing development designs.

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

8-6.166.120 – Assurance for common areas maintenance.

Prior to issuance of any development permit (grading, public improvements, building, etc.) the applicant shall provide evidence acceptable to the City Administrator that common areas and elements will be maintained. This may be met by submitting draft Bylaws and Covenants, Restrictions and Conditions (CC&Rs) for the development's Homeowners Association for review and approval by the City. Where the development contains multiple lots, the assurance, which shall be recorded at Hood River County, shall require joint ownership and maintenance of all common areas by all owners of the cottage dwellings.

## Chapter 8-6.140 PLANNED DEVELOPMENTS

### 8-6.140.050 General Requirements

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#### C. Open Space

1. **Usable** ~~Common~~ private or public open space shall be provided as follows:

- a. Residential zones (RR, LDR, MDR, MHR, and HDR) - a minimum of ~~20%~~ **10%** of the gross land area **that is improved for active or passive recreation (e.g., playfield, playground, pathway with benches, or similar improvement)**; and

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2. Land within individual building lots shall not be included as common or public open space. Land within public right-of-way shall not be included as common or public space.

<p><b>Action Item:</b> Reduce the minimum open space area required for PDs from 20% to 10%, to account for the abundance of public open space and trails surrounding Cascade Locks while requiring “usable” open space, and maintain all other PD standards.</p>
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## Chapter 8-6.70 DOWNTOWN ZONE (D)

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### 8.6.070.110 Off-Street Parking and Loading

**Action Item:** The following amendments add flexibility to the Downtown parking standard as recommended by the Downtown Parking Report and staff direction, and eliminate the in-lieu fee option, as the City does not have a capital improvement plan for public parking but instead prioritizes management of existing on-street parking.

- A. **The minimum off-street parking requirement for all uses in the Downtown zone is one space per 500 square feet of floor area. Required parking may be provided on-site, in on-street parking spaces abutting the subject use, and/or on another site within the Downtown zone where the City approves a shared parking agreement. All required parking uses shall conform to all the parking dimensional standards of Chapter 8-6.108.**
- B. ~~In lieu of providing some or all of the required parking spaces for a building, the developer or owner of that building may pay to the City a fee for each forgone parking space. The City shall, by resolution, set that fee based on the projected cost of creating a parking space within a municipally owned parking lot within the Downtown area. In addition, an annual fee may be charged for the operation and maintenance of the applicable municipal parking lot.~~
- BC. No off-street parking and loading shall be required for residential units located in mixed-use buildings.

### 8-6.070.120 Downtown Zone Design Standards

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**Action Item:** The following amendments clarify the code, provide flexibility (alternative, discretionary track for design) within the prescribed architectural styles, and remove the conflict with the 35-foot height standard in 8-6.070.070. The existing 35-foot height limit is maintained. The amendments also ensure consistency with the Downtown Plan by adding regulatory policies/standards that the code previously omitted. These amendments allow for a more streamlined review process because all of the building and site design standards for Downtown are now in the code. (See highlighted reference to Downtown Plan, below, to be removed.)

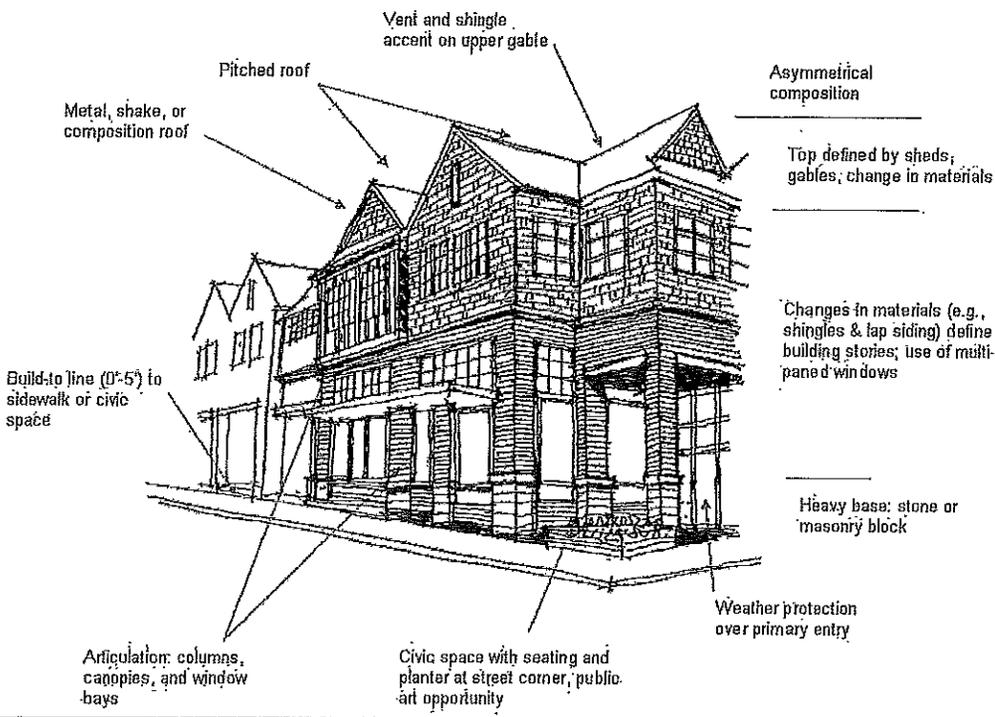
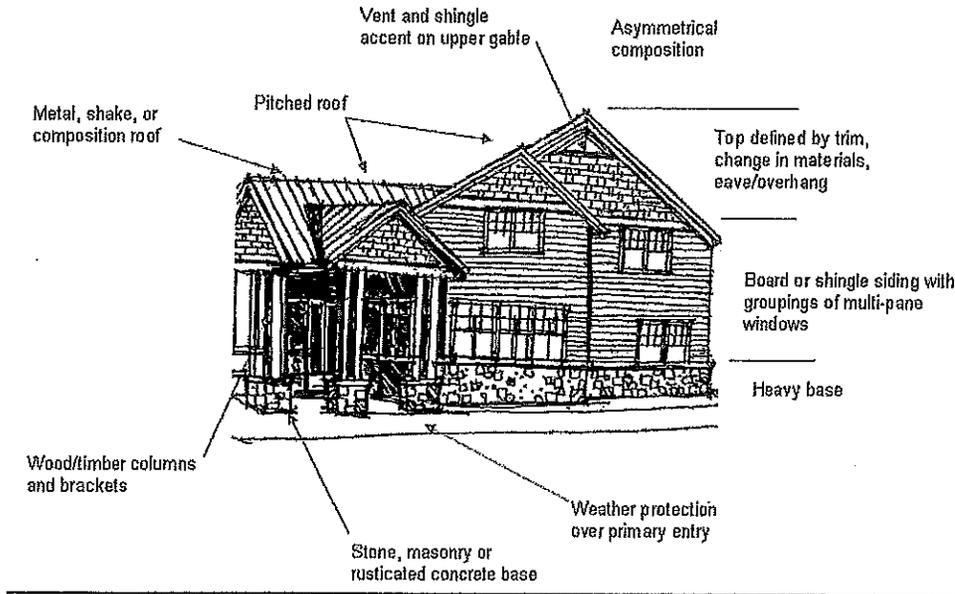
- D. The Planning Commission, as part of the site design review process, may allow modification to the site design requirements in the Downtown Zone when **one of both** of the following criteria are satisfied:
  - 1. The modification is necessary to provide design flexibility where:

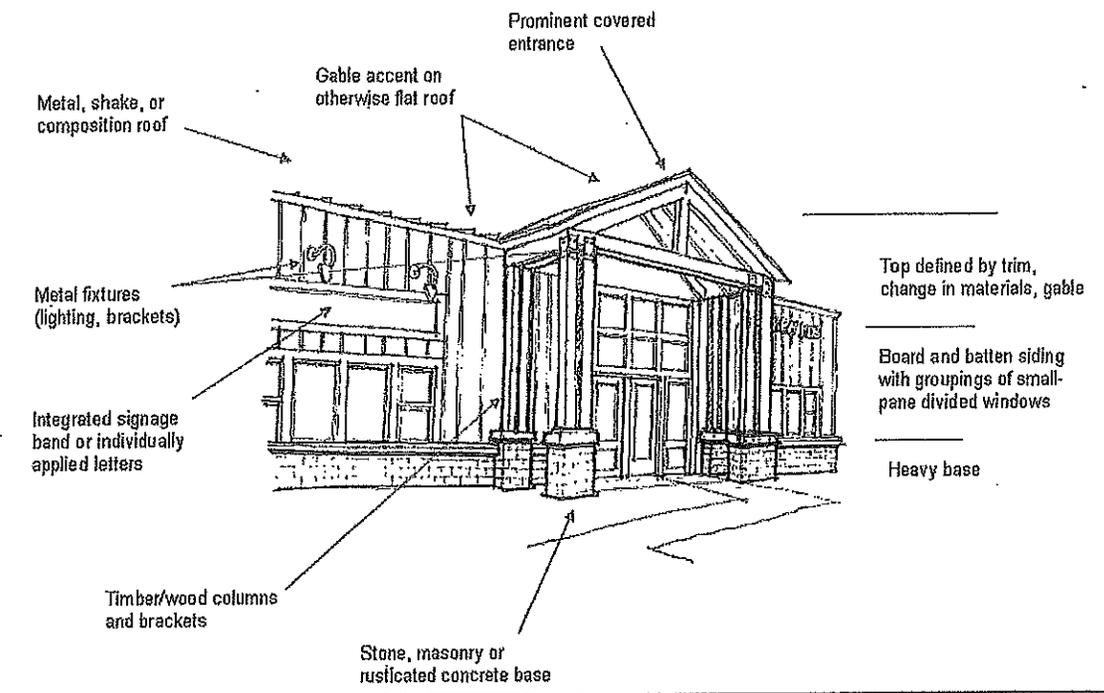
- a. Conditions unique to the site require such modification; or,
  - b. Parcel shape or configuration precludes compliance with provisions; or,
  - c. A modification is necessary to preserve trees, other natural features or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area; or
  - d. The modification varies from but complements one or more of the prescribed Downtown architectural styles (Classic Revival, Craftsman, Cascadian, and Arts and Crafts), as evidenced by massing, roof form, materials, or detailing. Where Classic Revival is used, the design shall complement one of the other three prescribed styles.
2. Modification of the standards in this Section shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Downtown Zone design provisions.
- E. The following standards shall be used for reviewing proposed site and building designs:
- ~~1. Buildings, landscaping, and site design, shall be consistent with the goals and objectives of the Cascade Locks Downtown Development Plan and Strategy;~~
  - 1.2. All buildings shall be of an architectural style consistent with the historical character of the Community. Acceptable styles include Classic Revival, Craftsman, Cascadian, and Arts and Crafts. Unacceptable architectural styles include any modern style that was not commonly used in the 1920's and 1930's. See Figures 8-6.070.120 for examples of elements common to these styles.
  - 2.3. To maintain and enhance the pedestrian scale, buildings shall be oriented to the street. By orientation, this includes the building entrance, window treatment, sign orientation and other architectural improvements shall face the street, such that they create a visual and physical connection entrance onto the street.
  - 3. New commercial and mixed use buildings shall have:
    - a. Storefronts comparable in size and proportions to nearby traditional storefront buildings. Where these new buildings are larger than existing buildings, facades shall be broken down into units that resemble the size and proportions of existing storefronts, such that the overall form of new construction complements the general shape of existing, nearby storefront buildings and their component parts.
    - b. Facades that are varied and articulated to provide visual interest to pedestrians. Within multi-story buildings, variations in facades,

**floor levels, architectural features, and exterior finishes shall create the appearance of several small buildings.**

4. **Any wall facing WaNaPa must contain at least 50% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.**
- ~~54.~~ Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.
- ~~65.~~ Buildings located at the intersection of two streets shall ~~consider the use of~~ **have a corner entrance to the building, or otherwise have detailing such as a canopy, porch, expressed column, sign, art, or other building feature that expresses the corner location.**
- ~~76.~~ Pedestrian environment may be enhanced by **plazas**, street furniture, landscaping, awnings, and movable planters of seasonal flowers. **Where such features are provided they shall conform to the Downtown Plan and Street Furniture Standards and maintain a clear pedestrian travel way of not less than five feet in width.**
- ~~8.~~ **Exterior lighting in developments need not replicate, but shall complement, the ornamental street lighting and be consistent with the prescribed architectural styles in the Downtown.**
- ~~7.~~ ~~New buildings shall be within 25% of the average height of existing buildings located on the same street side within the zone.~~

Figures 8-6.070.120 - Elements of Craftsman, Arts and Crafts, and Cascadian Styles generalized for use in Cascade Locks





#### F. Building Materials and Colors

1. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
2. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.
3. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern. T1-11 style siding is not permitted.

Action Item: The above amendments respond to the Planning Commission direction to clarify the code.

4. Preferred Colors for exterior building finishes shall be earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.

#### G. Roof Materials, Parapets, and Roof Pitch

1. Pitched roof structures shall have a minimum roof pitch of 6:12.

2. Roof Designs – Rooflines shall establish a distinctive “top” to a building. Except where impractical due solely to the size of the building, all roofs shall be of a peak roof style. **Except as provided below**, No flat, mansard, or shed roof styles are **not** allowed. On larger buildings where peak roofs cannot be used **or would conflict with a unique building function or necessary mechanical equipment**, architectural features shall be used that exhibit a peak roof style with facades, partial roofs, and other techniques that meet the intent of these provisions. In building areas without a peak roof, a flat or shed roof shall be used. When flat roof areas are proposed, a cornice or frieze molding a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided.
3. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
4. Visible sloped roofs must be dark gray, black, or dark brown.
5. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

Action Item: The following amendments respond to the Planning Commission direction to clarify the code. Subsection ‘2’ is deleted because it is redundant with E.2, above.

H. **Exception to the Building Orientation and Entrance Standards in E.3**

1. **Where topography, existing development, or other physical constraints make it impractical to orient a building’s** All buildings shall have their primary entrance(s) facing to the street. ~~Alternatively, a~~ **the** building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.
2. ~~Building entrances must be visible from the street. This may be accomplished through architectural design, color schemes or similar design elements.~~
23. Due to the elevation difference between WaNaPa, and the rear portion of the properties on the north side of the street, daylight basement type of construction is preferred. This method of construction has the benefit of causing all materials stored below WaNaPa to be screened and secured behind sight-obscuring walls, adding to the attractiveness of the downtown area.
34. Buildings are required to be located at the corner of corner lots. No parking is allowed in these areas, **except where existing non-conforming parking is allowed to continue.**

**Note:** The following existing standards are provided for background. No change is proposed.

#### I. Parking Lots

1. For new development, the parking lots shall be located at the rear of all lots. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.
2. If it is determined that parking is to front on WaNaPa in a particular situation, it shall be limited to a maximum of one drive aisle with parallel parking spaces on one side.
3. If it is determined that a parking lot is to be appropriately located fronting on WaNaPa, it does not mean that the lot is to have access to the street. All access standards still apply.

#### J. Building Facades

1. Ornamental devices, such as molding, entablature, and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.
2. Alcoves, Porches, Arcades, etc. Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain, wind, and sun. Awnings and entrances may be designed to be shared between two structures. If the building abuts the WaNaPa right-of-way, then the weather protection feature must be extended at least five feet over the sidewalk with appropriate easements or agreements with the City to allow placement within the right-of-way. If the building does not front on the right-of-way, the weather protection feature must be extended at least five feet along any pedestrian area between the building and street. The weather protection device shall be designed, through the use of gutters, downspouts, catchments, channelizations, or other means, to prevent the dripping or running of water onto the public sidewalk, including water falling as rain, or water resulting from melting snow or ice.
3. Traditional Storefront Elements. For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
  - a. Front and side building walls placed within 10 feet of abutting street right-of-way boundaries.
  - b. Clearly delineated upper and lower facades.
  - c. A lower facade dominated by large display windows and a recessed entry or entries.
  - d. Smaller, regularly spaced windows in the upper floor.
  - e. Decorative trims, such as window hoods, surrounding upper floor windows.

- f. A decorative cornice near the top of the facade.
- g. Change in Relief of Building. Buildings must include changes in relief on 10 percent of their WaNaPa facades. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale.

#### K. Windows

- 1. Windows which allow views to the interior activity or display areas are required. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
- 2. Ground Floor Windows. All new buildings must provide ground floor windows along WaNaPa.
- 3. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
- 4. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
- 5. Glass curtain windows are not permitted fronting WaNaPa.
- 6. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
- 7. Any wall that faces WaNaPa must contain at least 50% of the total square footage of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
- 8. Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is 16 square feet per story, or, six percent of the total square footage of the facade, whichever is greater.

#### L. Upper Floor Window Standards

- 1. Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)
- 2. Windows must have trim or molding at least two inches wide around their perimeters.
- 3. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2'x3'. Windows that have 1'x1' grid inside double-pane glass are appropriate and are encouraged.

#### M. Streetscape/Street Furniture

- 1. All street furniture on either private property or within the right-of-way, including tables, chairs, walls, benches, kiosks, trash receptacles, garbage enclosures, signs, and other permanent or temporary fixtures not part of a building, shall conform with the Street Furniture design standards

identified in the “Cascade Locks Downtown Plan and Strategy” adopted in 2004.

2. Benches and other streetscape items may be placed within the public right-of-way, but must not block free movement of pedestrians. A minimum pedestrian walkway width of five feet must be maintained at all times.

#### N. Lighting

1. All building entrances and exits must be well lighted.
2. Exterior lighting must be an integral part of the architectural design, and in keeping with the architectural standards contained in Section E.2.
3. The minimum lighting level for building entries is four-foot candles and the source light must be shielded to reduce glare.
4. All lighting shall be directed downwards and shall not shine into the sky.

#### O. Trash and Recycling Storage

1. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel
2. All trash collection areas must be located within the structure, or behind the building in an enclosure.

#### P. Signage

1. All standards of Chapter 8-6.144 of this Code shall apply in the D zone except for the following standards:
  - a. Freestanding pole signs are prohibited.
  - b. Internally illuminated signs are prohibited.
  - c. Pedestrian-oriented sign bonus. The City Administrator shall have authority to grant additional pedestrian oriented signs up to a total of 12 square feet for all such signs. The maximum size for any one pedestrian sign shall be 6 square feet. Pedestrian oriented signs include: window signs, small wall mounted or projecting signs located not more than 10 feet above grade, signs placed on awning valances, and signs suspended under canopies and awnings. Signs that are suspended above pedestrian walkways shall provide a minimum of 7.5 feet of vertical clearance.

## Chapter 8-6.2 COMMERCIAL ZONE (C)

Action Item: The following amendments respond to the Planning Commission direction to clarify the code, provide flexibility for adjustments (alternative, discretionary track for design) within the prescribed architectural styles. Because several standards in the C zone are the same as for the D zone, the proposed amendments are repeated for consistency.

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### 8-6.72.050 Design Standards

For all property within the C zone in the area between the City Limits on the west and the intersection of Edgewood Street and WaNaPa on the east, the following design standards shall apply:

A. All development and use of land shall be subject to the provisions of the Site Plan and Design Review Chapter (8-6.148).

~~C.B.~~ Once a site plan or building design has been approved and developed in accordance with Section 8-6.148, no revisions to the site or building shall take place unless approved as an amendment to the original approval.

~~E.C.~~ No existing building within the zone shall be altered by construction, painting, remodeling, or other means in a manner inconsistent with these design standards.

~~G.D.~~ The following standards shall be used for reviewing proposed site and building designs:

~~1.~~ Buildings, landscaping, and site design, shall be consistent with the goals and objectives of the Cascade Locks Downtown Development Plan and Strategy.

~~12.~~ All buildings shall be of an architectural style consistent with the historical character of the Community. Acceptable styles include Classic Revival, Craftsman, Cascadian, and Arts and Crafts. Unacceptable architectural styles include any modern style that was not commonly used in the 1920's and 1930's.

~~23.~~ To maintain and enhance the pedestrian scale, buildings shall be oriented to the street. ~~By orientation, this includes~~ **the** building entrance, window treatment, sign orientation and other architectural improvements **shall face the street, such that they create an a visual and physical connection entrance onto to** the street.

~~34.~~ Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.

45. Buildings located at the intersection of two streets shall ~~consider the use of~~ have a corner entrance to the building, or otherwise have detailing such as a canopy, porch, expressed column, sign, art, or other building feature that expresses the corner location.
56. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers. Where such features are provided, a clear pedestrian travel way of not less than five feet in width shall be maintained.
7. ~~New buildings shall be within 25% of the average height of existing buildings located on the same street side within the zone.~~

#### E. Building Materials and Colors

1. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
2. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.
3. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern. T1-11 style siding is not permitted.
4. Preferred colors for exterior building finishes ~~shall be~~ are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.

#### F. Roof Materials, Parapets, and Roof Pitch

1. Pitched roof structures shall have a minimum roof pitch of 6:12.
2. Roof Designs – Rooflines shall establish a distinctive “top” to a building. Except where impractical due solely to the size of the building, all roofs shall be of a peak roof style. Except as provided below, No flat, mansard, or shed roof styles are not allowed. On larger buildings wherewere peak roofs cannot be used or would conflict with a unique building function or necessary mechanical equipment, architectural features shall be used that exhibit a peak roof style with facades, partial roofs, and other techniques that meet the intent of these provisions. In building areas without a peak roof, a flat or shed roof shall be used. When flat roof areas are proposed, a cornice or frieze molding a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided.

3. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
4. Visible sloped roofs must be dark gray, black, or dark brown.
5. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

The following Commercial zone standards are provided for background. No change is proposed.

#### G. Building Facades

1. Ornamental devices, such as molding, entablature, and friezes, are required at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.
2. Alcoves, Porches, Arcades, etc. Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain, wind, and sun. Awnings and entrances may be designed to be shared between two structures. If the building abuts the WaNaPa right-of-way, then the weather protection feature must be extended at least five feet over the sidewalk with appropriate easements or agreements with the City to allow placement within the right-of-way. If the building does not front on the right-of-way, the weather protection feature must be extended at least five feet along any pedestrian area between the building and street. The weather protection device shall be designed, through the use of gutters, downspouts, catchments, channelizations, or other means, to prevent the dripping or running of water onto the public sidewalk, including water falling as rain, or water resulting from melting snow or ice.
3. Traditional Storefront Elements. For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
  - a. Front and side building walls placed within ten feet of abutting street right-of-way boundaries.
  - b. Clearly delineated upper and lower facades.
  - c. A lower facade dominated by large display windows and a recessed entry or entries.
  - d. Smaller, regularly spaced windows in the upper floor.
  - e. Decorative trims, such as window hoods, surrounding upper floor windows.
  - f. A decorative cornice near the top of the facade.

- g. Change in Relief of Building. Buildings must include changes in relief on ten percent of their WaNaPa facades. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale.

#### H. Windows

1. Windows which allow views to the interior activity or display areas are required. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
2. Ground Floor Windows. All new buildings must provide ground floor windows along WaNaPa.
3. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
4. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
5. Glass curtain windows are not permitted fronting WaNaPa.
6. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
7. Any wall that faces WaNaPa must contain at least 50% of the total square footage of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
8. Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is 16 square feet per story, or, six percent of the total square footage of the facade, whichever is greater.

#### I. Upper Floor Window Standards

1. Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)
2. Windows must have trim or molding at least two inches wide around their perimeters.
3. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2'x3'. Windows that have 1'x1' grid inside double-pane glass are appropriate and are encouraged.

#### J. Streetscape/Street Furniture

1. All street furniture on either private property or within the right-of-way, including tables, chairs, walls, benches, kiosks, trash receptacles, garbage enclosures, signs, and other permanent or temporary fixtures not part of a building, shall conform with the Street Furniture design standards

identified in the “Cascade Locks Downtown Plan and Strategy” adopted in 2003.

2. Benches and other streetscape items may be placed within the public right-of-way, but must not block free movement of pedestrians. A minimum pedestrian walkway width of five feet must be maintained at all times.

#### K. Lighting

1. All building entrances and exits must be well lighted.
2. Exterior lighting must be an integral part of the architectural design, and in keeping with the architectural standards contained in Section E.2.
3. The minimum lighting level for building entries is four foot-candles and the source light must be shielded to reduce glare.
4. All lighting shall be directed downwards and shall not shine into the sky.

#### L. Trash and Recycling Storage

1. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel
2. All trash collection areas must be located within the structure, or behind the building in an enclosure.

## Chapter 8-6.80 RESORT COMMERCIAL ZONE (RC)

**Action Item:** The following amendments, originally proposed by Port of Cascade Locks staff, are intended to allow a mix of complementary uses on the Port property and streamline the permit process by reclassifying some uses from Conditional Use to Permitted. This version reflects the direction of the Development Code Action Plan, as reviewed by city staff and discussed with the Planning Commission on November 17, 2017.

### Sections

8-6.80.010	Purpose
8-6.80.020	Permitted Uses
8-6.80.030	Conditional Uses
8-6.80.040	Dimensional Requirements
8-6.80.060	Additional Requirements
8-6.80.070	Extended Business Hours

### 8-6.80.010 Purpose

The purpose of the RC zone is to provide a mix of retail, service, business, recreation, and residential needs for the community.

### 8-6.80.020 Permitted Uses

A permitted use is a use which is allowed outright, but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Permitted uses in the RC district are as follows:

- A. Dwelling, single family attached or detached;
- B. Duplex, triplex, and fourplex;
- C. Dwelling, multi-family, apartments, lofts, and similar dwelling units, including units located above ground floor commercial, offices, and allowed industrial uses;
- D. Residential home;
- E. Family day care (Family Care);
- F. Day care group home (Family Care);
- G. Adult day care (Family Care);
- H. Commercial Retail sales and service (conducted totally indoors or outdoors);
  - 1. Sales-oriented;
  - 2. Personal service-oriented;
  - 3. Entertainment-oriented;
  - 4. Repair-oriented;
- I. Motel, hotel, or similar lodging facilities;

- J. Marina, boat launches, boathouses, water accesses, and water related commercial uses;
- K. Boat and Houseboat moorage;
- L. Accessory buildings to any allowed use; and
- M. Indoor or outdoor commercial recreation facilities, including athletic clubs and recreational gear rental;
- N. Museums, theaters, galleries, and studios for art, dance, or photography;
- O. Conference center and meeting facilities;
- P. Offices;
- Q. Restaurants, delicatessens, cafes, bakeries, and similar food establishments;
- R. Public facilities, including park, library, fire station, amphitheater;
- S. Light manufacturing, assembly, and packaging of products from previously prepared materials;
- T. Light manufacturing, assembly, and processing of food and beverage
- U. Light manufacturing, assembly, and testing of technology equipment, instruments, and related equipment;
- V. Research, engineering, and development facilities or laboratories;
- W. Resorts, including resort residential units owned in full or in fractional or shared interest;
- X. Resort related commercial and recreational activities, including clubhouse;
- Y. Wineries, breweries, and cideries, including tasting rooms;
- Z. Parks and open space, pedestrian and recreation amenities, including seating areas, viewing areas;
- AA. Parking garages or parking lots accessory to a permitted or conditionally permitted use; and
- ABM. Community services.

8-6.80.030 Conditional Uses

A conditional use is a use which is subject to a discretionary decision by the Planning Commission. The approval criteria are set forth in Chapter 8-6.152. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 8-6.48, Unlisted Use. Conditional uses in the RC district are as follows:

A. ~~Retail sales and service (conducted outdoors);~~

1. ~~Sales-oriented;~~

2. ~~Personal service-oriented;~~

3. ~~Entertainment-oriented; and~~

4. ~~Drive-through facilities.~~

AB. Quick vehicle servicing;

BC. Recreational vehicle campgrounds;

CD. Utilities;

DE. Public facilities;

EF. **Parks and open space; and**

FG. **Surface mining (Government Rock peninsula only).**

#### 8-6.80.040 Dimensional Requirements.

Unless modified as provided in Chapter 8-6.140, Planned Development Overlay Zone or Chapter 8-6.160, Variance, the dimensional requirements in the RC district area as follows:

- A. Lot area for residential uses:
1. Attached single family dwellings. A minimum lot size of 3,500 square feet and an average minimum lot size of 4,000 square feet when two or more lots are created.
  2. Duplex, triplex, and fourplex dwellings. A minimum of 3,000 square feet per unit.
  3. Multi-family dwellings. A minimum of 1,000 square feet per unit.
- B. There is no minimum lot size for nonresidential uses.
- C. There is no minimum lot width or lot depth requirement.
- D. The minimum setback requirements shall be as follows:
1. No required front yard setback;
  2. No required side yard setback, except when abutting a residential zone, a side yard of 10 feet shall be required; and
  3. No required rear yard setback, except when abutting a residential zone, a rear yard setback of 20 feet shall be required.
- E. No building shall exceed a height of 45 feet.
- F. The maximum height and size and minimum setbacks for accessory structures shall comply with the provisions of Chapter 8-6.164, Accessory Structure.
- G. The maximum coverage of buildings and impervious surfaces shall not exceed 85 percent of the total lot area.

## Chapter 8-6.180 SUBDIVISION

Action Item: The following amendment responds to the Planning Commission's request for a simple and straightforward review process for the division of non-residential lands.

### Sections

- 8-6.180.010 Purpose
- 8-6.180.015 Applicability**
- 8-6.180.020 Administration
- 8-6.180.030 Submittal Requirements: Preliminary Plat
- 8-6.180.040 Approval Standards: Preliminary Plat
- 8-6.180.050 Phased Development
- 8-6.180.060 Submittal Requirements: Final Plat
- 8-6.180.070 City Review of Final Plat: Approval Criteria
- 8-6.180.080 Centerline Monumentation: Monument Box Requirements
- 8-6.180.090 Improvement Agreement
- 8-6.180.100 Bond: Cash Deposit
- 8-6.180.110 Filing and Recording
- 8-6.180.120 Prerequisites to Recording the Plat
- 8-6.180.130 Vacation of Plats
- 8-6.180.140 Vacation of Streets

### 8-6.180.010 Purpose

The purpose of this chapter is to:

- A. Implement the comprehensive plan.
- B. Provide rules, regulations, and standards governing the approval of plats of subdivisions.
- C. Carry out the development pattern and plan of the city.
- D. Promote the public health, safety, and general welfare.
- E. Lessen congestion in the streets and secure safety from fire, flood, pollution, and other dangers.
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage.
- G. Encourage the conservation of energy resources.

### 8-6.180.015 Applicability

**Chapter 8-6.180 applies to land divisions of four or more lots (subdivisions) in residential zones, except that applications for subdivisions in non-residential zones shall be processed as a City Administrator Review and shall meet the dimensional standards of the zone and the requirements of ORS 92.**

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**Chapter 8-6.184 MAJOR AND MINOR LAND PARTITIONS AND LOT LINE ADJUSTMENTS**

**Action Item:** The following amendment responds to the Planning Commission's request for a simple and straightforward review process for the division of non-residential lands.

Sections

- 8-6.184.010 Purpose
- 8-6.184.020 Applicability of Provisions
- 8-6.184.030 Administration
- 8-6.184.040 Preliminary Application Submission Requirements
- 8-6.184.050 Partition Approval Criteria
- 8-6.184.060 Lot Line Adjustment Approval Criteria
- 8-6.184.070 Final Partition Plat Submittal Requirements
- 8-6.184.080 Final Lot Line Adjustment Submittal Requirements
- 8-6.184.090 City Council Acceptance of Dedicated Land
- 8-6.184.100 Centerline Monumentation: Monument Box Requirements
- 8-6.184.110 Recording of Partitions and Lot Line Adjustments

8-6.184.010 Purpose

The purpose of this chapter is to provide rules, regulations, and standards governing approval of major and minor land partitions and lot line adjustments.

8-6.184.020 Applicability of Provisions

**Chapter 8-6.184 applies to partitions in residential zones, except that applications for partitions in non-residential zones shall be processed as a City Administrator Review and shall meet the dimensional standards of the zone and the requirements of ORS 92.**

- A. A major land partition approval is required when a division of land creates 3 lots or less within one calendar year, including a public street or road.
- B. A minor land partition approval is required when three lots or less are created without creating of a public street or road within one calendar year.
- C. A lot line adjustment approval is required for any adjustment to a property line which does not create an additional lot of record nor make the existing lots in violation of the base zone minimum lot requirements.

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## Chapter 8-6.16 DEVELOPMENT PERMIT

### Sections

8-6.16.010	Permit Required
<b>8-6.16.015</b>	<b><u>Development Standards and Conditions on Development</u></b>
8-6.16.020	Exclusions from Permit Requirement
8-6.16.030	Hazard Areas
8-6.16.040	Issuance and Effective Date
8-6.16.050	Expiration
8-6.16.060	Extension and Modification
8-6.16.070	When a Development Has Commenced
8-6.16.080	Revocation of Development Permit
8-6.16.090	Transferability of Development Permit

### 8-6.16.010 Permit Required

Except as excluded in Section 8-6.16.020, no person shall engage in or cause a development to occur, as defined in Chapter 8-6.08, without first obtaining a development permit through the procedures set forth in this title. The Administrator shall not issue any permit for the construction, reconstruction, or alteration of a structure or a part thereof without first verifying that a valid development permit has been issued. Development authorized by a development permit shall occur only as approved by the City.

### **8-6.16.015 Development Standards and Conditions on Development**

Action Item: The following amendment addresses Evaluation Action Plan Item #13, Add code criteria for development exactions, including public improvements required with development and other conditions on development. It also clarifies the development standards that may apply to building permits (when no land use review is required), including when sidewalk improvements are required for a building permit. The City still must comply with applicable case law, including takings law.

- A. Development Standards. In addition to the specific approval criteria for applications authorized by this Code, all development shall comply with the following standards:**
- 1. Standards of the zone in which the development is located; and**
  - 2. Public improvement standards, pursuant to the City's adopted public facility plans and the conditioning authority in subsection 8-6.16.015.B. All commercial developments, whether land use approval is required or not, shall have a standard sidewalk width for the full street frontage of the development in conformance with the Transportation System Plan.**
- B. The reviewing authority may impose conditions of approval on land use applications in one or more of the following circumstances:**

1. The condition is necessary to bring the application into compliance with applicable approval criteria.
2. The condition is required as a condition of approval, construction or implementation by the development standards, Cascade Locks Municipal Code, or state statute.
3. The condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. As used in this section, "public services or facilities" includes sewer, water, surface water management, parks, open space, streets, sidewalks, and pathways.
4. The condition is reasonably related to eliminating or mitigating a negative impact on natural features or processes or on the built environment of the neighborhood which is created or contributed to by the proposed development. As used in this section, "natural features or processes" includes Goal 5 resources.
5. A proposed variance or exception to a code requirement is based on the preservation of natural features and the condition of approval is reasonably related to preserving the feature(s) that is the basis for the variance or exception.

C. Conditions of approval contemplated by subsection B include, but are not limited to:

1. Imposition of a development schedule.
2. Requiring reservation or protection of land for open space or to protect significant natural features.
3. Requiring dedication of property, rights-of-way, easements or conservation easements for public facilities such as streets, utilities, pathways, sidewalks, surface water management and street trees, or for protection of natural features. Dedications of property or property rights pursuant to this subsection must be based upon findings pursuant the Community Development Code.
4. Requiring on-site and off-site construction of or improvements to public facilities where necessary to ensure adequate capacity and where service

demand will be created or increased by the proposed development. The City may pro-rate costs between the applicant and the City in proportion to the increased service demand which will be created by the project when compared to the demand existing if the project were not constructed.

5. Requiring construction and maintenance guarantees to ensure that required public facilities are constructed to, and will comply, with City standards, regulations, or conditions.

6. Requiring modifications in the design or intensity of a proposed development or to require or prohibit certain construction methods.

7. Requiring approval, inspection, or evaluation by another agency, jurisdiction, public utility, or consultant.

8. Limiting the number, location, or design of street accesses to a proposed development to maintain street capacity, improve safety, or otherwise comply with an approval criterion.

9. Requiring covenants, conditions, or restrictions to be recorded against the property.

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#### 8-6.16.020 Exclusions from Permit Requirement

Action Item: The following amendment provides criteria for and streamlines the process for changes of use, such that a land use application is not required for minor changes, e.g., does not add traffic, parking, or drainage.

Except as provided in Section 8-6.16.030, the following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions, and other provisions of this title.

- A. Landscaping or other treatment or use of the land surface outside the flood plain and not involving a structure or paved parking lot.
- B. Any change or repair to a building or other structure that does not alter or expand the use thereof or require a building permit.
- C. Any change of use in an existing development that does not add floor area, require additional parking, alter street access, reduce open space or landscape area, or result in additional storm drainage or traffic.

D.C. An emergency measure necessary for immediate safety of persons or protection of property, provided however, that an application for a development permit shall be promptly filed if the measure otherwise would require such a permit.

E.D. The establishment, construction, maintenance, preservation, or termination of public roads, transportation facilities, and other public facilities including sewer and water lines, storm drainage facilities, electrical and gas distribution lines, and telephone and television transmission lines that are substantially in the public right-of-way directly serving development. These exclusions do not apply to development permits that are required by the provisions in Chapters 8-6.120, 8-6.124, 8-6.128, or 8-6.132 or work in the I-84 or U. S. 30 right-of-way, for which an Oregon Department of Transportation permit is required.

Above ground electrical transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.

F.E. Construction, maintenance, or demolition of an accessory structure not requiring a building permit.

G.F. The following excavations or fills, unless a development permit is required by the provisions in Chapters 8-6.120, 8-6.124, 8-6.128, or 8-6.132:

1. Excavations below finish grade for basements and footings of a building, retaining wall, or other structure authorized by a valid development permit;
2. Excavations or fills for public and private roads, wells, tunnels, or utilities;
3. Excavations or fills for public projects, conducted by or under contract of the City;
4. Exploratory excavations affecting or disturbing areas of less than 6,000 square feet, under the direction of soil engineers or engineering geologists;
5. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or, a fill less than 3 feet in depth, not intended to support structures, which does not exceed 150 cubic yards on any one lot and does not obstruct a drainage course; and

H.G. Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration, or replacement of a nonconforming use shall require a development permit as provided in Chapter 8-6. 156.

I.H. Family day care provider as defined in Chapter 8-6.08 and as allowed in the zoning districts in Article III.

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Action Item: The following amendment provides criteria for and streamlines the process for granting approval of minor modifications to approved development permits.
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#### 8-6.16.060 Extension and Modification

- A. If an extension is desired, the holder of the development permit must file an application for an extension. Extension requests shall be processed as a

administrative action. Only one extension may be granted for a maximum of 1 year.

- B. The City Administrator shall, upon written request by the applicant, grant an extension of the approval period not to exceed 1 year, provided that:
1. No changes are made on the original plan as approved by the approval authority;
  2. The applicant can show intent of initiating construction on the site within the 1 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.

**C. Modifications to development permits may be approved through the City Administrator review procedure, subject to compliance with all of the following approval criteria. Modifications not meeting the criteria shall require a new development permit application:**

- 1. Does not increase floor area, parking, paved area, or residential density; does not alter vehicle access; and does not reduce landscape area, open space, or parking. Transfers of density between phases of a residential development may be approved provided the overall density of the development does not increase and the density of any one phase does not increase by more than 10 percent.**
- 2. Maintains substantial compliance with all applicable provisions of this Code and conditions of approval for the development.**

**D.C.** Notice of the decision shall be provided to the applicant. The City Administrator's decision may be appealed by the applicant as provided by Chapter 8-6.36.

Chapter 8-6.48 CODE INTERPRETATIONS **[MODIFIED CHAPTER]**

UNLISTED USE: AUTHORIZATION OF SIMILAR USE

Action Item: Add a procedure for responding to requests for written code interpretations. Cities should keep written records of the code interpretations they make. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the city, through periodic code maintenance updates can continually improve the code. Some cities do this annually, while others wait until they have accumulated a number of needed changes. The development code should be reviewed regularly and updated as conditions change and as the code is tested in ways that could not have been anticipated when first drafted.

Sections

- 8-6.48.010 Purpose
- 8-6.48.020 Administration
- 8-6.48.030 Approval standards

8-6.48.010 Purpose

- A. It is not possible to contemplate all of the various uses which will be compatible within a zoning district, **or all of the applications in which the terms of this code may be applied.** Therefore, unintentional omissions occur.
- B. The purpose of this chapter is to establish a procedure for **interpreting the code, including determinations of** determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.

8-6.48.020 Administration

- A. The City Administrator shall maintain **a log of code interpretations, which shall include** a list by zoning district of approved unlisted uses, and **this log** the list shall have the same effect as an amendment to the use provisions of the applicable zone.
- B. Requests to approve **applications for code interpretation, including approvals of unlisted uses,** shall be administered as a Planning Commission review in accordance with Article II, Procedures, of this title.

8-6.48.030 Approval Standards – Similar Use

The Planning Commission shall approve an unlisted use application, based on findings that all of the following criteria are satisfied:

- A. The use is not specifically listed in another zone as either a permitted use or a conditional use;
- B. The use is consistent with the Comprehensive Plan;

- C. The use is consistent with the intent and purpose of the applicable zoning district;
- D. The use is similar to and of the same general type as the uses listed in the zoning district;
- E. The use has similar intensity, density, and off-site impacts as the uses listed in the zoning district; and
- F. The use has similar impacts on the community facilities as the listed uses.

**8-6.48.040 Approval Standards – Code Interpretation**

**A. Code interpretations shall be made considering:**

- 1. The code text. Interpretations shall not be contrary to the code text, or read requirements or exceptions into the code that are not in the text. Where a term is not defined, the ordinary meaning of that term shall be used.**
- 2. The context in which terms are used. The Planning Commission may take note how the same or similar terms are used in other sections of the same code.**
- 3. Legislative history. If after considering the text and context of the code, the provision remains unclear, the Planning Commission shall refer to the legislative history of the code if any exists to discern its purpose and intent.**
- 4. Other relevant factors under applicable law.**

**B. Code interpretations shall not conflict with the Comprehensive Plan.**