



CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

STAFF REPORT CONDITIONAL USE

June 11, 2018

To: City of Hood River Planning Commission

From: Jennifer Kaden, Associate Planner

RE: File No. 2018-10 – Conditional Use Permit to convert the second and third floors of the IOOF-Paris Fair Building into 11 residential units, storefront rehabilitation on first floor, and associated site modifications

Application submitted: February 21, 2018
Application complete: April 12, 2018
120-day deadline: August 10, 2018

I. BACKGROUND INFORMATION:

- A. **REQUEST:** Conditional Use Permit to convert existing office and commercial space on the second and third floors of the historic IOOF-Paris Fair Building into 11 residential units, including parking lot and associated site modifications. The project includes interior and exterior remodel of the building with a ground level storefront rehabilitation. (See Attachments “A.1” – “A.3”)
- B. **APPLICANT:** Key Development
- C. **OWNER:** Paris Fair Building LLC
- D. **PROPERTY LOCATION:** 315 Oak Street. Legal Description: 3N10E25CD Tax Lot #11900 (Lots 4 and 5, Block F, First West Addition Subdivision). (See Location Map, Attachment “B”)
- E. **ZONING:** General Commercial (C-2) Zone and within the Downtown Historic District and the Exit 63/64 Interchange Area Management Plan
- F. **PROPERTY SIZE:** Approximately 10,000 square feet.
- G. **SURROUNDING ZONING & LAND USES:**
 - North: C-2, retail (Melika)
 - South: OS/PF, Hood River County Courthouse
 - East: C-2, retail (clothing; florist)
 - West: C-2, restaurants & bike shop
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
 - 1. HRMC 17.09.040 – Quasi-Judicial Actions
 - 2. HRMC 17.03.050 – General Commercial (C-2) Zone
 - 3. HRMC 17.03.120 – Interchange Area Management Plan (IAMP) Overlay Zone
 - 4. HRMC 17.04 – Supplementary Provisions
 - 5. HRMC 17.06 – Conditional Uses
 - 6. HRMC 17.16 – Site Plan Review
 - 7. HRMC 17.17 – Landscaping and Development Standards

8. HRMC 17.20 Transportation Circulation and Access Management

- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
1. Leonard Damian, Fire Department – 5/17/18, comments attached
 2. Nate Bell, Public Works and Engineering – 5/18/18, comments attached
 3. Stoner Bell, City Engineer – 6/4/18, comments attached
 4. City Building Department – No comments.
 5. ODOT - 6/6/18, comments attached
- J. **ADJACENT PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcel were notified of this request. No comments were submitted by neighboring property owners in response to the notice prior to issuance of the staff report.
- K. **HISTORY**
1. Application submitted February 21, 2018
 2. Application deemed incomplete March 22, 2018
 3. Additional application materials submitted April 12, 2018
 4. Application deemed complete April 12, 2018
 5. Agency referrals mailed and e-mailed May 2, 2018
 6. Notice of Landmarks Review Board hearing mailed May 10, 2018
 7. Notice of Planning Commission hearing mailed May 29, 2018
 8. Landmarks Review Board hearing held May 31, 2018
 9. Planning Commission hearing scheduled June 18, 2018
- L. **ATTACHMENTS:**
- Attachment “A.1” – Project Narrative, April 12, 2018 & 8/17/2016
 - Attachment “A.2” – Project Plans, April 12, 2018 & 8/17/2016
 - Attachment “A.3” – Traffic Assessment Letter, April 5, 2018
 - Attachment “B” – Location Map
 - Attachment “C” – Leonard Damian, Fire Chief comments, 5/17/18
 - Attachment “D” – Nate Bell, City Engineering Department comments, 5/18/18
 - Attachment “E” – Stoner Bell, City Engineer comments, 6/4/18
 - Attachment “F” – ODOT comments, 6/6/18

II. **FINDINGS OF FACT**

A. **HRMC 17.03.050 GENERAL COMMERCIAL (C-2) ZONE:**

1. **Permitted Uses.** Except for C-2 Zoned land within the Waterfront Area, the following uses are generally allowed in the C-2 Zone:
1. Rooming and boarding houses
 2. Home occupations
 3. Bed and breakfast
 4. Family day care
 5. Residential care facility
 6. Group residential, if less than 15 persons
 7. Transportation facilities pursuant to 17.20.050(A)

8. Accessory dwelling units
9. Residential use of existing detached single-family dwellings, manufactured homes, duplexes and triplexes
10. Hosted homeshares subject to Section 17.04.115
11. Vacation home rentals subject to Section 17.04.115

FINDINGS: No new permitted use is proposed. The applicant proposes to convert existing office and commercial space into eleven dwelling units. Existing commercial uses on the ground level will remain, thus the proposal is a conditional use as described below.

- 2. Conditional Uses:** Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed with a conditional use permit in the C-2 Zone:
1. Residential development, excluding multi-family, subject to the following: a) shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.
 2. Residential development a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.
 3. Hospitals, sanitariums, rest homes, nursing or convalescent home
 4. Schools and day care facilities
 5. Public parks, playgrounds, and related facilities
 6. Utility or pumping substations
 7. Churches
 8. Commercial Uses on parcels of more than 1.5 acres.
 9. Public facilities and uses.

FINDINGS: The applicant proposes to convert existing office/commercial space on the second and third floors into 11 residential units and maintain the existing commercial use on the main level. Thus, after remodel, the building will include residential in conjunction with commercial uses in the same building. Residential development in conjunction with commercial is a Conditional Use subject to a minimum residential density of 11 units per acre. The subject property is approximately 10,000 square feet and, as such, the minimum required density is three units ($10,000 \text{ square feet} \div 43,560 \text{ square feet} \times 11 \text{ units} = 2.53 \text{ units/per acre}$). The proposed 11 dwelling units meets the minimum density requirement of three units for the subject property.

- 3. Site Development Requirements:** Minimum Lot Area: None. Minimum Frontage: Fifty (50) feet on a dedicated public street.

FINDINGS: No new parcels are proposed; as such, the minimum lot size and minimum frontage standards are not applicable.

- 4. Setback Requirements:** The minimum setback requirements shall be as follows: Front – not required. Side and rear – Not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two stories.

FINDINGS: The proposed residential units will be developed within existing/commercial office space. The project also includes a storefront rehabilitation on the main level that includes relocating portions of the storefront to the north property line. A portion of the existing storefront is located on the north property line, as well as the wall plane of the upper two stories of building. Given that there is no front setback required, the proposal is consistent with this standard. The subject property is not adjacent to a residential zone, thus there is no required side or rear setback.

5. Maximum building height: Thirty-five (35) feet for residential uses; forty-five (45) feet for commercial uses or mixed commercial-residential uses.

FINDINGS: The existing building is approximately 50 feet in height including the parapet. The building was constructed in 1906 and pre-dates the 45-foot building height limit for mixed commercial-residential uses. Thus, the existing non-conforming building is allowed to continue. The project includes the addition of rooftop skylights and mechanical equipment. These elements are discussed under HRMC 17.04.040 below.

6. Parking Regulations:

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
6. All residential development shall comply with the off-street parking standards as follows, unless exempt above:
 - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
 - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.

- d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
 - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
7. Bicycle parking as required by 17.20.040.

FINDINGS: Typically, when a change of use is proposed, parking for the new use is required to meet current standards. The applicant proposes 11 new residential units. The commercial uses on the main level will continue.

In the General Commercial (C-2) zone, commercial uses require one parking space on or adjacent to the site for each employee. In addition, adequate parking for anticipated clientele is required on or adjacent to the site. For the multi-family residential use, 1.5 parking spaces per unit are required on or adjacent to the site. In the Central Business District, in which the subject property is located, the parking requirement can be satisfied with the provision of parking at adjacent or nearby off-site off-street locations. Alternatively, a fee in-lieu of parking can be paid in accordance with Chapter 17.24.

The subject property includes an existing surface parking lot. The applicant proposes to reconfigure (re-stripe) the parking spaces on the lot to provide 11 parking spaces. At least one of the spaces, space #9 is unusable because of a lack of maneuverability and cannot be included in the calculation.

Staff was unable to locate any city records regarding past use of the surface parking lot or any specified number of spaces tied to the building. Until 2007, commercial uses were exempt from the off-street parking requirement in the Central Business District (Ordinance 1925).

For the eleven proposed residential units, 17 off-street parking spaces are required. The applicant submitted information to suggest that 6 parking spaces are required for the existing retail/commercial uses – 2 for employees and 4 for clientele (page 5 of Project Narrative, Attachment “A.1”). Detailed information needed to evaluate this calculation was not provided. This calculation assumes there are two employees for the existing uses – a restaurant and a real estate office. HRMC 17.03.050.H.2 states that there shall be no less than two (2) off-street parking spaces for commercial uses. The building includes two commercial/retail spaces.

If the Planning Commission accepts the applicant calculation for required parking, a total of 23 parking spaces are required (6 commercial +17 residential). As described above, 10 spaces are provided on-site. To satisfy the parking requirement, the applicant proposes to pay a fee in-lieu for the remaining spaces.

In order to comply with the parking requirement, **a condition of approval is recommended to require payment of a fee in-lieu of required parking in accordance with Chapter 17.24 prior to issuance of a building permit.**

The applicant noted that the surface parking may be redeveloped in the future at which time the required parking for the residential units would be provided in the redevelopment plan and a fee in lieu will be paid for the commercial parking spaces. Staff has evaluated the parking requirement and in lieu fees solely for the redevelopment of the Paris Fair Building. If a development application

is submitted to redevelop the southern half of this block, the parking requirement will be reevaluated at that time.

7. **Lighting:** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

FINDINGS: The applicant submitted lighting information on page 44 of the project plans (Attachment "A.2"). The lighting information indicates recessed lighting is proposed at building entries and indirect lighting is proposed on the north façade facing the parking area. No parking lot lighting is shown on the site plan. To ensure the lighting standards are met, a **condition of approval is recommended that all existing and proposed exterior or interior lighting on the site shall not shine, cause glare or be unnecessarily bright on surrounding properties. Flood lights on poles higher than fifteen (15) feet are not permitted. Any existing non-conforming lighting on the site shall be brought into conformance with current city standards.** As proposed and conditioned, the proposal is consistent with these requirements.

8. **Signs:** All signs shall comply with the requirements of the sign code, Title 18.

FINDINGS: New storefront signs are proposed as depicted on page 42 of the Project Plans (Attachment "A.2"). In order to ensure compliance with the sign standards of HRMC Title 18, a **condition of approval alerts the property owner that sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.** As conditioned, the proposal is consistent with these requirements.

9. **Landscaping:** All landscaping shall comply with the requirements of HRMC 17.17.

FINDINGS: Landscaping is addressed below in HRMC 17.17.

10. **Manufacturing.** Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use.

FINDINGS: No manufacturing activities are proposed on the subject property. As such, these standards are not applicable.

11. **Commercial buildings between 25,000 square feet and 50,000 square feet.**

FINDINGS: No new buildings are proposed. As such, these standards are not applicable.

B. HRMC 17.04 - INTERCHANGE AREA MANAGEMENT PLAN (IAMP) OVERLAY ZONE

The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the highway interchanges within the City of Hood River, which provides access from and to Interstate 84 for residents and businesses throughout the city.

- A. Boundary.** The boundary of the IAMP Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in the respective IAMP documents. The zone's boundary generally corresponds with a 1/2-mile buffer area around the interstate highway interchanges. The Overlay Zone is applied to two boundary areas - one centered at Exit 62 and the other encompassing both Exit 63 and Exit 64.
- B. Applicability.** The provisions of this section shall apply to any Administrative, Quasi-judicial, or Legislative land use application pursuant to Section 17.09 that is for a parcel wholly or partially within the IAMP Overlay Zone, as defined by Section 17.03.120.A. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter and the applicable requirements in Chapter 17.20, Transportation Circulation and Access Management.
- C. Permitted Land Uses.** Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.
- D. Comprehensive Plan and Zoning Map and Text Amendments.** This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone and code amendments that affect development within the IAMP Overlay Zone.

In addition to meeting the requirements of Section 17.08.020, applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall meet the requirements of the Transportation Planning Rule, Oregon Administrative Rule (OAR) 660-012-0060, including making a determination whether or not the proposed change will significantly affect an existing or planned transportation facility.

FINDINGS: The subject site is located in the I-84 Exit 63/64 IAMP Overlay Zone. The proposed residential use in conjunction with commercial uses is a Conditional Use in the underlying zone, General Commercial. Vehicular access to the site is from 4th Avenue, via an existing entrance. Additional standards are addressed in HRMC 17.20, Transportation Circulation and Access Management. No comprehensive plan or zoning map amendment is proposed.

C. HRMC 17.04 - SUPPLEMENTARY PROVISIONS

17.04.040 General Exceptions to Building Height Limitation. Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this title.

FINDING: The existing building is approximately 50 feet in height including the parapet. The building was constructed in 1906 and pre-dates the 45-foot building height limit for mixed commercial-residential uses. Thus, the existing non-conforming building is allowed to continue. The project includes the addition of rooftop skylights and mechanical equipment. The proposed skylights will not project above the existing parapet, however the proposed rooftop mechanical equipment will (See p. 37 of Project Plans, Attachment "A.2").

17.04.130 General Requirements for Parking Lots. A parking lot, whether an accessory or principal use, intended for the parking of four (4) or more automobiles or trucks shall comply with the following stipulations:

1. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.
2. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
3. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular traffic on the site.
4. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.
5. Landscaping shall be in conformance with the landscape standards in this title. Duplexes are excluded from this requirement.

FINDINGS: There is an existing parking lot on the southern half of the subject property. It includes an existing driveway access. The applicant proposes to utilize the existing access and parking lot. The project narrative does not provide information about whether the applicant intends to reconstruct the parking lot or simply re-stripe the parking spaces, however it appears no new grading or parking lot reconstruction is proposed.

The proposed parking lot layout includes 90-degree parking stalls along the eastern side of the lot, two parallel parking spaces on the western edge of the lot, and a 25'7"-wide access drive. The proposed aisle width between the row of parking and the parallel spaces is twenty (20) feet. A total of eleven (11) parking spaces are proposed and the lot will be hard-surfaced with asphalt.

As proposed, the parking lot meets the hard-surface requirement. The elevation of the parking lot is lower than existing sidewalks, thus it does not appear that surface lot drainage will flow across sidewalks. Vision clearance and landscaping are discussed in chapters 17.20 and 17.17 respectively.

HRMC 17.04.130(2) requires access aisles are designed with sufficient width for all vehicular turning and maneuvering. HRMC 17.04.130(3) requires service drives are designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular access on the site. As designed, it does not appear that vehicles parked in spaces #9, 10 and 11 can exit the spaces or lot without reversing through the entire parking lot. To improve maneuverability, staff recommends that the area noted as space #9 on the Proposed Site Plan (P. 29 of Attachment "A.2") is signed as "no parking," thus reducing the number of on-site parking spaces to a total of 10.

To ensure consistency with HRMC 17.04.130 (2) and (3), a condition of approval is recommended to install a "no parking" sign in the location marked as space #9 on the proposed parking lot layout (the parking space at the southeast corner of the parking lot).

D. HRMC 17.06 – CONDITIONAL USES

17.06.005 Purpose. A conditional use permit is a mechanism by which the city may require specific conditions of development or of the use of land to ensure that designated uses or

activities are compatible with other lawful uses in the same zone and in the vicinity of the subject property.

FINDINGS: The subject site is located in the C-2 zone, a general commercial district and, more specifically the Central Business District in downtown Hood River. Nearby properties are primarily retail, office, and restaurant uses, however there are residential condominiums above retail located on the north side of Oak Street in the same block. The proposed dwelling units are not expected to generate noise or odors different from other uses in the vicinity. A Traffic Assessment Letter was submitted to evaluate the anticipated traffic impacts associated with the proposed residential. Based on these factors, impacts to neighboring lawful uses are expected to be negligible. However, conditions of approval are recommended where necessary to ensure the proposed project is compatible with other lawful uses in the C-2 zoning district and in the vicinity of the subject property.

17.06.010 Applicable Procedures. The City shall process conditional use applications in accordance with *Review Procedures* (Chapter 17.09) and the following:

1. Pre-application Conference: Prior to submittal of a conditional use permit, application, the applicant or applicant's representative shall attend a pre-application conference.
2. Application: An applicant may submit an application for a conditional use permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.
3. Quasi-Judicial Conditional Use: Applications shall be processed as a Quasi-Judicial application as set forth in the Quasi-Judicial Actions provisions (Section 17.09.040).
4. Changes: Changes to an approved or pre-existing conditional use that does not increase the density or impact of the use may be approved by the Planning Director. Changes that the Planning Director determines will increase the density or impact of the use shall be referred to the Planning Commission for a public hearing in accordance with the provisions of this chapter. Prior to review, a plan showing the desired changes must be submitted to the Planning Department.
5. Change in Use: As used in this chapter, change in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

FINDINGS: Pursuant to HRMC 17.09.040(C), a pre-application conference may be required at the discretion of the Planning Director. The applicant attended a pre-application conference for a larger development proposal that incorporated the southern portion of the subject site. At the time, no changes to the Paris Fair building were discussed. The applicant did not submit a pre-application for the subject project. The application was submitted February 21, 2018 and deemed incomplete on March 22, 2018. The applicant submitted revisions and stated no further information would be provided on April 12, 2018, thus obligating the City to deem the application complete on that date. The application is being processed in accordance with the Quasi-Judicial procedures of HRMC 17.09.040.

17.06.030 Approval Criteria: A conditional use shall be granted if the Planning Commission finds that the proposed use conforms, or can be made to conform through conditions, with the following approval criteria. For purposes of this chapter, the surrounding area includes all property within the applicable notice area for a use. In addition, any property beyond the notice area may

be included in the surrounding area if the hearing authority finds that it may be adversely impacted by the proposed use.

FINDINGS: The burden of proof is upon the applicant to demonstrate compliance with applicable criteria. This provision does not require the hearing body to create conditions of approval that significantly alter the proposal in order to make a finding of conformance.

1. Conditional uses are subject to Site Plan Review Decision Criteria:

FINDINGS: The Site Plan Review Decision Criteria are addressed below in HRMC 17.16.040.

- 2. Impact: The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:**
- a. Any harmful effects on desirable neighborhood characteristics and livability.**
 - b. Bicycle and pedestrian circulation, access, and safety.**

FINDINGS: This criterion requires reasonable compatibility between the proposed use and the lawful development of abutting properties and the surrounding area. This criterion also requires that the proposed uses have a minimal adverse impact on the lawful development of abutting properties and of the surrounding area.

“Reasonably compatible” means that the location, size, design and operating characteristics of the proposed use will function harmoniously.

“Minimal adverse impact” does not require the absence of any adverse impact but does require that, to the extent that any adverse impact is identified, it is minimized. Minimization may be achieved through the imposition of conditions of approval. An “adverse impact” is an undesirable effect arising out of the location, size, design, and operating characteristics of the proposed use.

“Lawful development” modifies both “abutting properties” and the “surrounding area,” and refers to existing uses that comply with the current zoning ordinance and development standards.

At a minimum, the “surrounding area” is considered the notice area; in this case, the notice area includes all property within 250 hundred feet of the subject site. Whether an extension of the surrounding area should be made is determined by examining the area of impact of the proposed use based on its location, size, design, and operating characteristics. In some cases, the surrounding area may not extend beyond the notice area; in other cases, the surrounding area may encompass an entire neighborhood, or large portions of the City. In all cases, the surrounding area is defined geographically.

For this review, staff considered the notice area for the surrounding area. Properties within 250 feet of the subject property are located within the Central Business District in downtown Hood River. The surrounding area is zoned General Commercial (C-2) and Open Space/Public Facilities (OS/PF). The area features a mix of retail, office, and restaurant uses as well as some residential uses above the ground level and the County Courthouse. The surrounding area can be

described as part of the commercial core of Hood River. The area includes surface parking lots, sidewalks, a minor arterial (Oak Street), an urban collector street (Cascade Avenue) and local streets (3rd and 4th Streets).

Location: The proposed residential units will be located within existing office space on the second and third floors of the Paris Fair Building. Existing office and retail (restaurant) uses will remain on the ground level. Access to the second and third floors is provided via two existing pedestrian entrances – one on the north side of the building and one on the west side of the building. The proposal includes interior modifications to the second and third floors to accommodate the studio apartments and no added building space. The applicant notes that the City’s Housing Needs Analysis suggests some C-2 zoned land will need to be developed as housing to meet the city’s need for multi-family housing. The proposed location appears to be compatible with the mix of nearby uses.

Size: The proposed dwelling units will be located within an existing building. The size of the existing building will remain the same, with no additions proposed, other than some minor storefront modifications on the ground level unrelated to the residential use.

Design: The dwelling units will occupy existing space in the historic Paris Fair building. Exterior alterations proposed in conjunction with the storefront rehabilitation were reviewed and approved by the Landmarks Review Board at a public hearing held May 31, 2018 pursuant to HRMC Chapter 17.14.

Operating characteristics: The applicant provided no information about the operating characteristics of the proposed residential use. The units are described as “new eleven (11) multi-family dwellings” and “eleven new residential units with support and lounge space.” It is not clear whether units will be owner-occupied, long-term rentals, or short-term rentals. The Planning Commission may want additional information to evaluate how the operating characteristics will impact adjacent and surrounding uses.

In summary, the Planning Commission must determine whether the proposed conversion of office space into eleven dwelling units is reasonably compatible with, and will have minimal adverse impact on, the lawful development of abutting properties and the surrounding area. If the Planning Commission determines that the size, design, and operating characteristics of the proposed use at the proposed location is reasonably compatible with uses in the surrounding area and can be expected to have minimal adverse impact on the surrounding area, the project is consistent with this criterion.

3. Nuisance: The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

FINDINGS: Nuisance conditions may be public nuisances or private nuisances. A nuisance is any act or omission that is detrimental to the health safety or welfare of the public at large, in the case of a public nuisance, or of specified individuals, in the case of a private nuisance.

“Significant” means noticeable to the affected person(s). The “off-site” area to be evaluated is the surrounding area as defined above.

The proposed dwelling units will be located above office and retail space. The applicant states “This proposal will not generate nuisance conditions. Current retail uses will continue along with new residential uses which provide much needed housing inventory within the downtown core.” No nuisances are anticipated because the dwelling units are not expected to generate noise, glare, odor, vibrations, or other nuisances beyond typical levels in the surrounding area. As such, the proposal appears to be consistent with the nuisance criterion.

4. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.

FINDINGS: The Comprehensive Plan generally does not contain approval standards. Goals are defined by the Plan as “what is sought after;” policies are defined as “broad statements” that “provide direction;” and strategies set forth the “means for implementing the Plan.” The Plan specifically states that the land use standards which are contained in the Zoning Ordinance are the standards for development. In those cases where a provision is written in mandatory approval language, the language of the provision itself will be interpreted according to its intent and applied as an approval standard.

Consistency with the requirements of the Zoning Ordinance is achieved if affirmative findings can be made with respect to the applicable provisions of Title 17 of the Hood River Municipal Code.

This application is a conditional use which is also subject to the Site Plan Review criteria. The proposal is subject to the CUP criteria of this section of the report, as well as the Site Plan Review criteria below. If the proposal is found to be in compliance with all applicable criteria, the proposal will be consistent with the Comprehensive Plan and requirements of the Zoning Ordinance.

5. Scale: The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

FINDINGS: This criterion requires that the proposed use physically fits on the site as well as requiring the site to be able to handle the proposed use in terms of the natural characteristics of the site. All of the characteristics of the proposed use are considered, including any modifications resulting from conditions of approval. In addition, all of the requirements of Title 17 must be considered.

No changes to the building footprint are proposed. Exterior changes primarily are located on the ground level, moving the storefront windows out to the sidewalk, but not expanding the building footprint. Other modifications to the site include some additional landscaping, which is addressed in HRMC 17.17 below. As addressed above in HRMC 17.03.050, the parking requirement will be satisfied with a payment in-lieu of required parking. The structural requirements for the interior improvements will be reviewed by the building department at the time a building permit is issued. If the Planning Commission determines that the surrounding area is an appropriate location for the dwelling unit, a finding can be made that the site is physically capable of accommodating the proposed use, subject to building code requirements.

6. Transportation: Adequate transportation facilities are available to serve the conditional use in terms of the function, capacity, and level of service identified in the Transportation systems Plan.

FINDINGS: As discussed below in HRMC 17.16.040, the proposed project is expected to generate a slight increase in traffic. Additional transportation System Development Charges (SDCs) and a proportionate share for the construction of a traffic signal at 2nd Street/Oak Street intersection will be required at the time of building permit as discussed below. No changes to the site access are proposed and no additional parking area is proposed. Conditions are included to ensure consistency with access and parking standards. As conditioned, the proposed residential use complies with the Transportation criterion.

7. Landscaping: Landscaping shall be in conformance with the landscape regulations of this title.

FINDINGS: The landscaping standards of this title are detailed in HRMC 17.17. According to HRMC 17.17.010 (A), landscaping standards apply to all conditional uses. HRMC 17.17.040(7) requires a minimum of 5% of the gross site area to be landscaped for uses in the Central Business District.

Existing on-site landscaping includes a planter bed on the south side of the building and some planter boxes on the north side of the building. Proposed landscaping includes a courtyard on the west side of the building with planter boxes and a fountain. HRMC 17.17.010(B) states that for sites that do not conform to the landscape area, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expansion (e.g. if the building or parking lot area expands by twenty-five (25%), then twenty-five percent (25%) of the site must be brought up to the standards required in Chapter 17.17. Because no building or parking lot expansion is proposed, no additional landscaping is required.

8. Performance Bonds: When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

FINDINGS: This provision allows the City to require security for the performance of any condition needed or imposed to ensure compliance with the Zoning Ordinance of Comprehensive Plan. For example, if an applicant desires occupancy prior to completion of improvements, a performance bond may be submitted in order to ensure performance with required conditions. In this case, it does not appear performance bonds will be applicable.

9. Burden of Proof: The applicant shall bear the burden of showing how the proposed use does conform or can be made to conform through conditions.

FINDINGS: The applicant provided project plans and a project narrative (Attachments "A.1" and "A.2"). As described throughout this report, the application generally complies with applicable standards, however, it is the applicant's burden of proof to demonstrate compliance with requirements. As conditioned, the application complies with the Burden of Proof criterion.

10. Final Plans: If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the Planning Department.

FINDINGS: If the application is approved, the applicant will be responsible for submitting final plans demonstrating compliance with all standards and conditions, for review and approval prior to obtaining building permits. As such, the application complies with the Final Plans criterion.

17.06.035 Appeals.

Final decisions on conditional use permits may be appealed in accordance with the procedures in *Appeal Procedures* in HRMC 17.09.070.

FINDINGS: A notice of decision will be mailed to the applicants and affected parties detailing appeal procedures.

17.06.040 Time Limits on a Permit for a Conditional Use.

A conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

FINDINGS: The applicant intends to move forward with the project as soon as possible. In order to ensure compliance with these time limitations, **conditions of approval are recommended that this conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the director prior to the expiration date if the applicants can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.**

17.06.050 Limitation on Reapplication.

No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

FINDINGS: If this conditional use application is denied, the limitations on reapplication will be applied.

17.06.060 Revocation of a Conditional Use Permit

A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.

- B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under *Review Procedures* (Chapter 17.09) of this title in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrants it.
- E. Abandonment of the use for over twenty-four (24) consecutive months shall void the conditional use. A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit. If part of the conditional use is still being utilized, an additional conditional use will need to be obtained in order for expansion of the use.

FINDINGS: An approved conditional use permit may be revoked in accordance with these provisions.

E. HRMC 17.16.040 - SITE PLAN REVIEW DECISION CRITERIA

- 1. Natural Features: Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development. The use of small streams in the landscaping design shall be encouraged rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include; pollution, soil contamination, siltation, and habitat degradation or loss.**

FINDINGS: This criterion requires that the proposed use minimize adverse impacts to land and water quality. Land impacts can include aspects of land quality, but may also include other aspects of land that the Planning Commission considers relevant. Water quality impacts pertain to surface water runoff, natural watercourses, and stormwater.

There is an existing building and parking lot on the site, with minimal landscaping improvements. There are no significant natural features on the site. Because it appears no grading will occur and no new impervious surfaces will be added to the site, the proposed dwelling units will have no effect on water quality, soil contamination, or habitat loss. As such, the proposal complies with the Natural Features criterion.

- 2. Air Quality: The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.**

FINDINGS: This criterion requires the proposed use to have no adverse or at most a minimal adverse impact on air quality. The possible impacts to consider relate to the operational characteristics of the use; smoke, heat, dust, and pollution are some of the impacts that may be considered.

No new impervious surfaces will be added to the site, therefore the dwelling units will not increase heat generated on the site. Similarly, the dwelling units are not expected to generate smoke, odors or dust different from other permitted uses in the C-2 zone. The volume of traffic that is anticipated to be generated by the new dwelling units is not more than other similar residential uses downtown, therefore it is not expected to generate more pollution than other permitted uses in the C-2 Zone. As such, the proposed dwelling complies with the Air Quality criterion.

- 3. Grading: Any grading, contouring on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.**

FINDINGS: This criterion requires that any grading; contouring, on-site surface drainage and construction of on-site surface water storage facilities must have no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system.

The applicant states that no grading is proposed. As such, the proposed office is consistent with the Grading criterion.

- 4. Public Facilities: Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention of treatment of stormwater may be required by ODOT.**

FINDINGS: This provision addresses public facilities in two ways. All public facilities must be developed consistently with the City's adopted capital facilities plan. There must be adequate capacity of water, sanitary sewer, storm drainage, fire protection, streets and sidewalks at and serving the subject parcel. To determine adequacy, the level of these public facilities must be evaluated in light of the proposed use for the parcel. Consideration is given to whether there is adequate existing service and if the proposed use will burden the existing service to the extent warranting an increase in capacity. "Capacity" refers to both the capability of the system to handle the proposed use and the level of service at which the facility currently operates and will operate after the proposed use is established. Conditions of approval requiring the applicant to increase the level of service or capacity may be imposed if necessary to make an affirmative finding with respect to these criteria. Alternatively, the decision-maker may require the applicant to contribute a proportionate sum to the improvement under HRMC Chapter 3.20.

Other types of on-site and off-site public facilities also must be included if necessary to serve the proposed use. "Public facilities" as used in this context has the meaning given to the term in HRMC 17.01.060 and includes that which is necessary for the public, health, safety, and welfare. The factors in HRMC Section 17.09.100 are helpful in evaluating what public facilities are necessary to serve the proposed use.

The proposed dwelling units will replace existing office/commercial space. Existing water, sewer, streets and other public facilities serve the building. No new public facilities are proposed, however, as described below, some facility improvements are required to ensure there are adequate public facilities to serve the proposed residential units.

Transportation Infrastructure (Streets and Sidewalks)

The subject property has one existing driveway access on 4th Street. No new access points are proposed. The City Engineer provided comments (Attachment "E") that recommend "Sidewalks along 4th Street shall be brought up to current Downtown Urban Renewal Standards, including sidewalk scoring if currently not to standard." Therefore, **a condition of approval is recommended to require improvements to the sidewalk along the site's frontage on 4th Street to be brought up to current standards if necessary.**

Off-Site Transportation Infrastructure

The new dwelling units will generate traffic impacting 4th Avenue directly and other streets and intersections in the vicinity as addressed in the applicant's Traffic Assessment Letter (TAL; Attachment "A.3").

A signal warrant analysis conducted in 2011 determined that a traffic signal should be installed at the 2nd Street/Oak Street intersection in order to operate at an acceptable level of service. The City subsequently hired a traffic engineer to prepare a proportionate share study associated with signalization of the 2nd Street and Oak Street. The Hood River Municipal Code Chapter 3.20 permits a finding of adequate public facilities if approval is conditioned upon the applicant contributing a proportionate share of any improvements required to achieve adequate public facilities. At the time of the study, the cost of signalizing the 2nd Street/Oak Street intersection was estimated to be \$225,000 and the study determined a proportionate cost of \$662 per Weekday P.M. Peak Hour trip through the intersection.

The applicant's TAL includes a trip generation estimate and trip distribution analysis. The new dwelling units are expected to generate two (2) additional PM Peak Hour trips through the 2nd and Oak intersection. Based on this estimate, a contribution of \$1,324 is required under HRMC 3.20 in order to make a finding of adequate public facilities with respect to this intersection. Thus, **a condition of approval is recommended to require the property owner or developer to contribute a proportionate share of the costs of signalization of the 2nd and Oak Street intersection consistent with the requirements of Hood River Municipal Code Chapter 3.20. The amount to be contributed by the developer (\$1,324) is determined using the city's proportionate share study and the findings of the applicant's traffic study (Attachment "A.3"). The developer shall sign a written agreement to pay the proportionate contribution; the agreement shall be prepared by the City of Hood River and shall specify that full payment, partial payment or the posting of acceptable security must be made to the City of Hood River on or before the commencement of any work on and issuance of any permit for the subject property under the development proposal. If payment is not made as required, the city**

council shall assess the proportionate contribution against the subject property by resolution and shall enter the assessment resolution in the docket of city liens and record the same in the Hood River County Assessor's real property records.

Water

There is existing water service to the building. The City Engineering Department submitted the following comments with respect to water service:

Water: The existing water service is 2" between the water main and the meter and 1" after the meter. The 1" private line will be inadequate for the proposed retail and residential domestic uses, and the 2" should be evaluated for its suitability. Public Works also requires separate taps for domestic water service, fire service and irrigation service.

Conditions of approval are recommended to meet the City Engineering Department requirements for adequate water service.

Sewer

There is existing sewer service to the building. The City Engineering Department submitted the following comments with respect to sewer service:

Sewer: The location and size of the existing sewer lateral is unknown. A minimum of a 6" sewer lateral will be required and it is incumbent on the developer to investigate and replace the lateral if necessary.

Conditions of approval are recommended to meet the City Engineering Department requirements for adequate water service.

Stormwater

The Project Narrative (Page 16, Attachment "A.1") describes the existing storm drainage conditions. No storm drainage improvements are required in association with this proposal.

Police and Fire Protection (Attachment "C")

City of Hood River police and fire protection serve the subject site. **A condition of approval is recommended that the applicant shall demonstrate compliance with the requirements of the Fire Chief prior to occupancy.**

General (Engineering comments, Attachment "D")

1. **General:** These comments cover planning requirements for adequate public facilities and do not include engineering specifications or other more specific requirements of the City. Other engineering and code specifications may be applicable at the time of engineered plan review or building permit application.
2. **General:** The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.
3. **General:** All utilities shall be placed underground including power, phone, cable television and other telecommunications lines.

4. **General:** A representative of the design engineer, referred to as the Resident Engineer, shall be on site nearly every day throughout the construction of public/ROW improvements in order to perform the duties of the Resident Engineer as described in the Engineering Standards.
5. **Demolition:** Demolition of existing structures on the site will require a COHR Demolition Permit. Contact the Building Department for an application and additional information.

In addition, the City Engineer noted that the property owner will be responsible for System Development Charges for the 11 new residential units.

As conditioned, the proposed dwelling units are consistent with this criterion.

5. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals.
 - a. **Traffic Impact Analysis:** The applicant will be required to provide a Traffic Impact Analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.

FINDINGS: The applicant submitted a Traffic Assessment Letter (Attachment "A.3") which is addressed below in HRMC 17.20.060.

6. **Storage: All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.**

FINDINGS: "Screened" does not mean that the storage and garbage collection areas must be blocked from view. "Screened" means they must be shielded from view and visually unobtrusive. "Appropriate fencing" means fencing that provides screening, such as a wood fence, or wood slats in a cyclone fence. No new outside storage is proposed.

The site plan depicts an area in the southwest corner of the site where garbage will be stored. No details about the screening of the storage area were provided. As such, **conditions of approval are recommended that outdoor storage and garbage collection areas on the site shall be screened through the use of vegetative materials or appropriate fencing. Prior to issuance of building permits, details of screening methods shall be submitted to the planning director. Any trash/recycling enclosure should be designed in accordance with the specifications of the service provider (Hood River Garbage Service, Inc.).**

7. **Equipment Storage: Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the noise ordinance.**

FINDINGS: "Screened" does not mean that the equipment must be blocked from view. "Screened" means that it must be shielded from view and visually unobtrusive. "Design attention" means that the method by which the equipment is shielded from view and rendered visually unobtrusive must use a variety of detail, form and siting. Design attention must be given to placement of the equipment or its storage, whichever is used to screen the equipment from view.

New rooftop mechanical equipment is proposed in addition to the existing equipment as depicted on pages 35 and 37 of the Project Plans (Attachment "A.2"). The building includes a short parapet

that provides some screening of existing equipment as viewed from the north. The equipment will be located on the southern half of the roof such that it will not be visible from Oak Street. Because 4th Street rises to the south and State Street is at a higher elevation, the equipment will be visible (as it is today) from State Street and other vantage points to the south.

The applicant proposes to paint the equipment “to blend with surroundings” but does not propose to screen it because it extends above the maximum building height of 45 feet (the existing nonconforming building is approximately 50 feet in height) [see p. 16 of the Project Narrative, Attachment “A.1”]. HRMC 17.04.040 provides exceptions to the building height for “vertical projections for...objects not used for human occupancy.” Thus, **the Planning Commission should consider whether painting the rooftop mechanical equipment is sufficient to meet this criterion or whether additional screening should be provided.**

8. Compatibility: The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.

FINDINGS: This provision requires compatibility between the height, bulk, and scale of the buildings proposed with the site and with buildings in the surrounding area. The proposed conversion of existing office space to residential dwelling units will occur in an existing commercial building. No additions to the building are proposed and no new buildings are proposed, thus the height, bulk and scale of the building will not change. As such, this standard is not applicable.

9. Design: Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms, or other architectural elements.

FINDINGS: Detail, form and siting are reviewed to ensure visual interest. While the hearing body may create conditions of approval that will allow an affirmative finding to be made with respect to an approval criteria, the obligation to impose conditions, if any, does not extend to re-designing a project since the applicant has the burden of proving that the proposal meets all applicable criteria, or can meet the criteria with conditions.

Exterior alterations to the ground floor are proposed to rehabilitate the storefront to be consistent with the historic storefront circa 1912. The Landmarks Review Board reviewed the proposed exterior alterations and determined the changes are consistent with the City’s historic preservation standards in HRMC 17.14. As such, the proposal is consistent with this criterion.

10. Orientation: Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

FINDINGS: “Orientation towards the street” means that an entrance to the proposal or building faces toward the street. Usually, this is the street from which the property is accessed as opposed to a street on which the property simply has frontage.

The Paris Fair building is primarily oriented toward Oak Street. The dwelling units will have access from Oak Street, 4th Street, and the southern side of the building. No changes to the building orientation area proposed and no new buildings are proposed. As such, this criterion is not applicable.

11. Parking: Parking areas shall be located behind building or on one or both sides, whenever physically possible.

FINDINGS: Location of parking behind or beside a building allows orientation of the building toward the street and a more welcoming site for pedestrians.

There is an existing parking lot to the south of and behind the building, with the existing pedestrian entrance for retail/commercial spaces located on Oak Street. No change is proposed or required.

F. HRMC 17.17 - LANDSCAPING AND DEVELOPMENT STANDARDS

17.17.010 Scope

- A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of four (4) spaces or more, public facilities and conditional uses.
- B. For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

FINDINGS: The proposed new dwellings are a change of use from commercial/office to multi-family residential, thus the provisions of HRMC 17.17 are applicable. The existing landscaping is approximately 200 square feet, or approximately 2% of the site. Because no building or parking lot expansion is proposed, no additional landscaping is required, pursuant to HRMC 17.17.010.B. However, the applicant proposes to add landscaping by expanding the existing landscape bed, rooftop planters, and sidewalk planter boxes.

17.17.020 Procedure

- A. A preliminary or conceptual landscaping plan shall be submitted to the planning Director at the time of application. The Planning Director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.
- B. A building permit shall not be issued until a final landscaping plan has been approved by the Planning Director.
- C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.
- D. A property owner shall be responsible for the establishment and maintenance of landscaping. All required landscaped areas shall be maintained according to the approved landscaping plan.

FINDINGS: The Project Plans include a landscaping plan on p. 30 (Attachment "A.2"). **A condition of approval is recommended to alert the owner to the requirement that the owner is responsible for the establishment and maintenance of all landscaping.**

17.17.030 Contents of Landscaping Plan. A landscaping plan submitted to the Planning Director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:

1. Survive in the climate and soils of the proposed site; and
2. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening, and shade, within a reasonable time.

FINDINGS: The proposed landscaping plan shows locations for plantings and a general planting list. It does not specify the square footages of each planting area or planter box, however because the applicant is not required to provide additional landscaping, a final landscape plan will not be required.

17.17.040 General Landscaping Standards. The following landscaping standards shall apply:

1. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
2. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
3. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
4. Plants that minimize upkeep and maintenance shall be selected.
5. Plants shall complement or supplement surrounding natural vegetation and fit the climate.
6. Plants chosen shall be in scale with building development.
7. Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE/USE</u>	<u>PERCENT</u>
Central Business District	5%

8. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
12. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.

16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
20. Vision clearance hazards shall be avoided. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.
21. City or State right-of-way(s) cannot be used to satisfy the required landscaping requirement.
22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

FINDINGS: The landscaping plan indicates there are existing street trees which will remain. If any street trees are damaged during construction, the property owner will be responsible for replacement. Planter boxes are proposed along the State Street and 4th Street frontages.

Conditions of approval are recommended to require the replacement of any street trees damaged during construction and to require the applicant to obtain a right-of-way permit for the proposed planter boxes.

17.17.050 City Entrances Landscaping and Development Standards. The following standards will be required for new commercial, multi-family, industrial uses, including change of use, and parking lots of four (4) spaces or more on properties within the designated entrances to the City of Hood River.

FINDINGS: The subject site is not located in a designated city entrance. As such, these standards are not applicable.

17.17.060 Violation. Failure to comply with the standards subsequent to issuance of the building permit for new construction shall constitute a violation of these regulations and be subject to the penalty and abatement proceedings in the *Severability – Penalties* chapter (Chapter 17.10).

FINDINGS: A condition of approval will alert the applicant that failure to comply with the standards subsequent to issuance of the building permit for new construction constitutes a violation of these regulations and be subject to the penalty and abatement proceedings in the *Severability – Penalties* chapter (Chapter 17.10).

G. HRMC 17.20 - TRANSPORTATION CIRCULATION & ACCESS MANAGEMENT

17.20.010 Applicability. This chapter implements the City's adopted Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-12). The standards of

this chapter are applicable to all proposed improvements to the public transportation system and to all development on the public transportation system.

FINDINGS: Impacts to the public transportation system are anticipated in association with the proposed dwelling units. As such, the standards of this chapter are applicable.

17.20.020 Definitions. This section incorporated into Section 17.01.060 – Definitions.

FINDINGS: Interpretations of text in this section shall be consistent with the definitions in HRMC 17.01.060.

17.20.030 Access Management Standards. This section shall apply to all development on arterials and collectors within the City and UGA and to all properties that abut these roadways as part of site plan review process (Chapter 17.16). Within the Interchange Area Management Plan Overlay Zone’s “Access Management Blocks,” this section also applies to local streets and roads and abutting properties.

- A. **Site Plan Review Procedures.** All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:
- a. Location of existing and proposed access point(s) on both sides of the road where applicable;
 - b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
 - c. Number and direction of lanes to be constructed on the driveway plus striping plans;
 - d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
 - e. Parking and internal circulation plans including walkways and bikeways; and
 - f. A detailed description of any requested variance and the reason the variance is requested.

FINDINGS: The site is located within the Exit 63/64 Interchange Area Management Plan (IAMP) and it accesses a local street, 4th Street. The site also abuts Oak Street which is classified as a minor arterial and State Street which is classified as a collector street. The proposed site plan (p. 29 of the Project Plans, Attachment “A.2”) generally includes the required site plan information. There is an existing access with a width of 25’7”. Directional arrows are shown on the site plan to depict proposed internal vehicular circulation. Existing sidewalks abut the site on Oak, State, and 4th Streets. Distances from the existing access drive to intersections at Oak and State Streets are provided on the Site Plan.

- B. **Criteria.** All site plans shall comply with the following access criteria:
1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
 2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
 3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
 4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas; entrances to the development; and open space, recreational, and other community

facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.

5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
6. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

FINDINGS: No new roads are proposed. Vehicular access will utilize an existing driveway entrance. As depicted on the site plan, the existing driveway serving the site is located approximately 118 feet from the intersection of 4th and Oak Street and approximately 77 feet from the intersection of 4th and State Street. There are no other driveways on the same side of the block as the subject driveway access. There are two existing driveways across 4th Street, one almost directly across and one slightly north. No changes to access spacing are proposed.

The applicant's Traffic Assessment Letter (TAL) includes discussion about sight distance from the driveway access, however the TAL references 3rd Street instead of 4th Street and states "Prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon" (Attachment "A.3").

The City Engineer submitted comments regarding sight distance (Attachment "E"):

Appropriate site [sic] distance and any mitigation to achieve said site [sic] distance, should be established in the TAL prior to project approval and should not wait until occupancy is requested. If the removal of parking on 4th Street is necessary, it should be addressed before permits and project approval are granted. Please indicate on the site plan areas that will need to be kept clear to achieve the required site distance.

With regard to access spacing, the City Engineer submitted the following comment (Attachment "E"):

In order to ensure that southbound traffic on 4th Street turning left into the parking area will not cause queuing that would interfere with the Oak and 4th intersection, the 4th Street approach should be limited to right-in turn only traffic circulation.

No internal pedestrian paths or sidewalks are provided in the parking lot. The site abuts city sidewalks on 4th, Oak, and State Streets. The City Engineer recommends potential improvements to the sidewalk on 4th Street (Attachment "E"):

Sidewalks along 4th Street shall be brought up to current Downtown Urban Renewal Standards, including sidewalk scoring if currently not to standard.

Conditions of approval are recommended to meet the suggestions of the City Engineer and the requirements of HRMC 17.20.030.B .

C. Standards.

1. **Access Spacing:** Driveway accesses shall be separated from other driveways and street intersections in accordance with the standards and procedures of Chapter 13.28.

FINDINGS: As addressed above, the development will use an existing driveway for access to the site. No changes are proposed to existing access location. As discussed above, proposed conditions of approval address potential queuing and sight distance issues with the existing driveway location.

2. Joint and Cross Access:

- a. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- b. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - (2) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
 - (4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- c. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- d. Pursuant to this section, property owners shall
 - (1) Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - (2) Record an agreement that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - (3) Record a joint maintenance agreement defining maintenance responsibilities of property owners.
- e. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - (1) Joint access driveways and cross access easements are provided in accordance with this section.
 - (2) The site plan incorporates a unified access and circulation system in accordance with this section.
 - (3) The property owner enters into a written agreement with the city, which shall be recorded with respect to the subject property, agreeing that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway; and
 - (4) The City Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

FINDINGS: The southern half of the subject site is adjacent to surface parking lots also owned by Key Development (under a different LLC name). The City Engineer submitted comments recommending required joint use of driveways and cross access easements at such time that the other lots are redeveloped (Attachment "E"):

In the spirit of the above code reference, future development of the Paris Fair site which incorporates design features with tax parcels 03N10E25CD12400 and 03N10E25CD12300 will trigger a requirement for cross access spanning tax lots 03N10E25CD11900, 03N10E25CD12400, and 03N10E25CD12300. The 3rd and 4th Street entrances shall be limited to right-in and right out access with internal cross access between parcels. In the event of a unified or phased development, access to State Street by parcel 03N10E25CD12400 shall be eliminated.

3. **Driveway Design:** Driveways shall be designed pursuant to the requirements of Chapter 13.28.

FINDINGS: The subject parcel has an existing driveway access. The City Engineer submitted comments regarding the access design:

The approaches shall be designed per City of Hood River Standards and the design of the approach wings shall be detailed with grades and elevations by a professional engineer registered in the State of Oregon. The approach shall meet ADA barrier free requirements. Maximum approach width is 36 feet per HRMC 13.28. This includes the approach wings or transitions. Variances can only be granted by the City Council.

A condition of approval is recommended to require the driveway access is brought up to city standards.

ODOT submitted comments to alert the property owner that any work done in the Oak Street (Hwy 30) right-of-way requires an ODOT Miscellaneous Permit. A condition of approval is recommended to be included to this effect in the event that any of the work done in conjunction with the storefront rehabilitation is in the ODOT right-of-way.

4. **Requirements for Phased Development Plans:**

- a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.
- b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

FINDINGS: As noted above, the property owner also owns additional property adjacent to the subject property. Although no development proposal has been submitted for the adjacent property, the City Engineer submitted comments to alert the property owner that a unified access and circulation system for all of the properties will be required at such time that the southern half of the subject property is redeveloped.

5. **Nonconforming Access Features:** Legal access connections in place as of November 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of 13.28.

FINDINGS: As addressed above, an existing driveway will be used for this proposal. No changes are proposed to existing access. Conditions of approval are included to improve sight distance, queuing, and the approach design.

6. **Reverse Frontage:** Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

FINDINGS: The site has frontage on three streets: Oak Street (an arterial), State Street (a collector) and 4th Street (a local street). Existing access is located on 4th Street, the street with the lowest functional classification.

D. Access within Interchange Area Management Plan (IAMP) Overlay Zone.

In addition to the standards and requirements of the Transportation Circulation and Access Management section of this ordinance (Section 16.12 and Section 17.20), parcels wholly or partially within an adopted IAMP Overlay Zone are subject to the Access Management Plan in the applicable IAMP (Exit 62 or Exit 63/64). The following applies to land use and development applications for parcels within an adopted IAMP Overlay Zone that are subject to Chapter 17.16 Site Plan Review or Title 16 Subdivisions and that are shown as part of an "Access Management Block" subject to the recommendations of the Access Management Plan (see Figure 9, Access Management Blocks, in the Exit 62 IAMP and Figures 10 and 11, Access Management Blocks, in the Exit 63 and 64 IAMP).

FINDINGS: The subject property is located in the boundary of the Exit 63/64 IAMP Overlay Zone but is not located within an Access Management Block. As such these requirements are not applicable.

17.20.040 Bicycle Parking. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 17.20-40-A, and subsections A-H, below.

- A. **Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 17.20.40-A. Where two options are provided (*e.g.*, 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking shall be used.

Table 17.20.40-A Minimum Requirements for Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (Covered or Enclosed)	Short-term Spaces (Near Building Entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units

- B. Exemptions. Section 17.20.040 does not apply to single-family and two-family housing (attached, detached, or manufactured housing) or home occupations.
- C. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.*, sheltered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Racks shall allow frames and wheels to be locked. Shared facilities will be allowed.
- D. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building, including beneath roof overhangs and awnings.
- F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance areas (see Diagram “A” – 17.04.090).

FINDINGS: The Project Narrative (Attachment “A.1”) indicates a total of 4 short term and 2 long term bicycle parking spaces will be provided at the south entrance. The long term spaces will be covered with a canopy. In addition, the narrative states that 3 long term spaces will be provided in residential units. The bicycle parking at the south entrance is shown on the Site Plan (p. 29 of Project Plans, Attachment “A.2”) and the floor plans note that a wall-mounted bicycle rack will be provided in some of the residential units (pp. 33 & 34, Project Plans, Attachment “A.2”).

For 11 residential units, 2 short-term spaces and 3 long-term spaces are required. **A condition of approval is recommended that the required bicycle parking is installed prior to occupancy of the second and third floors.** As conditioned, the proposal is consistent with these requirements.

17.20.050 Standards for Transportation Improvements

FINDING: No transportation improvements are proposed or required, thus HRMC 17.20.050 is not applicable. Instead, the Site Plan Review standards in HRMC 17.16 are applicable as described above.

17.20.060 Traffic Impact Analysis

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.
- B. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.
- C. Applicability and Consultation. A Traffic Impact Analysis shall be required to be submitted to the city with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers *Trip Generation*; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
- a. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the City Engineer);
 - b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
 - c. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - e. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.

The applicant shall consult with the City Engineer or his/her designee at the time of a pre-application conference (see Section 17.09.120 Pre-Application Conferences) about whether a TIA is required and, if required, the details of what must be included in the TIA.

- D. Traffic Assessment Letter. If a TIA is not required as determined by Section 17.20.060.C, the applicant shall submit a Transportation Assessment Letter (TAL) to the City indicating that TIA requirements do not apply to the proposed action. This letter shall present the trip generation estimates and distribution assumptions for the proposed action and verify that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of those roadways. Other information or analysis may be required as determined by the City Engineer. The TAL shall be prepared by

an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis.

The requirement for a TAL may be waived if the City Engineer determines that the proposed action will not have a significant impact on existing traffic conditions.

- E. Traffic Impact Analysis Requirements.
 - 1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.
 - 2. Transportation Planning Rule Compliance. See Chapter 17.08.050 Transportation Planning Rule Compliance.
 - 3. Pre-application Conference. The applicant will meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.

- F. Study Area. The following facilities shall be included in the study area for all Traffic Impact Analyses (unless modified by the City Engineer):
 - 1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
 - 2. Roads through and adjacent to the site.
 - 3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.
 - 4. All intersections needed for signal progression analysis.
 - 5. In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.
 - 6. Those identified in the IAMP Overlay Zone (see Subsection I).

- G. When a Traffic Impact Analysis (TIA) is required, the TIA shall address the following minimum requirements:
 - 1. The TIA was prepared by an Oregon Registered Professional Engineer; and
 - 2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the City's adopted Level-of-Service standards, and are satisfactory to the City Engineer and ODOT, when applicable; and
 - 3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Minimize the negative impacts on all applicable transportation facilities; and
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - c. Make the most efficient use of land and public facilities as practicable; and
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

- e. Otherwise comply with applicable requirements of the Hood River Municipal Code.
- 4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:
 - a. residential local street volumes increase above 1,200 average daily trips; or
 - b. the existing 85th percentile speed on residential local streets exceed 28 miles per hour.

- H. Conditions of Approval. The city may deny, approve, or approve a development proposal with appropriate conditions needed to meet transportation operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Factors that should be evaluated as part of land division and site development reviews, and which may result in conditions of approval, include:
 - 1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
 - 2. Access for new developments that have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
 - 3. Right-of-way dedications for planned roadway improvements.
 - 4. Street improvements along site frontages that do not have improvements to current standards in place at the time of development.
 - 5. Construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts, i.e. construction or modification of turns lanes or traffic signals.

- I. Traffic analysis within an IAMP Overlay Zone. All development applications located within an IAMP Overlay Zone that are subject to the provisions of Chapter 17.16 (Site Plan Review) or Chapter 16.08 (Land Divisions) may be required to prepare a Traffic Impact Analysis. City of Hood River Transportation System Plan policies call for the City, in coordination with Hood River County and ODOT, to monitor and evaluate vehicle trip generation impacts at Hood River interchanges and on street systems in interchange areas from development. This requirement will not preclude Oregon Department of Transportation, City of Hood River, or Hood River County from requiring analysis of IAMP study intersections under other conditions. Development approved under this article shall be subject to the following additional requirements.
 - 1. The Traffic Impact Analysis must include an account of weekday p.m. peak hour site generated trips through IAMP study intersections. Intersections impacted by 25 or more weekday p.m. peak hour site generated trips, or weekend peak hour site generated trips, shall be analyzed for level of service and volume to capacity ratio during day of opening conditions.
 - 2. The City shall provide written notification to ODOT and Hood River County when an application concerning property in the IAMP Overlay Zone and subject to Site Plan Review or Title 16 is received. This notice shall include an invitation to ODOT and the County to participate in the City's pre-application conference with the applicant, pursuant to Section 17.09.120.

3. The City shall not deem the land use application complete unless it includes a Traffic Impact Analysis prepared in accordance with the applicable requirements of Section 17.20.060.
4. Pursuant to Section 17.09.030.F, ODOT shall have 14 calendar days from the date a completion notice is mailed to provide written comments to the City. If ODOT does not provide written comments during this 14-day period, the City staff report may be issued without consideration of ODOT comments.
5. Monitoring Responsibilities. The details of monitoring responsibilities will be outlined in the adopted IAMP.

FINDINGS: The proposed dwelling units are expected to generate 7 PM Peak Hour vehicle trips. A Traffic Impact Analysis was not required because no zone change is proposed; the project will generate fewer than 25 peak hour trips and fewer than 250 average daily trips; the development will not add more than 10 vehicles exceeding 20,000 pound gross vehicle weight per day; the existing sight distance can be mitigated; and safety problems are not anticipated. Instead, the applicant submitted a Transportation Assessment Letter (TAL) prepared by a professional engineer registered in Oregon and generally in conformance with HRMC 17.20.060.D above. It addresses trip generation and distribution related to the proposed dwelling units. It does not adequately address sight distance and access spacing, and it notes access is on 3rd Street instead of 4th Street, as noted by the City Engineer (Attachment “E”).

As discussed elsewhere in this report, the City Engineer recommends conditions of approval regarding sight distance, queuing, driveway approach, and proportionate share of signalization costs.

As conditioned, the proposal is consistent with 17.20.060.

H. CHAPTER 17.24 – IN-LIEU PARKING FEE

17.24.010 In-Lieu Parking Fee. This chapter establishes the In-Lieu Parking Fee. The In-Lieu Parking Fee is paid to the City in lieu of providing required off-street parking when permitted in this title.

- A. **Amount of Fee.** The amount of the In-Lieu Parking Fee is set by resolution of the City Council and the Council shall review the amount on at least an annual basis. The In Lieu-Fee may otherwise be adjusted by the Council as it deems necessary based on factors such as inflation, the cost of providing new parking spaces, and the market value of parking spaces. The amount of the In-Lieu Fee shall take into account the current costs of land acquisition, financing and construction.
- B. **Use of Fees.** In-Lieu Parking Fees shall be deposited in a dedicated fund for the development and provision of public parking facilities. The collected Fees may be applied only to development and provision of public parking that serves the Central Business District, Heights Business District or Waterfront, or the development of City owned parking lots located in non-residential zones. Development and provision of parking to which the Fees are applied must be consistent with the City’s adopted Parking Management Plan. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs, and construction.

FINDINGS: As addressed above in HRMC 17.03.050, the proposed redevelopment of the Paris Fair building requires 23 on-site parking spaces. The on-site parking lot will provide 10 parking spaces but will not accommodate all of the required parking. The applicant may achieve compliance with off-street parking requirements through payment of the In-Lieu Parking Fee which is currently set by Resolutions 2017-18 and 2018-01. Pursuant to Resolution 2017-18, the fee for development of residential uses in the Central Business District is:

In-Lieu Parking Fee for the first 2/3 (the first 67%) of the required parking for residential construction in the Central Business District, Waterfront Business District, and Heights Business District pursuant to HRMC 17.24.010 is \$20,620 per required parking space. The in-Lieu Parking Fee for the final 1/3 (the final 33%) of the required parking for residential construction in the Central Business District, Waterfront Business District, and Heights Business District pursuant to HRMC 17.24.010 is \$2,000 per required parking space.

Pursuant to Resolution 2018-01, the fees will increase on July 1st to \$21,424 for the first 2/3 required spaces and \$2,078 for the final 1/3 required spaces for residential uses in the Central Business District. For commercial uses the in-lieu parking fee for commercial uses in the Central Business District is \$1,189 per required parking space as of July 1, 2018.

17.24.020 Payment of Fee

- A. **Parking Requirement for Calculation of Fee.** The In-Lieu Fee shall be based on 1.2 parking stalls or spaces per 1,000 square feet of development multiplied by the amount set by Council resolution in section 17.23.010.
- B. **Condition of Approval.** Payment of the In-Lieu Fee will be included as a condition of approval of any approved development application that is subject to the fee.
- C. **Payment of Fee.** The In-Lieu Fee shall be paid in full prior to the issuance of a building permit.

FINDINGS: The project plans include 5,122 square feet of commercial/residential floor area and 10,000 square feet of residential floor area. As such the amount of In-Lieu Parking fee is based upon provision of a minimum of 18.146 spaces ($[15,122/1,000 = 15.122] \times 1.2 = 18.146$ spaces. A credit is given based upon the number of parking spaces provided on-site. Because 10 parking spaces are provided on site, an in lieu fee for the remaining 8.146 required parking spaces is required.

If the fee is calculated using the current methodology and at the FY 2018-19 rates, staff calculates the in-lieu fee as follows: The in lieu fee for the 6 required commercial spaces shall be paid at a rate of \$1,189 per required parking space resulting in a fee of \$7,134. Then, the remaining 2.146 in lieu spaces shall be paid at residential rates resulting in a fee of \$31,648.33. Calculations follow:

Commercial = 6 spaces @ \$1,189 = \$7,134

Residential = Remaining 2.146 spaces = \$31,648.33

$(2.146 \times .67 = 1.438 @ \$21,424 = \underline{\$30,807.71}) + (2.146 \times .33 = .708 @ \$1,189 = \underline{\$840.62});$

$\$30,807.71 + \$840.62 = \$31,648.33$

The combined commercial and residential in lieu fee for the project totals \$38,782.33 (\$7,134 commercial + \$31,648.33 residential).

Because in-lie parking fees are assessed at the time of building permit, **a condition of approval is recommended that, prior to issuance of a building permit, the applicant shall pay an In-Lieu**

Parking Fee as calculated pursuant to HRMC 17. 24 at rates set by the City Council at the time of building permit issuance.

III. CONCLUSIONS: In the General Commercial (C-2) Zone, residential development in conjunction with commercial is a Conditional Use subject to a minimum residential density of 11 units per acre. The subject property is approximately 10,000 square feet and, as such, the minimum required density is two units. The applicant proposes to convert existing office/commercial space within the Paris Fair Bank building into 11 residential units, consistent with the minimum density requirement. As such, the proposed dwelling units are permitted in the C-2 zone subject to compliance with the criteria for Conditional Uses and Site Plan Review as well as other applicable standard of the City of Hood River Municipal Code. Any subsequent application for a Short-term Rental license will be reviewed separately at the time of application.

In conjunction with the conversion of the second and third floors of the building from office/commercial to residential, the applicant proposes to reconfigure (re-stripe) an existing surface parking lot on the southern half of the site. Staff recommends that 10 of the proposed 11 spaces be approved in order to ensure safe vehicular maneuverability in the lot. In addition, conditions of approval are recommended to address anticipated vehicular trips anticipated with the new use.

The building is currently served by public utilities, streets, sidewalks and emergency services, however some improvements to public facilities including sidewalks, driveway approach, signalization of 2nd & Oak (proportionate share), and a water service line are necessary to ensure there are adequate public facilities serving the new residential use of the building.

Another aspect of the proposed renovation of the Paris Fair building is a storefront rehabilitation. This portion of the project alters the exterior of a historic building and, as such, is subject to the historic preservation standards in HRMC 17.14. The city's Landmarks Review Board reviewed the storefront rehabilitation and approved the proposal with conditions at a public hearing held May 31, 2018.

The applicant submitted a written explanation of the request and how it addresses the required standards. Pursuant to HRMC 17.09.040(F.5), the applicant has the burden of proof to show how the application complies with the applicable criteria or can be made to comply through application of conditions of approval.

The proposal is generally consistent with the zoning ordinance and other applicable municipal code requirements, however, conditions of approval are recommended where necessary to ensure compliance with all applicable standards and criteria.

IV. RECOMMENDATION: Based on the above findings of fact drafted in this report, and if the Planning Commission makes a finding of compliance with the conditional use and site plan review criteria, **staff recommends approval** of the Conditional Use Permit subject to conditions of approval.

V. DRAFT CONDITIONS OF APPROVAL: Based on the above Findings of Fact and Conclusions of Law, the preliminary floor plans and all representations and statements made by the applicant, **staff recommends approval** of the conditional use request convert existing office/commercial space on the second and third floors of the Paris Fair building into 11 residential units, **subject to the following conditions:**

Planning Department

1. All existing and proposed exterior or interior lighting on the site shall not shine, cause glare or be unnecessarily bright on surrounding properties. Flood lights on poles higher than fifteen (15) feet are not permitted. Any existing non-conforming lighting on the site shall be brought into conformance with current city standards.
2. To ensure consistency with HRMC 17.04.130 (2) and (3), a “no parking” sign shall be installed in the location marked as space #9 on the proposed parking lot layout (the parking space at the southeast corner of the parking lot).
3. Prior to issuance of building permits, details of screening methods shall be submitted to the Planning Director for review. Outdoor storage and garbage collection areas on the site shall be screened through the use of vegetative materials or appropriate fencing. Any trash/recycling enclosure should be designed in accordance with the specifications of the service provider (Hood River Garbage Service, Inc.).
4. Rooftop mechanical equipment shall be located on the southern half of the roof and screened from view. Details of the proposed screening shall be submitted to the Planning Director for review prior to issuance of building permit.
5. The owner is responsible for the establishment and maintenance of all landscaping. Prior to installation of planter boxes or other landscape amenities in the public right-of-way, the property owner or developer shall obtain a right-of-way permit.
6. Any street trees damaged during construction shall be replaced by the property owner.
7. Prior to occupancy of the residential units, 2 short-term bicycle parking spaces and 3 long-term bicycle parking spaces shall be installed.

Engineering/Public Works

8. Sidewalks along 4th Street shall be brought up to current Downtown Urban Renewal Standards, including sidewalk scoring if currently not to standard.
9. Ingress to the parking lot from 4th Street shall be limited to right turn only and signed or marked as such as approved by the City Engineer.
10. The driveway approach shall be designed per City of Hood River Standards and the design of the approach wings shall be detailed with grades and elevations by a professional engineer registered in the State of Oregon. The approach shall meet ADA barrier free requirements. Maximum approach width is 36 feet per HRMC 13.28. This includes the approach wings or transitions. Variances can only be granted by the City Council.
11. The property owner or developer shall contribute a proportionate share of the costs of signalization of the 2nd and Oak Street intersection consistent with the requirements of Hood River Municipal Code Chapter 3.20. The amount to be contributed by the developer (\$1,324) is determined using the city’s proportionate share study and the findings of the applicant’s traffic study. The developer shall sign a written agreement to pay the proportionate contribution; the

agreement shall be prepared by the City of Hood River and shall specify that full payment, partial payment or the posting of acceptable security must be made to the City of Hood River on or before the commencement of any work on and issuance of any permit for the subject property under the development proposal. If payment is not made as required, the city council shall assess the proportionate contribution against the subject property by resolution and shall enter the assessment resolution in the docket of city liens and record the same in the Hood River County Assessor's real property records.

12. Prior to issuance of building permits, the applicant shall pay an In-Lieu Parking Fee commensurate with the proposed redevelopment and as calculated pursuant to HRMC 17. 24 and at rates set by the City Council at the time of permit issuance.
13. Prior to issuance of building permit, the applicant shall demonstrate conformance with sight distance standards or provide a recommendation for mitigation for review by the City Engineer.
14. The existing water service is 2" between the water main and the meter and 1" after the meter. The 1" private line will be inadequate for the proposed retail and residential domestic uses, and the 2" should be evaluated for its suitability. Public Works also requires separate taps for domestic water service, fire service and irrigation service.
15. The location and size of the existing sewer lateral is unknown. A minimum of a 6" sewer lateral will be required and it is incumbent on the developer to investigate and replace the lateral if necessary.
16. All utilities shall be placed underground including power, phone, cable television and other telecommunications lines.
17. A representative of the design engineer, referred to as the Resident Engineer, shall be on site nearly every day throughout the construction of public/ROW improvements in order to perform the duties of the Resident Engineer as described in the Engineering Standards.
18. The property owner/contractor shall obtain a demolition permit prior to demolition of any existing structures on the site.
19. The property owner is responsible for any additional System Development Charges for the 11 new residential units.

Fire

20. The property owner or developer shall demonstrate compliance with the requirements of the Fire Chief prior to occupancy.

Other

21. Any work done in the Oak Street (Hwy 30) right-of-way requires an ODOT Miscellaneous Permit.
22. The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.

General

23. Sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.
24. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
25. Failure to comply with these conditions will nullify this permit.
26. The Conditional Use Permit shall be valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.
27. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained pursuant to the provisions of HRMC 17.06.060.