

**BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION
HOOD RIVER, OREGON**

In the matter of Amendments)
 To the Hood River Municipal)
 Code: Chapter 16.08.010 Approval)
 Process for Subdivisions and Partitions)
 Expedited Land Divisions; Chapter 17.01.060)
 Definitions; Chapter 17.03.040 (G) Parking Regulations)
 Office Residential Zone (C-1);)
 Chapter 17.03.050 (H) Parking Regulations)
 General Commercial Zone (C-2); Chapter 17.03.060 (G))
 Parking Regulations Light Industrial Zone (LI);)
 Chapter 17.04.040 General Exceptions to Building)
 Height; Chapter 17.04.070 General Exceptions to)
 Lot Area Requirements Limitations; Chapter 17.04.120)
 Maximum Lot Coverage; Chapter 17.16.10 Site Plan)
 Review and Applicability; Chapter 17.23 Accessory)
 Dwelling Units; and Chapter 17.24 In Lieu Parking Fee)
 File #2018-05 File #2018-06)

STAFF FINDINGS PART 1

I. GENERAL INFORMATION:

A. **REQUEST:** Amendments to the Hood River Municipal Code (HRMC) as follows: 1). Amend the Subdivision Ordinance Chapter 16.08.010 to include the approval process for Expedited Land Divisions pursuant to 197.360 of the Oregon Revised Statues, 2). Amend HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental, 3). Amend Chapter 17.03.040 (G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) to eliminate parking exemptions. 4). Amend Chapter 17.04.040 General Exceptions to Building Height, to allow and limit parapet and mechanical screen heights as permitted exemptions; 5). Amend Chapter 17.04.070 General Exceptions to Lot Area Requirements Limitations to allow legally established lots to be used for permitted uses, 6). Amend Chapter 17.04.120 Maximum Lot Coverage to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages; 7). Amend Chapter 17.16.10 Site Plan Review and Applicability to include subdivisions and exclude minor site modifications and single lot partitions for townhomes, 8). Amend Chapter 17.23 Accessory Dwelling Units to eliminate principal occupancy requirement, and 9). Amend Chapter 17.24 In Lieu Parking Fee to create a single calculation to determine required parking.

B. **APPLICANT:** City of Hood River

C. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**

- 17.08.020 – Legislative Zone Changes and Plan Amendment Criteria
- 17.08.050 – Legislative Actions

D. **NOTICE:** Property owners entitled to notice pursuant to ORS 227.186 were notified of this request. Notice also was published in the Legal Notices section of the Hood River News. Comments provided as part of the testimony shall be incorporated into the record and moved to City Council for hearing. On February 12th, 2016, notices of the first evidentiary hearing were sent to all properties within the City and Urban Growth Area. On February 24th, 2018 notice of the hearing was published in the Hood River News.

E. **AGENCY COMMENTS:** The Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) were notified of this request. No comments were submitted prior preparation of the findings and conclusions.

F. **HISTORY:**

1. Planning Commission preview of proposed revisions February 20, 2018
2. Notice of Proposed Amendment mailed to DLCD on February 7th, 2018
3. ORS 227.186 (BM56) notices mailed to property owners on February 12th, 2018
4. Notice of Proposed Amendment Hearing Published in the Hood River News February 24th, 2018
5. Planning Commission Hearing on Proposed Legislative Amendments Initiated on March 19th, 2018

G. **ATTACHMENTS:**

- Attachment “A” – Summary of Proposed Revisions
- Attachment “B” – Ballot Measure 56 Notice
- Attachment “C” – Notice to DLCD Form 1
- Attachment “D” – HB 4034 Regarding Accessory Dwelling Units
- Attachment “E” – HB 3223 Regarding Expedited Land Divisions
- Attachment “F” – Guidance on ADU Codes for SB 1051 as provided by DLCD

II. BACKGROUND

- 1) The following report includes summaries of proposed revisions to Titles 16 (subdivision) and Title 17 (Zoning) of the Hood River Municipal Code. This list does not constitute a comprehensive “clean up” ordinance, but rather a list of revisions that target legislative initiatives by City Council, Changes in State Law, and workability of Hood River’s Municipal Code. Based on subsequent Comprehensive Plan hearings, consideration of the Westside Report, and work over the course of the year, staff anticipates an additional series of code revisions will materialize and be considered separate to the changes discussed within this report.

As required by state law, all property owners within the City and its Urban Growth Boundary were sent notice of proposed changes to the zoning code (commonly referred to a Measure 56 notice) on February 12th, 2018. The Measure requires cities and counties provide affected property owners with notice of a change in zoning classification; adoption or amendment of a comprehensive plan; or adoption or change of an ordinance in a manner that limits or prohibits previously allowed uses.

The notice has been provided as an attachment to this report and is intentionally broad in its application. It includes the Comprehensive Plan, Zoning Code, and Subdivision Code. This wide application will allow for changes across various portions of the code with the intent to avoid ambiguity and inconsistencies.

Included as part of the staff report, strikes and underline are included where proposed language has been developed as part of the code amendments.

III. PROPOSED REVISIONS

- 1). **Chapter 16.08.010 - Amends HRMC Chapter 16.08.010 Approval Process for Subdivisions and Partitions Amend Subdivision Code to include Expedited Land Divisions**

Chapter 16.08.010 Approval Process for Subdivisions and Partitions.

- a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).

- b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development or site plan under Title 17.
- c. Expedited Land Division. An expedited land division as described in Oregon Revised Statute (ORS) 197.360 is not a land use decision or a limited land use decision under ORS 197.015 and may be processed as a ministerial application*. *Associated land use decisions such as conditional uses, site plans, and variances cannot be concurrently reviewed as an expedited land division.

The expedited land division process has existed in Oregon since 1995; however, the 2015 Oregon Legislature required that all land division applicants be notified of the expedited land division option and how to apply. Since this change was made at the state-level, Hood River has not amended its code to reflect the changes. The amendment to the Hood River Municipal Code would include the provision for Expedited Land Divisions within Chapter 16.08.010.

The expedited land division process provides an alternative to the standard procedures for certain land division requests. An applicant may choose to use the expedited land division process if their land division request meets all of the applicable requirements specified in Oregon Revised Statute (ORS) 197.360 (included within the attachments). The steps in this procedure differ from the regular subdivision procedure, but still include a public review and opportunity for appeal. The steps are described in ORS 197.365-375.

The expedited land division process is intended to streamline the regular land use process that land divisions normally follow under state law, which allows up to 120 days for final city approval. In Hood River, however, the typical processing time for a land division application (subdivision, partition, or replat) that meets city standards and is complete when submitted, is less than the 120 days that state law allows. Therefore, in many cases there is no difference in processing time between a regular land division and expedited land division. An expedited land division as described in this section is not a land use decision or a limited land use decision. It is considered a ministerial action and its appealable to the Court of Appeals rather than the Land Use Board of Appeals.

- 2). **Chapter 17.01.060 Definitions** - Amends HRMC Chapter 17.01.060 Definitions for Dwelling Unit, Kitchen, Lawfully Established Unit of Land, Multifamily Dwelling, Non-Transient Rental, and Transient Rental

Definitions in Title 17 are essential when determining applicability of regulations to various circumstances and requests. Clearly stated definitions help to avoid challenges to code administration and enhance staff ability to use the code effectively. Suggested amendments provide clarity and eliminate ambiguity. The following short list of changes are based on staff-identified code administration issues.

Chapter 17.01.060 DWELLING UNIT- means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

With the exception of the provision for a “wet bar” the Dwelling Unit definition matches the States Model Code for Small Cities. The provision for cooking facilities is the typical limiting factor to determine whether a project includes more than one dwelling. This can be problematic when and number of the facilities are proposed and the facilities for cooking can be installed without the need for

permit. Including terms for kitchen, rather than cooking facilities was contemplated for an amendment to the definition. This is a common enforcement issue across Oregon and at this time staff does not have a recommendation to make amendment to the definition and for the purposes of administration is contemplating the publication of an interpretation of the rules focused on second dwellings and cooking facilities.

Chapter 17.01.060 KITCHEN - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare or store food are located. (Place Holder)

Chapter 17.01.060 MULTI-FAMILY DWELLING- means a building designed or used ~~exclusively~~ for the occupancy of four (4) or more families living independently of each other and having separate ~~housekeeping facilities~~ dwelling units. Multifamily Dwelling development may include a structure or grouping of structures containing four or more dwellings on the same lot.

The above strikes and underlines include the use of “dwelling unit” instead of “housekeeping facilities” (which is not defined in code) and broadens the definition to include that four dwellings on a lot shall be considered multifamily rather than limiting the definition to the building type.

Chapter 17.01.060 LAWFULLY ESTABLISHED UNIT OF LAND means:
A lot or parcel created pursuant to ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment); or

Another unit of land created:

- (i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
- (ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

"Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account

The current zoning code does not indicate the manner in which parcels are lawfully established. This definition is taken directly from ORS 92, and useful when determining the lawful existence of lots not created under modern partition or subdivision processes. It provides a lookback opportunity to determine certain rights and permitted uses to lots within the City.

Chapter 17.01.060 NON-TRANSIENT RENTAL- means to rent a dwelling unit or room(s) for compensation ~~on a month to month basis, or for a longer period.~~ for an occupancy period of not less than thirty consecutive calendar days, counting portions of calendar days as full days.

Chapter 17.01.060 TRANSIENT RENTAL- means to rent a dwelling unit or room(s) for compensation ~~on less than a month to month basis.~~ for an occupancy period of less than thirty consecutive calendar days, counting portions of calendar days as full days.

The HRMC has two separate definitions regarding transient rental. Staff recommends that an amendment to the zoning code be included to use a single definition and a measurable, mathematical formula rather than a term of art used in real estate for the purposes of administration. The proposed definition will match that used in Chapter 5 for Business Tax, Licenses, and Regulation.

- 3). **Chapter 17.03.040 0(G) Parking Regulations Office Residential Zone (C-1), Chapter 17.03.050 (H) Parking Regulations General Commercial Zone (C-2), Chapter 17.03.060 (G) Parking Regulations Light Industrial Zone (LI) Amend HRMC to eliminate exemptions in the Central Business District, Heights Business District and Waterfront.**

Each of these zones include a provision that exempts the Central Business District, the Heights Business District and the Waterfront from the parking requirements and mandates a parking in lieu fee. The proposed revision eliminates the exemption conflict and leaves the opportunity to provide parking onsite, in lieu, or on adjacent lots where available. This approach remains consistent with Action Item 3.3 of the Hood River Housing Strategy.

~~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.

- 4). **17.04.040 General Exceptions to Building Height**, Amends HRMC Chapter 17.04.040 to allow and limit parapet screen heights as permitted exemptions to Building Height.

Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, mechanical screens and parapets not more than 4 feet in height, and similar objects not used for human occupancy are not subject to the building height limitations of this title.

Currently the code allows exceptions for “Vertical projections.... and similar objects not used for human occupancy”. The proposed amendment would permit the use of parapets and mechanical screens under four feet in height as general exceptions to building height.

The amendment reduces staff concerns that architectural features are being omitted to meet height compliance standards and mechanical screens used to screen mechanical features are not being incorporated. This has provided some opportunity such as the Natio hotel for some compliant yet unsightly roof equipment. Further limiting the screening to 4 feet keeps the overall building height restriction intact and prevents excessive rooftop installations that have been allowed in the past.

- 5). **Chapter 17.04.070 General Exceptions to Lot Area Requirements** Amends HRMC Chapter 17.04.070 to allow legally established lots to be used for permitted uses,

1). Lots of record existing and lawfully established as of December 1999 that are less than the required lot area and or have less than the required frontage specified in this title may be utilized for permitted and conditional uses provided all other requirements of the zone are met. Parcels subject to this exception are subject to applicable Title 16 and 17 requirements.

2). Further In order to address lawfully established non-conforming lots, The Planning Director may waive, without variance, lot frontage, and lot area, site development standards for density, and townhome requirements on platted lots, platted prior to this provision, by not more than five percent (5%) of the requirements of this title. Parcels subject to this exception are subject to Title 16 and 17 requirements.

3). Lawfully established Lots of Record that do not comply with the underlying zoning with regards to minimum lot area and frontage may be treated as legal, non-conforming uses and subject to 17.05.020 (3), for the purposes of replatting and consolidations when the degree of non-conformity is not increased. Parcels subject to this exception are subject to Title 16 and 17 requirements.

4). The City may accept a legal lot of record determination as sufficient evidence of a hardship for purposes of approving a variance

The intent of the above amendment is to address legal yet non-conforming lots, provide opportunities for their future utilization, and offer flexibility to administer the code where there is development potential. Hood River has subdivided lots do not meet the current standards and underlying zoning restrictions that may have been adopted subsequent to their creation.

6). Chapter 17.04.120 Maximum Lot Coverage Amends HRMC Chapter 17.04.120 to clarify reductions in area calculations for pervious surfaces and rear and side loaded garages

Hood River Municipal Code Section 17.04.120 restricts lot coverage for certain dwellings and certain accessory structures, as well as their associated parking pads and driveways.

A footnote in Section 17.04.120(A.1.a.3) allows a reduced lot coverage calculation for parking pads and driveways that are constructed of permeable materials. Language within the code section differs to when the reduction will apply and since its adoption there have been three unique interpretations to the restriction and footnote, which has prompted the need for the amendment to eliminate ambiguity. For the purposes of discussion staff has bolded and underlined the conflicting text provisions.

B. **Coverage:** Maximum lot coverage applies to any residential dwelling lot in the “R” and “C-1” zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below.

1. **When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below.**

2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Categories	R-1	R-2	R-3	C-1
Maximum Lot Coverage	40%	45%	55%	65%
Maximum Lot Coverage with front porch	43%	48%	58%	68%
<u>Maximum Lot Coverage with rear garage</u>	45%	50%	60%	70%
<u>Maximum Lot Coverage with rear garage and front porch</u>	48%	53%	63%	73%

[1] For rear garages only, the square footage for parking pads and driveways that use grass-crete shall be reduced by seventy-five (75) percent (e.g., a 300 sq. ft. driveway surfaced in grass-crete is included as 75 sq. ft. for purposes of determining lot coverage). The square footage for parking pads and driveways that use paving stones and other permeable paving materials (other than grass-crete), shall be reduced by fifty (50) percent.

Staff recommends amendments to the code to address inconsistencies in the language, rear load garages that are both attached and detached, side load garages, and the use of permeable paving products.

Staff recommends that the footnote associated with Section 17.04.120(A.1.a.3) allow: For a driveway that provides access to side load and rear loaded garages either provided in an accessory structure located behind the principal structure, or an attached garage that is located behind the principal structure, a reduction in the calculation of the driveway area when constructed of permeable paving materials. Construction details for the proposed permeable paving materials must be approved by the City Engineer.

For a parking pad or driveway constructed of paving stones or other permeable paving materials (e.g. pervious concrete and porous asphalt), including those not providing access to a rear or side loaded garage, a reduction in the calculation of the parking pad and driveway area by 25 percent be granted. Construction details for the proposed permeable paving materials must be approved by the City Engineer.

Ribbon-driveways are permissible but do not qualify for an additional reduction in the lot coverage calculation. The full driveway width and material used in the construction will be used to calculate the driveway area. If the paving material and garage orientation qualify for an area reduction, no additional lot surface reduction will be granted to a ribbon driveway. Construction details for proposed ribbon driveways must be approved by the City Engineer.

7) **Chapter 17.16.10 Site Plan Review and Applicability Amends HRMC Chapter 17.16.10 to include subdivisions, exclude minor site modification, and single lot partitions for townhomes**

As discussed above, the Expedited Land Division process requires qualifying subdivisions to be given the opportunity to be reviewed without public hearing or land use approval. In order to preserve transparency in the subdivision process, staff has included subdivisions in site plan review procedures.

A. A site plan review permit shall be required for the following circumstances:

1. New construction.
2. Expansion, remodel, or exterior alteration of any building or other structure.
3. Change of use.
4. Multi-family and group residential.
5. Removal or fill of over 5,000 cubic yards of land.
6. Subdivisions of 4 or more lots
7. Townhouse projects for residential use with 4 or more townhouses in the R-2, R-3, and C-1 Zones.

B. Exemptions from site plan review are as follows;

1. Any activity that does not require a building permit and is not considered by the Director to be a change in use.
2. Any activity on the exterior of a building that does not exceed ten percent (10%) of the structure's total cost, fair market value, or \$75,000, whichever is less, as determined by the building official.
3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.
4. Normal building maintenance including the repair or maintenance of structural members.
5. All residential development, except for subdivisions, multi-family, and group residential, as provided above.
6. Minor site modifications that do not impact site functionality or that may cause an adverse impact on surrounding property owners.
7. Single lot partitions converting duplexes to townhomes

This inclusion will require that land development associated with expedited subdivisions go through a formal land use process and be subject to public review.

Further revisions to the site plan applicability chapter allow for the ministerial approval of townhome partitions and exemptions to site plan changes that do not impact the functional aspects of certain development. Enforcing these requirements as land use applications take an inordinate amount of staff time to ensure compliance and render little benefit to the process or public. The limited impacts are covered in other compliance and review processes such as building permitting. Staff time is better directed toward more discretionary and complex projects with greater implications to the health, safety, and welfare of the community.

- 8) **Chapter 17.23 Accessory Dwelling Units Amends HRMC Chapter 17.23 to eliminate principal occupancy requirement and annual reporting**

CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

Legislative History: Ord. 1912 (2006); Ord 2026 (2016)

17.23.010 General Requirements

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.

B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).

C. An application for an ADU shall be processed as a ministerial decision.

D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. ~~The property owner need not occupy the primary or accessory dwelling as the principal residence. must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12 month lease for the ADU occupant.~~

E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.

F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking. In lieu of the above provision, applicants may seek relief from this requirement through an administrative land use application and notice to adjacent property owners that follows HRMC 17.09, where it is demonstrated through finding of fact that on street parking is available to satisfy the ADU space requirement.

G. ADU's shall contain 800 square feet or less.

H. All other applicable standards including, but not limited to, setbacks must be met.

~~I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.~~

I. J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.

J. K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.

K. L. The owner of the property shall accept full responsibility for sewer and water bills.

L. M. An ADU may not be used as a transient rental, hosted homeshare, or vacation home rental.

~~N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.~~

~~O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.~~

Addressed in the Hood River Housing Strategy as Recommended Action 1.7, City Council, and Planning Commission, the proposed revision to the Accessory Dwelling Unit Code would eliminate the requirement that either the principal dwelling or accessory dwelling be owner occupied, the City conduct annual registrations of the dwellings, and allow an applicant to submit application to have the ADU parking requirement waived where it is found that sufficient parking exists to satisfy the parking demand. Since passing the original Accessory Dwelling Unit Code nearly 10 years ago, Hood River has approved only 30 applications, and has passed legislation prohibiting the units from being used as transient accommodations. By tracking short term rentals via license, there becomes administrative redundancy to double tracking the units. Further beyond code enforcement actions the City has yet to conduct an annual ADU compliance inspections for in the past ten years.

- 9). **Chapter 17.24 In Lieu Parking Fee Amends HRMC Chapter 17.24 to create a single calculation method to determine parking demand.**

17.24.020 Payment of Fee

~~A. Parking Requirement for Calculation of Fee. 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. The In-Lieu Fee shall be based the number of spaces required by the underlying zoning district, but which are not provided, calculated by the amount set by Council.~~

Initiated by City Council, the revision to the in-lieu fee zoning requirement eliminates conflicting parking demand calculations. As proposed the in-lieu calculation would no longer use the 1.2 spaces per 1000 square feet calculation (regardless of the use proposed), but rather a calculation based on the proposed use and underlying zone district. The fee amount will remain outside the zoning code and will be subject to Council resolution.

III. ZONING ORDINANCE APPROVAL CRITERIA:

A. CHAPTER 17.08 – ZONE CHANGES AND PLAN AMENDMENTS:

17.08.010 Legislative Zone Changes and Plan Amendments. Legislative zone changes or plan amendments ("zone or plan changes") may be proposed by the Planning Commission or City Council. Such proposed changes shall be broad in scope and considered legislative actions. The City Council shall obtain a recommendation on the proposed changes from the Planning Commission. The recommendation of the Planning Commission shall be forwarded to the City Council within sixty (60) days after it is requested from the Planning Commission. The Planning Commission shall conduct at least one (1) public hearing to assist in formulating its recommendation. The City Council shall conduct its own public hearing. Public notice of the legislative zone or plan change hearing before the City Council shall be published in a newspaper of general circulation within the city at least twenty (20) days prior to the date of the hearing.

FINDINGS: The City Council initiated legislative amendments to the Hood River Municipal Code in order to reconcile changes to the parking in lieu fee. The Planning Department Staff reviewed past legislative changes to the Comprehensive Plan, associated reports, Planning Commission minutes, and initiated subsequent legislative amendments.

The Planning Commission is scheduled on March 19th, 2018 to initiate hearings to consider legislative amendments to the Hood River Municipal Code and make recommendations to the City Council. Notice of the proposed legislative amendments was published in the Hood River News on Feb 24th, 2018, more than 20 days prior to the date of the Planning Commission hearing. Prior to the City Council Hearing a subsequent notice will be published. As such the proposal is consistent with these requirements.

17.08.020 Legislative Zone Changes and Plan Amendments Criteria

- A. Legislative zone or plan changes may be approved if
 1. The effects of the change will not be unreasonably harmful or incompatible with existing uses on the surrounding area; and
 2. Public facilities will be used efficiently; and
 3. No unnecessary tax burden on the general public or adjacent land owners will result.

- B. Legislative zone or plan changes may be approved if subsection (A) above is met and one or more of the following, as applicable, are met:
 1. A mistake or omission was made in the original zone or plan designation.
 2. There is not an adequate amount of land designated as suitable for specific uses.

- C. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to
 1. The character of the area involved;
 2. It's peculiar suitability for particular uses;
 3. Conservation of property values; and
 4. The direction of building development.

FINDINGS: Following the introduction of the revisions and code amendments, staff will prepare conclusions and findings for Planning Commissions consideration and recommendation to City Council.