

Article 55 – Supplementary Provisions

ARTICLE 55 - SUPPLEMENTARY PROVISIONS

Section 55.10 – Authorization of Similar Uses

Notwithstanding uses that are prohibited, the Planning Director or the Planning Commission may permit a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted in a zone of this Ordinance.

Section 55.20 - Zone Boundaries

Unless otherwise specified, zone boundaries are property lines, the centerline of streets, and railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries; or the Planning Director, pursuant to Article 72 - Planning Director's Review Procedures, shall review and prepare a report containing findings justifying a decision regarding the location of the boundary. The report could state that it is necessary to obtain a Zone Change or Plan and Zone Change pursuant to the requirements of Articles 60 or 62.

Section 55.30 - Projections from Buildings

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 55.40 - Maintenance of Minimum Ordinance Requirements

No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this Ordinance shall be reduced in area, dimension, or size below the minimum required by this Ordinance, nor shall any lot area, yard or other open space of off-street parking or loading area which is required by this Ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

Section 55.50 - General Exception to Lot Size Requirements

If, at the time of passage of this Ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

Section 55.60 - General Exception to Building Height Limitation

The following type of structure or structural parts are not subject to the building height limitations of this Ordinance and may be allowed reasonable extensions: antennas or dish antenna, aerials, chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation

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towers, masts, cooling towers, elevator shafts, smoke-stacks, flagpoles, and other similar projections. Structures or structural parts listed within the Airport Height Combining Zone, including structures necessary to operate the airport, are excluded from the provisions of this section.

Section 55.70 – Procedures for Review of Transportation Uses

- A. **Permitted uses.** The following uses are permitted outright in all zones outside of the County's National Scenic Area and do not require land use review and approval subject to the requirements of Articles 60 and 64 of the County Zoning Ordinance.¹
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities identified in the Hood River County Transportation System Plan.
 2. Dedication of right-of-way, authorization of construction and the construction of transportation facilities and improvements, where improvements are consistent with clear and objective dimensional standards, and the County Transportation System Plan.²
 3. Uses permitted outright under ORS 215.283(1)(k) through (n), consistent with the provisions of OAR 660-012-0065.
 4. Changes in the frequency of transit, rail or airport services.
 5. Road construction and maintenance of roads for forest practices regulated by the State of Oregon's Forest Practices Act.
 6. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
 7. Projects specifically identified in the County Transportation System Plan as not requiring further land use regulation.
 8. Landscaping as part of a transportation facility.
 9. Emergency measures necessary for the safety and protection of property.
 10. Acquisition of right-of-way for public roads, highways, and other transportation

¹ The County's National Scenic Area Zoning Ordinance (Article 75) should be consulted to determine if a proposed use requires land use review through that ordinance.

² Dedication of right-of-way to the public or to the County requires formal acceptance of the dedication by the County.

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improvements designated in the County Transportation System Plan except for those that are located in exclusive farm use or forest zones.

11. Construction of a street or road as part of an approved subdivision, land partition, or planned development, consistent with the applicable Zoning Ordinance.

B. **Conditional Uses.** The following uses involve land use decision-making and are permitted conditionally based on review by the Planning Director pursuant to procedures and requirements specified in Articles 60 and 72.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are not: i.) improvements designated in the County Transportation System Plan; or, ii.) designed and constructed as part of an approved subdivision, major partition, or planned development, shall comply with the County Transportation System Plan and applicable standards, and shall address the following criteria (a-d) below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of the County's Transportation System Plan.

2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

C. **Projects subject to Legislative Amendment.** If a proposed transportation facility, service or improvement is determined to have a significant impact on land use or concern the amendment to policies in the acknowledged Comprehensive Plan or land use regulation(s), approval and review of the proposed facility, service or improvement will be subject to the

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criteria identified in Article 55.60(B) above, and procedures and requirements of Articles 60 and/or 62.

Section 55.80 – Conditional Use Permits

Once a conditional use permit has been granted, accessory buildings or uses to the conditional use may be permitted provided original conditions and property development standards are met.

Section 55.90 – Accessory Buildings

- A. Accessory buildings may only be approved subsequent to or at the same time as the principal use.
- B. An accessory building connected to a dwelling by a breezeway shall be treated as a detached building.
- C. All rooms comprising a dwelling unit shall have access through an interior doorway to other parts of the dwelling unit. An addition that shares a common wall, roof, or other connection with the dwelling, but does not have an interior passageway shall be treated as a detached building.
- D. No manufactured dwelling or mobile home may be placed or retained on a lot or parcel for use as an accessory building.

Section 55.100 – Supplemental Setback Requirements

- A. Except as otherwise allowed, all accessory buildings and structures, including those exempt from a land use permit pursuant to Article 64 (Land Use Permits) of this Ordinance, shall comply with the minimum setbacks of the zone in which they are located.
- B. For buildings accessory to a dwelling that are less than 200 square feet in size and 10 feet in heights, the rear yard setback requirement shall be reduced to match the appropriate side yard setback of the zone in which the property is located.
- C. The setback from a private street, road or alley that serves or has the potential to serve four or fewer parcels shall be ten (10) feet or more from the edge of the nearest street/road right-of-way, except for garages that directly face the street, road or alley, which shall be setback at least twenty (20) feet from the nearest right-of-way line.

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Section 55.110 – Dwelling, Lawfully Established:

- A. An existing dwelling unit shall be considered lawfully established if:
 - 1. It was constructed in compliance with all zoning and building code requirements in effect at the time of establishment; or
 - 2. It was constructed prior to January 1, 1976 (except as otherwise noted under Subsections B-E below).
- B. Lawfully established dwellings, regardless of their age, that qualify as a pre-existing, nonconforming uses shall be subject to the requirements of Article 65 (Pre-existing, Nonconforming Uses).
- C. In the case of a mobile home/manufactured dwelling, the date the dwelling was lawfully established shall be based on when it was first placed on the property and not its age.
- D. Conditions that were implemented as part of an earlier zoning and/or building permit approval shall continue to apply to all lawfully established dwellings, even those constructed prior to January 1, 1976.
- E. The use of a lawfully established dwelling may not change unless otherwise allowed as part of a new application or other appropriate authorization. For instance, a lawfully established farm worker cabin/dwelling may not be converted into a standard single family dwelling without an appropriate permit even if constructed prior to January 1, 1976.