CITY OF HOOD RIVER
GENERAL INSTRUCTIONS FOR A LAND USE APPLICATION

1. The attached application is for review of your proposed development as required by the Hood River Municipal Code ("Code"). Review is required to make sure that your proposal complies with the applicable provisions of the Code and that there are adequate capacities of public facilities to meet the needs of your development.

2. Prior to filing your application, you may be required to attend a pre-application conference with Planning Department staff to discuss the criteria that your proposal must meet, and what you will need to submit with your application to make it complete. You may also be required to conduct a neighborhood meeting (mandatory for subdivisions and PUDs).

3. Once you have prepared and submitted your application, the application will first be reviewed for completeness. Completeness is based upon the requirements of State law (ORS 227.178) and the requirements in the Code for your development proposal. It is the applicant's responsibility to provide persuasive evidence that the application complies with the approval criteria and applicable standards. Refusal to submit all or some of the missing information could result in a denial of the application.

4. When you are ready to submit your application, you may mail it or present it person to the Planning Department at 211 2nd Street, Hood River, OR 97031. The following *must* be included in your application packet:

    - Completed application form
    - All materials listed in the application requirements
    - Application fee
    - Appropriate number of copies of application and all support materials

5. If the Planning Department determines that your application is "incomplete," you will be informed in writing and provided with a list of missing or incomplete materials and options for completing the application. Incomplete applications become void 181 days after submittal.

6. If the Planning Department determines that an application is complete, you will be informed the application is "complete" and the review process will begin. Some applications are reviewed as Administrative Actions, without a public hearing, and some are Quasi-Judicial Actions with a public hearing(s). For Quasi-Judicial Actions, applicants *are required* to attend the public hearing(s). All decisions on applications are subject to appeal.

If you have any questions about this process, please call the Planning Department at (541) 387-5210. Application forms, the City's Code, public hearing timeline, and other useful information are available at the Planning Department's website: http://www.ci.hood-river.or.us/planning .

File Number: _____
Fee: _____
Date Received: _____

CITY OF HOOD RIVER
SUBDIVISION APPLICATION

Submit a completed application form WITH TWELVE (12) ADDITIONAL PAPER COPIES of all application materials, one electronic copy (e.g. PDF), and appropriate fees to the City of Hood River Planning Department at 211 2nd St., Hood River, OR 97031. Please note the review criteria attached to this application. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT:

Name: _____

Address: (physical) _____

_____

(mailing) _____

_____

(email) _____

Telephone: _____ Cell Phone: _____

Signature: _____

PARCEL OWNER: (if different than applicant)

Name: _____

Address: (mailing) _____

_____

Telephone: _____ Cell Phone: _____

Signature: _____

Authorization of parcel owner required.

PARCEL INFORMATION:

Township _____ Range _____ Section _____ Tax Lot(s) _____

Current Zoning: _____ Parcel Size: _____

Property Location (cross streets or address): _____

Project Name: _____

Number of Proposed Lots: _____

Neighborhood Meeting Requirement fulfilled? YES ☐ Date: _____
NO ☐ Reason: _____

If applying for a Planned Unit Development, a Conditional Use Permit is required - please submit a Planned Development application.

APPLICATION REQUIREMENTS: Preliminary plans accompanying the application shall demonstrate conformance with the Hood River Municipal Code (HRMC) including providing the following information. *Incomplete applications will not be processed.*

HRMC 16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

A. **General Submission Requirements.**

1. **Partitions:** For partitions, the applicant shall submit an application containing all of the information required for Administrative Actions under Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
2. **Subdivisions:** For subdivisions, the application shall contain all of the information required for Quasi-Judicial Actions under Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040).

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

1. **General information:**
   a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
   b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
   c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
   d. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date of the survey; and
   e. Identification of the drawing as a "preliminary plat".
2. **Site analysis:**
   a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on and abutting the site;
   b. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
   d. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten percent (10%) and at two (2) foot intervals for ground slopes of less than ten percent (10%). Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one percent (1%). When contours are not shown, a reasonable number of spot elevations, as determined by the City Engineer, may be required;
   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030), and other areas identified by the City or natural resource regulatory agencies as requiring protection;
h. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;
i. Designated historic and cultural resources on the site and adjacent parcels or lots;
j. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements, and/or state and federal requirements.

3. **Proposed improvements:**
   a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
   b. Location, width, and purpose of all easements;
   c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
   d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
   e. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
   f. The proposed source of domestic water;
   g. The proposed method of sewage disposal;
   h. Method of surface water drainage and treatment if required;
   i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
   j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
   k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
   l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency (FEMA) to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
   m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction;
   n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources;
   o. Street trees plan; and

p. Future street plan in accordance with Section 16.12.020(K).

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

1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;
   i. Corner lots shall have a minimum of thirty (30) feet of frontage on public dedicated roads;
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
4. The location, width, and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets and walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);
5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat;
6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).
7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable;
8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required;
9. Underground utilities are provided;
10. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency (FEMA) requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.
11. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City Engineer.

D. **Future Re-Division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two (2) times or two hundred percent (200%)the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.
   1. A re-division plan shall be submitted which identifies
      a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;
      b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(K) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
   2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

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

<u>HRMC 16.08.030 Final Plat Submission Requirements and Approval Criteria</u>

A. **Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat as provided by this chapter. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the Planning Director.
   1. **Supplemental Data:** At the time of the submission of the final map, the applicant shall also submit the following:
      a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
      b. All technical data as required by the designated City or County Surveyor.
   2. **Certification:** The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.
      a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
         (1.) Rights-of-way, easements, or other interest, none of which can ripen into a fee;

(2.) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;

b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants; and

c. The plat contains an affidavit, by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two (2) or more permanent objects for identifying its location.

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

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

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Chapter 16.12;
3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with City requirements, and the performance guarantee requirements of Chapter 16.12. The amount of the bond, contract, or other

assurance by the subdivider shall be determined by a professional engineer registered in the state of Oregon, subject to review and approval by the City;

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

<u>HRMC 16.08.040 Filing and Recording</u>

A. **Filing Plat with County.** Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and County Ordinance. For purposes of ORS 92.100(1)(f), a partition plat is subject only to the approval of the County surveyor.

B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

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

D. **Parcels in Excess of 80 Acres.** Parcels in excess of 80 acres do not need to be shown on a partition plat. However, the plat shall show all shared boundaries between the parcel in excess of 80 acres and the other parcel(s) on the plat and include a notation on the plat indicating which parcel(s) is not shown in its entirety pursuant to this provision.

<u>HRMC 16.08.050 Variances and Penalties</u>

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

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

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

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

HRMC 17.09.130 Neighborhood Meeting Requirement

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. If required by subsection (B), an applicant will be required to contact all adjacent property owners within 250 feet of the development proposal to arrange a neighborhood meeting before the application is deemed complete. If a neighborhood meeting is mandatory, written verification of the date, time, attendance, and outcome of the meeting is required for a complete application, as well as a copy of the written notice, official mailing list, and affadavit of mailing.

B. Notwithstanding subsection (A), a neighborhood meeting is required for the following types of applications:
   1. Subdivisions
   2. PUDs
   3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Director.