CITY OF HOOD RIVER
LAND USE APPLICATION INSTRUCTIONS & TIMELINE

1. **Review Required:** The attached application is required by the Hood River Municipal Code ("Code") for review of your proposed development. 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. **Pre-Application Conference:** Prior to submitting your application, you may be required to attend a pre-application conference with city staff to discuss applicable standards and criteria of the Code, and submittal requirements to make your application complete. Pre-application conferences typically are scheduled approximately 4 weeks after submittal of an application and fee. You also may be required to conduct a neighborhood meeting (mandatory for subdivisions and PUDs).

3. **Application Submittal:** Applications may be mailed or submitted in person to the City of Hood River Planning Department at City Hall, 211 2nd Street, Hood River, OR 97031. The following *must* be included in your application packet:
    - Completed application form with property owner signature
    - All required materials listed in the application form
    - Application fee
    - Electronic copy of application materials (original .pdf, not scanned) and one (1) paper copy of application and all support materials

    It is the applicant's responsibility to demonstrate the proposal meets standards & approval criteria.

4. **Completeness Review (≤ 30 days):** Upon submittal, your application will be reviewed for completeness within 30 days. 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 written findings and materials to demonstrate the application complies with the applicable approval criteria and standards.

5. **Incomplete Applications (> 30 days):** 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. Refusal to submit all or some of the missing information could limit the city's ability to approve your application. Incomplete applications become void 181 days after submittal (ORS 227.178).

6. **Complete Applications:** If the Planning Department staff determines that an application is "complete," you will be informed in writing and the review process will begin.

7. **Review Process (≤ 120 days):** Review of your application may be administrative, with no public hearing, or it may be quasi-judicial, with a public hearing. For quasi-judicial review, applicants are required to attend the public hearing. Notice of the application or public hearing will be mailed to neighboring property owners for comment.

8. **Decision:** A decision with findings and conditions of approval will be issued after a public comment period and public hearing (if applicable). All land use decisions are subject to an appeal process. A final decision is expected within 120 days after an application is deemed complete pursuant to ORS 227.178.

If you have questions about this process, please call the Planning Department at (541) 387-5210. Application forms, the City's Code and other useful information are available at the Planning Department's website: http://cityofhoodriver.gov/planning

File No.: _____
Fee: _____
Date Rec'd: _____

CITY OF HOOD RIVER
ADEQUATE PUBLIC FACILITIES PROJECT DETERMINATION APPLICATION

Submit the completed application form with one (1) complete paper copy including full- and reduced sized plans, one electronic copy (original .pdf) and appropriate fees to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. Additional paper copies may be required as determined by staff. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT: ***(attach a copy of title or purchase contract if applicable*)***

Name: _____

Address: _____
(physical)

_____

(mailing) _____

_____

(email) _____

Telephone: _____ Cell Phone: _____

Signature: _____

PARCEL OWNER(S): (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): _____

Existing or Requesting Concurrent Development Proposal Approval: ____ yes ____ no

SUBMITTAL REQUIREMENTS: The written narrative and map accompanying the application shall include the following information. Please use this as a check-off list to make sure your application is complete.

☐ 1. Narrative describing anticipated development and number of phases, including approximate time line for development of each phase.

☐ 2. Narrative describing public facility for which this Determination is sought. Describe location, size, capacity and other relevant information.

☐ 3. If this application is submitted without a development proposal, describe the level and intensity of development that could occur on the subject properties under existing zoning or describe the level and intensity of development to which the applicant would agree to commit. If this application is submitted without a development proposal, the Project Determination will be conditioned upon development occurring under existing zoning or at the level and intensity to which the applicant agrees to commit.

☐ 4. If this application is submitted with a development proposal for which approval is sought or has been received, describe the level and intensity of development that could occur under the development proposal.

☐ 5. An impact study containing adequate, reliable and quantifiable information must be provided with respect to the following information. It is recommended that the applicant provide an impact study prepared by a qualified registered professional engineer licensed in the State of Oregon. The impact study must address at least the following:

   A. How the public facility is currently, or as a result of the proposed development will become, an inadequate public facility and/or does not or will not operate at an acceptable level of service.

   B. How the proposed development will impact the public facility and to what extent the proposed development will impact the public facility.

   C. A description of the improvements necessary to make the facility an adequate public facility and/or make it operate at an acceptable level of service ("Necessary Improvements") and the estimated costs of the Necessary Improvements ("Improvement Costs").

   D. A description of whether the impact of the proposed development is or is not roughly proportional to the Necessary Improvements and Improvement Costs.

   F. If the impact of the proposed development is not roughly proportional to the Necessary Improvements and Improvement Costs, explain how the impact of the proposed development is roughly proportional to a specified dollar amount of, or proportion in terms of percentages of the Improvement Costs for the public facility ("Proportionate Contribution"). Include an explanation with reasonable particularity describing how the Proportionate Contribution was determined.

☐ 6. Map or plan showing location and size of existing streets, storm sewer, sanitary sewer and water facilities serving the subject property(s).

☐ 7. Legal description(s) of subject property(s).

CHAPTER 3.20 – ADEQUATE PUBLIC FACILITIES AND CONTRIBUTION

Legislative History: Ord. 1770 (1999); Ord. 1849 (2003); Ord. 1907 (2006).

SECTIONS:

3.20.010 General
3.20.020 Findings Required
3.20.030 Qualified Public Facility
3.20.040 Impact Study
3.20.050 Alternate Findings Allowed
3.20.060 Conditions and Limits
3.20.070 Project Determination
3.20.080 Final Determination
3.20.090 Application of Funds
3.20.100 Time Limits

3.20.010 General.

A. Upon review of any land use application to which Goal 11 applies, affirmative findings may be made that adequate public facilities exist with respect to a public facility if, in addition to the requirements of this code the hearing body can make the affirmative findings required in Section 3.20.020 below, and the public facility with respect to which the Section 3.20.020 findings are made is a qualified public facility pursuant to Section 3.20.030 below.
B. As used in this Chapter, the terms "development proposal" and "proposed development" refer to any land use application to which Goal 11 applies, except zone changes and comprehensive plan amendments.
C. Notwithstanding anything to the contrary in this Chapter, the applicant shall have the burden of proving the adequacy of public facilities.

3.20.020 Findings Required. In order to find, under this Chapter, that adequate public facilities exist with respect to a public facility, or that the level of service on a street or at an intersection is acceptable, the following findings must first be made:

A. The public facility is currently, or as a result of the proposed development will become, an inadequate public facility and/or does not or will not operate at an acceptable level of service. This finding must point to the specific evidence in the record that supports this finding.
B. The proposed development will impact the public facility and to what extent the proposed development will impact the public facility. The finding addressing the extent of the impact shall point to specific evidence in the record in support of the finding.
C. A description of the improvements necessary to make the facility an adequate public facility and/or make it operate at an acceptable level of service ("Necessary Improvements") and the estimated costs of the Necessary Improvements ("Improvement Costs").
D. Why a condition of approval requiring the applicant to contribute to the improvement of the public facility is reasonably related to the impacts of the proposed development on the public facility.
E. The impact of the proposed development is or is not roughly proportional to the Necessary Improvements and Improvement Costs.

F. If the impact of the proposed development is not roughly proportional to the Necessary Improvements and Improvement Costs, the impact of the proposed development is roughly proportional to a specified dollar amount of, or proportion in terms of percentages of the Improvement Costs for the public facility ("Proportionate Contribution"). This finding shall explain with reasonable particularity the determination of rough proportionality.

3.20.030 Qualified Public Facility. A qualified public facility is a public facility that is subject to public facilities planning under the Comprehensive Plan; part of an existing public facilities plan; and for which the City has a designated improvement fund, which fund may or may not be currently funded.

3.20.040 Impact Study. The applicant shall provide adequate, reliable and quantifiable information as to the extent the proposed development will impact the public facility. If the information is not sufficient for the City to determine the impact proposed development will have on a public facility, the applicant shall provide, at the applicant's cost, an impact study prepared by a registered professional engineer licensed in the State of Oregon with respect to the proposed development and facility being studied, if a study has not already been prepared by the City. The City Engineer has the authority to determine whether an impact study is required and to set the scope of the study. The cost of the study, whether provided by the applicant or by the City, shall be included in the Improvement Costs.

3.20.050 Alternative Findings Allowed. This Chapter does not preclude the hearing body from otherwise finding that adequate public facilities exist or cannot exist (even if the findings under Section 3.20.020 can be made) with respect to a public facility or that a street or intersection is operating at an acceptable level of service or cannot so operate for other reasons supported by the record. In other words, if other reasons and evidence in the record support a finding of the existence of adequate public facilities, the applicant shall not be required to make a Proportionate Contribution payment.

3.20.060 Conditions and Limits. If the hearing body makes affirmative findings pursuant to Section 3.20.020 above and the development proposal is approved, approval shall be conditioned on the following:

A. The applicant's written agreement to pay the Proportionate Contribution specified in Section 3.20.020(F) above. The agreement shall provide that full payment, partial payment or the posting of acceptable security must be made to the City on or before the commencement of any work on and issuance of any permit for the subject property under the development proposal. The condition shall also provide that if payment is not made as provided in this Chapter, 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.
B. The determination under this Chapter of the applicant's Proportionate Contribution to the Necessary Improvements of the public facility shall be final and neither the applicant, nor the applicant's successors and assigns, shall be entitled to a refund or credit in the event the total actual costs to the City of the Necessary Improvements are less than the Improvement Costs. Similarly, the City shall not be entitled to seek additional contribution from an applicant or the applicant's successors and assigns if the total actual

costs to the City of the Necessary Improvements exceeds the Improvement Costs.

3.20.070 Project Determination. An owner or owners of real property that is served by a public facility and who anticipate(s) that development may occur in phases, may apply to the City for a determination under this Section ("Project Determination"). The application form shall be provided by the City and the request shall be heard by the Planning Commission in accordance with the procedures under Chapter 17.09. The application shall describe the subject properties with respect to which the Project Determination is sought. The provisions of this section shall be in addition to the other applicable provisions of this Chapter.

A. The findings required by this Chapter shall also include the following:
    1. Legal description(s) of the additional property(ies) to be covered by the findings in Section 3.20.020 above.
    2. The findings in Section 3.20.020 above shall be based on the level and intensity of development that could occur on the subject property under the applicable zoning if the applicant does not have a development proposal, or on a proposed level and intensity of development under the applicable zoning to which the applicant agrees to commit. The level and intensity of allowable development shall be described with reasonable particularity.
B. Approval shall be conditioned upon development occurring at or below the level and intensity considered under the applicable zoning at the time the findings are made.
C. The applicant, and the applicant's successors and assigns, shall be responsible for making the payment pursuant to Section 3.20.060(A) above and no work shall occur on or any permit (including any subsequent development permit) be issued for any of the subject properties prior to receipt by the City of the payment. All of the subject parcels shall be subject to the lien described in Section 3.20.060(A).
D. A Project Determination under this Section 3.20.070 shall constitute compliance with Goal 11 with respect to adequacy of public facilities and findings of adequate public facilities and/or acceptable level of service (with respect to a street or intersection) for all subsequent development proposals on the subject properties submitted in accordance with the condition in Section 3.20.070(B) above.

3.20.080 Final Determination. Subject to any right to appeal the City's decision under this code and state and federal law, the determination under this Chapter of the applicant's Proportionate Contribution to the Necessary Improvements of the public facility shall be final and neither the applicant, nor the applicant's successors and assigns, shall be entitled to a refund or credit in the event the total actual costs to the City of the Necessary Improvements are less than the Improvement Costs. Similarly, the City shall not be entitled to seek additional contribution from an applicant or the applicant's successors and assigns if the total actual costs to the City of the Necessary Improvements exceeds the Improvement Costs. This section does not preclude reimbursement of amounts paid in excess of the Proportionate Contribution pursuant to an agreement between the City and applicant, or as may otherwise be required by ordinance, statute, or other law.

3.20.090 Application of Funds. Proportionate Contribution funds received by the City shall be deposited in a designated fund and applied by the City to the construction and installation of the Necessary Improvements. (See Ord. 1849.) Any unused Proportionate Contribution funds remaining upon completion and the City's acceptance of the Necessary Improvements shall remain in the designated City fund and may be used by the City only for improvements

to public facilities in accordance with the designated fund.

3.20.100 Time Limits. Findings made pursuant to this Chapter shall be valid for as long as the underlying permit for the development proposal is valid, including any extensions thereof. A Project Determination shall be valid for a period of eighteen (18) months, but may be extended by the Planning Director upon application made to the Planning Director at least 30 days prior to expiration. The Project Determination may be extended for additional periods of up to one year each if there has been no substantial change in circumstances.