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 and written analysis listed in the application packet
    - 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: https://cityofhoodriver.gov/planning/

File No.: _____
Fee: _____
Date Submitted: _____

CITY OF HOOD RIVER
PLANNED DEVELOPMENT APPLICATION
MODIFICATION TO PRELIMINARY DEVELOPMENT PLAN

Submit the completed application with one set of paper copies of all application materials (unless otherwise directed), one electronic copy (.pdf), and appropriate fees to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. 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: _____

PROPERTY OWNER: (if different than applicant)

Name: _____

Address: _____
(mailing)

_____

Telephone: _____ Cell Phone: _____

Signature: _____

Authorization of property owner required.

PARCEL INFORMATION:

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

Current Zoning: _____ Parcel Size: _____

Property Location (cross streets or address): _____

PUD INFORMATION: Project Name: _____

Type of PUD: Commercial ☐ Residential ☐ Mixed Use ☐ Proposed # of Units: ☐

Bonus Density Requested : NO ☐ YES ☐ # of units: ☐

30% Open Space Requirement fulfilled? YES ☐ NO ☐ Reason: ☐

Proposed modifications to approved PUD include (attach separate sheet): _____

PLANNED DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS:

A. **Pre-Application Conference.** Prior to submittal of a Planned Development application, the applicant shall attend a pre-application conference.

B. **Neighborhood Meeting.** Prior to submittal of a Planned Development application, the applicant shall host a neighborhood meeting pursuant to HRMC 17.09.130.

C. **General Submittal Requirements.** The application shall contain all of the following:
   1. Application form and fee.
   2. Written verification of the date, time, attendance and outcome of the neighborhood meeting, as well as a copy of the notice, official mailing list and affidavit of mailing.
   3. A written statement of planning objectives to be achieved by the Planned Development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
   4. A development schedule indicating the approximate dates when construction, including phasing, is expected to be initiated and completed. The statement should include the anticipated dates when each stage will be completed; and the area, location, and degree of development of common open space that will be provided at each stage.
   5. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development.
   6. A written narrative explaining how the proposal complies with the applicable approval criteria including the PUD requirements of HRMC 17.07.080(B), the PUD criteria of 17.07.090, the Conditional Use Permit criteria of 17.06.030, and the Site Plan Review criteria of 17.16.040 or 17.16.050. If land division is proposed, the narrative must also explain how the development meets the general approval criteria of 16.08.020(C).
   7. A preliminary development plan.

D. **Preliminary Development Plan Submittal Requirements.** The preliminary development plan shall include the following information, unless an exception is granted by the Planning Director:
   1. An existing conditions map;
   2. A preliminary development plan;
   3. A grading plan;
   4. If land division is proposed, a preliminary partition or subdivision plat;
   5. If no land division is proposed, a map showing other methods of segregating land for management, use or allocation purposes;
   6. Designation of areas proposed to be conveyed, dedicated, or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
   7. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;
   8. A circulation diagram depicting off-street parking and loading, and indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
   9. A landscaping plan;
   10. Elevation and perspective drawings of proposed structures with enough detail to show design features;
   11. A copy of all existing or proposed restrictions or covenants;
   12. A preliminary stormwater management plan (as determined by the City Engineer);
   13. A traffic impact analysis (as determined by the City Engineer); and
   14. A geotechnical analysis (as determined by the Building Official).

EXISTING CONDITIONS MAP: The plan accompanying the application shall include the following information. **Please use this as a check-list to make sure your application is complete.**

- ☐ 1. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1 inch = 20 feet unless otherwise authorized by the City Engineer;
- ☐ 2. Location of the development sufficient to determine its location in the city, the dimensions and orientation of its boundaries, and the legal description of the site;
- ☐ 3. Names, addresses, and telephone numbers of the owner(s), designer(s), and engineer(s) or surveyor(s), if any, and the date of any survey;
- ☐ 4. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on- and abutting the site;
- ☐ 5. Easements: Width, location, and purpose of all existing easements of record on- and abutting the site;
- ☐ 6. 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 lines;
- ☐ 7. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- ☐ 8. Ground elevations shown by contour lines at two (2) foot intervals for ground slopes of less than ten percent (10%), or at five (5) foot vertical intervals for ground slopes exceeding 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 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;
- ☐ 9. Potential natural hazard areas including any flood plains, areas subject to high water, landslide areas, and areas having a high erosion potential;
- ☐ 10. Sensitive lands including wetlands, streams, wildlife habitat, significant trees and shrubs (Section 16.12.040), and other areas identified by the City or natural resource regulatory agencies as requiring protection;
- ☐ 11. Site features including existing structures, pavement, and drainageways;
- ☐ 12. Designated historic and cultural resources on the site and adjacent parcels or lots;
- ☐ 13. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
- ☐ 14. A description of other elements on the site or in the surrounding area which will assist in evaluation of the proposal
- ☐ 15. Other information as deemed appropriate by the Planning Director.

PRELIMINARY DEVELOPMENT PLAN: The plan accompanying the application shall include the following information. **Please use this as a check-list to make sure your application is complete.**

- ☐ 1. Name of proposed development;
- ☐ 2. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1 inch = 20 feet unless otherwise authorized by the City Engineer;
- ☐ 3. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date;
- ☐ 4. Dimensions and orientation of the subject property;
- ☐ 5. Streets: Location, name, width of all existing and proposed streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on- and abutting the site;
- ☐ 6. Easements: Width, location, and purpose of all existing and proposed easements of record on- and abutting the site;
- ☐ 7. Utilities: Location, size and type of all existing and proposed utilities on and abutting the site;
- ☐ 8. Location and height of existing and proposed buildings and structures;
- ☐ 9. Location and dimensions of points of entry and exit, as well as internal circulation patterns for vehicular, pedestrian and bicycle traffic;
- ☐ 10. Location and dimensions of parking, loading and delivery facilities;
- ☐ 11. Location of existing and proposed walls and fences, and description of their height and materials;
- ☐ 12. Location, type and intensity of existing and proposed exterior lighting;
- ☐ 13. Location and size of existing and proposed exterior signs;
- ☐ 14. Location of landscaped areas, including percentage of total area;
- ☐ 15. Location, species and size of trees greater than four (4) inches in diameter (measured four feet above the ground), and designation of trees to be retained and removed;
- ☐ 16. Natural drainage areas and other significant natural features;
- ☐ 17. Percentage of the lot covered by all proposed and remaining structures, and other impervious surfaces; and
- ☐ 18. A description of other elements on the site or in the surrounding area which will assist in evaluation of the proposal.

GRADING PLAN: The plan accompanying the application shall include the following information.

- ☐ 1. Existing topographic contours at two-foot intervals (five-foot intervals may be allowed on slopes greater than 10%) in a light shade.
- ☐ 2. Proposed topographic contours at two-foot intervals (five-foot intervals may be allowed on slopes greater than 10%) in a dark shade.
- ☐ 3. Location, species and size of trees greater than four (4) inches in diameter (measured four feet above the ground), and designation of trees to be retained and removed.
- ☐ 4. Sensitive lands including wetlands, streams, and other areas identified by the City or natural resource regulatory agencies as requiring protection; and
- ☐ 5. Proposed methods of erosion control.

PRELIMINARY SUBDIVISION AND PARTITION PLAT REQUIREMENTS (16.08.020)

A. **Preliminary Plat Information.** In addition to the general information described in 16.08.020(A), 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".

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).

ZONING ORDINANCE REVIEW CRITERIA: On a separate sheet of paper, explain in detail how your proposal addresses each of the review criteria. Yes/No answers are not acceptable. Please refer to the attached zoning criteria 17.06.030, 17.07.090 and 17.16.040 or 17.16.050.

A. Conditional Use Criteria (HRMC 17.06.030):

_____1. Impact
_____2. Nuisance
_____3. Plan Consistency
_____4. Scale
_____5. Transportation
_____6. Landscaping
_____7. Performance Bonds
_____8. Burden of Proof
_____9. Final Plans

B. Site Plan Review Criteria (HRMC 17.16.040 or 17.16.050):

_____1. Natural Features
_____2. Air Quality
_____3. Grading
_____4. Public Facilities
_____5. Traffic and Circulation
_____6. Storage
_____7. Equipment Storage
_____8. Compatibility (not applicable for multi-family or group residential)
_____9. Design
_____10. Orientation
_____11. Parking

C. Planned Unit Development (PUD) Criteria (HRMC 17.07.090):

_____1. Compliance with Title 16 – Subdivisions
_____2. 30% Open Space Requirement
_____3. Density
_____4. If density bonus requested, a detailed list of the qualifying architectural features and/or compliance with affordable housing provisions
_____5. Relationship to Natural and Physical Environment
_____6. Private Outdoor Recreation Areas – Multi-Family Use
_____7. Shared Outdoor Recreation Areas – Multi-Family Use
_____8. Parking
_____9. Drainage
_____10. Flood Plain Dedication

D. Additional Criteria for Commercial and Industrial PUDs

_____1. Privacy and Noise
_____2. Commercial - Housing as a Secondary Use
_____3. Commercial - Architectural Features and Orientation
_____4. Industrial – Impacts
_____4. Industrial – Orientation
_____5. Industrial – Entrances

CHAPTER 17.06 - CONDITIONAL USES

Legislative History: Ord. 1488 (1980); Ord. 1667 (1992); Ord. 1668 (1992); Ord. 1669 (1992); Ord. 1670 (1992); Ord. 1691 (1993); Ord. 1695 (1994); Ord. 1721 (1996); Ord. 1774 (1999); Ord. 1816 (2001)

SECTIONS:

17.06.005 Purpose
17.06.010 Applicable Procedures
17.06.020 Application and Plan Requirements
17.06.030 Approval Criteria
17.06.035 Appeals
17.06.040 Time Limit on a Permit for a Conditional Use
17.06.050 Limitation on Reapplication
17.06.060 Revocation of Conditional Use Permit

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.

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.

17.06.020 Application and Plan Requirements

A. An application for a conditional use permit shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below and a narrative explaining how the applicable criteria are satisfied or will be satisfied through conditions.

B. The plan or drawing accompanying the application shall include the following information:
   1. Dimensions and orientation of the parcel.

2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required.
3. Location and layout of parking and loading facilities, including bicycle parking required pursuant to 17.20.040.
4. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic in compliance with the requirements of Chapter 17.20.
5. Location of existing and proposed wall and fences and indication of their height and materials.
6. Proposed location and type of exterior lighting.
7. Proposed location and size of exterior signs.
8. Site specific landscaping, including percentage of total net area.
9. Location and species of trees greater than six (6) inches in diameter when measured four (4) feet above the ground, and an indication of which trees are to be removed.
10. Topographic map of the subject property using two (2) foot contour intervals (five (5) foot contour intervals may be allowed on steep slopes).
11. Natural drainage and other significant natural features.
12. Legal description of the lot.
13. Percentage of the lot covered by all proposed and remaining structures, to include asphalt concrete and Portland Cement Concrete.
14. Locations and dimensions of all easements and nature of the easements.
15. Service areas for uses such as loading and delivery.
16. Grading and drainage plan.
17. Other site elements that will assist in evaluation of the proposed use.
18. A brief narrative on the nature of the activity shall accompany the site plan including the number of employees, the method of import and export, the hours of operation including peak times, and plans for future expansion.

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.

1. Conditional Uses: Conditional uses are subject to *Site Plan Review Decision Criteria* (Chapter 17.16) in addition to the following:
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.
3. Nuisance: The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.
4. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the 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.
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 System Plan (TSP).

7. Landscaping: Landscaping shall be in conformance with the landscape regulations of this title.
8. Performance Bonds: When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.
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.
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 City.

17.06.035 Appeals. Final decisions on conditional use permits may be appealed in accordance with the *Appeal Procedures* (Section 17.09.070) of this ordinance.

17.06.040 Time Limits on a Permit for a Conditional Use. The 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.

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.

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.

CHAPTER 17.07 PLANNED DEVELOPMENTS

Legislative History: Ord. 1488 (1980); Ord. 1774 (1999); Ord. 1806 (2001); Ord. 1904 (2006); Ord. 1918 (2006); Ord. 1924 (2006); Ord. 1994 (2011)

SECTIONS:

17.07.010 Purpose
17.07.020 Applicability
17.07.030 Applicable Procedures
17.07.040 Applicability in Commercial and Industrial Zones
17.07.050 Allowed Uses
17.07.060 Applicability of the Base Zone Development Standards
17.07.070 Private Streets
17.07.080 Preliminary Development Plan Submission Requirements
17.07.090 Approval Criteria
17.07.100 Shared Open Space
17.07.110 Noncompliance and Bonding

17.07.010 Purpose. The purposes of the planned development are:

1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development, through the application of flexible standards such as zero-lot lines, narrower streets, and other innovative planning practices;
2. To facilitate the efficient use of land;
3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways, and thereby maximizes the opportunities for innovative and diversified living environments; and
6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River, and includes a thoughtful site plan.

17.07.020 Applicability

A. **Zones.** The planned development designation is applicable to all zones.

B. **Minimum Site Size for Residential Development**. Residential development in the R-1 zone shall have a minimum parcel size of a half (½) acre to apply the planned development process. There is no minimum size for R-2 and R-3.

C. **Density Calculations for a Planned Unit Development:**
*All projects can get a 30% bonus density for affordable housing only.

SIZE	R-1	R-2	R-3
Infill PUDs	Total lot area divided by base zone. Infill projects are projects that do not require any roadways, public or private.		
2 acres or less	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.
More than 2 acres	Subtract 50% from total area before dividing for base density.	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.

For density calculation purposes the final number shall be rounded down to the next whole number if the calculation is .49 and rounded up to the next whole number if the calculation is .50.

*Prior to a project being accepted for inclusion in the 30%, the applicant's justification to include a) how the units will not become second homes; b)how the units will be prevented from being resold at market value; c)how they will not be immediately "flipped" for a quick profit; d)what income range are the residents? shall be approved by the City and made part of the PUD approval.

17.07.030 Applicable Procedures

A. **Approval Process.**
1. Preliminary Development Plat Approval: Preliminary development plan approval shall be processed as a Quasi-Judicial Action.
2. Final Development Plan Approval: Final development plan approval shall be processed as a Ministerial Action.

B. **Concurrency with Subdivision and Partition Application.** If the application involves the division of land, the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval, and the final development plan shall be submitted for approval and filed along with the final plat.

C. **Time Limit on Filing of Final Development Plan.** Within two (2) years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using following approval criteria:
1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions, by the Commission.

D. **Preliminary development plan changes.** The applicant may request modifications to the preliminary development plan. Approval is based on the following the procedures and criteria:
1. Minor Modifications: An application for approval of a minor modification shall be

reviewed as an Administrative Action, and the review shall be limited in scope to the modification requested. A minor modification shall be approved, or approved with conditions, if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:

a. There will be no change in land use;

b. There will be no increase in the number of dwelling units;

c. There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;

d. There will be less than a five percent (5%) change in the floor area proposed for nonresidential use where previously specified;

e. There will be a less than five percent (5%) change in the area reserved for common open space and/or usable open space; and

f. There will be a less than five percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.

2. Major Modification: An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action, and the review shall be limited in scope to the modification requested. A major modification shall be approved, or approved with conditions, if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as a major modification.

E. **Extension.** Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that

1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;

2. The applicant can show intent of applying for final development plan review within the one (1) year extension period; and

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

F. **Phased Development.**

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.

2. A phased development plan proposal shall be approved subject to the following conditions:

a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.

c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.

3. If the final phase is not completed within the five (5) year time period, the Planned Development will be in noncompliance with this chapter.

17.07.040 Applicability in Commercial and Industrial Zones

A. **By Election.** An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.

B. **As Condition of Approval in Commercial and Industrial Developments.** An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

17.07.050 Allowed Uses

A. **In Residential Zones.** Planned Developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:

1. All uses allowed outright or by condition in the underlying zoning district
2. Single-family detached and attached residential units
3. Duplex residential units
4. Multi-family residential units
5. Manufactured homes
6. Public and institutional uses
7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use
8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use
9. Recreational vehicle storage area, for the Planned Unit Development residents only.

B. **In Commercial Zones.** Planned Developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

C. **In Industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

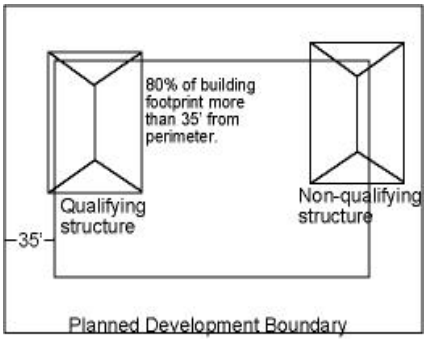
17.07.060 Applicability of the Base Zone Development Standards

A. **Compliance to specific development standards**. The provisions of the base zone are applicable as follows:

1. Lot Dimensional Standards: The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.

2. Building Height: Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty-five (35) feet from the Planned Development site boundary. See Diagram "B" below. No height increases are allowed for residential buildings.

Diagram "B" – Planned Development Boundary



3. Structure setback provisions:
   a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
   b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
   c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
      (1.) A minimum front yard setback of twenty (20) feet is required for any garage structure which opens facing a street.
      (2.) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

B. **Other Provisions of the Base Zone**. All other provisions of the base zone shall apply except as modified by this chapter.

17.07.070 Private Streets. Private streets are allowed as part of a Planned Development when they conform to the following standards:

1. Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic.
2. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width.

17.07.080 Preliminary Development Plan Submission Requirements

A. **Pre-Application Conference.** Prior to submittal of a Planned Development application, the applicant, or the applicant's representative, shall attend a pre-application conference.

B. **General Submission Requirements.** The application shall contain all of the following:
   1. A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
   2. A development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development; the approximated dates when each stage will be completed; and the area, location, and degree of development of common open space that will be provided at each stage.

3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development.
4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
5. A preliminary development plan.

C. **Additional Information.** In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:

15. A map showing street systems, lot or partition lines, and other divisions of land for management use or allocation purposes;
16. Areas proposed to be conveyed, dedicated, or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
17. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;
18. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
19. The following plans and diagrams:
    a. An off-street parking and loading plan;
    b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
    c. A landscaping and tree plan; and
6. A copy of all existing or proposed restrictions or covenants.

17.07.090 Approval Criteria

A. **Specific Planned Development Approval Criteria.** The following approval criteria shall apply to the planned development:

1. All the provisions of the land division provisions, Title 16, shall be met.
2. Except as noted, the Conditional Use Decision Criteria (Chapter 17.06) shall be the approval criteria. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the *Conditional Use* chapter (Chapter 17.06). The developer may choose to provide, or the Commission may require, additional amenities, landscaping, or tree planting.
3. A minimum of thirty (30%) percent of a Planned Development site area shall be reserved as common open space. The thirty percent (30%) open space requirement shall be exempt in the Central Business district and the Heights Business District. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.
4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed thirty-three (33%) percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the

desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following:

a. A maximum of ten (10%) percent is allowed for the inclusion of at least six (6) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.

b. A maximum of twenty (20%) percent is allowed for the inclusion of at least nine (9) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.

c. A maximum of thirty-three (33%) percent is allowed for the inclusion of at least twelve (12) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate. See the following Diagram "C" for examples of architectural features.

(1.) Dormers
(2.) Gables
(3.) Recessed entries
(4.) Covered porch entries
(5.) Cupolas or towers
(6.) Pillars or posts
(7.) Eaves (min. 18-inch projection)
(8.) Off-sets in building face or roof (minimum 16 inches)
(9.) Window trim (minimum 4-inches wide)
(10.) Bay windows
(11.) Balconies
(12.) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
(13.) Decorative cornices and roof lines (e.g., for flat roofs)
(14.) Façade articulation (siding materials should only be changed along horizontal lines)
(15.) High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials.
(16.) An alternative feature providing visual relief, similar to options (1)-(15) above.

5. The following criteria shall apply to all Planned Developments unless otherwise specified as applicable only to certain specific uses:

a. Relationship to the natural and physical environment:

(1.) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.
(2.) Structures located on the site shall not be in areas subject to ground slumping and sliding.
(3.) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
(4.) The structures shall be oriented with consideration for the sun and wind directions, where possible.

b. Private outdoor area – multi-family use:

(1.) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty-eight (48) square feet.

(2.) Wherever possible, private outdoor open spaces should be oriented toward the sun.

(3.) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

c. Shared outdoor recreation areas – multi-family use:

(1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

(a) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit.

(b) Three or more bedroom units shall provide 300 square feet per unit.

(2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety.

(3) The required recreation space may be provided as follows:

All outdoor space;

(a) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room);

(b) All public or common space; or

i. Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit).

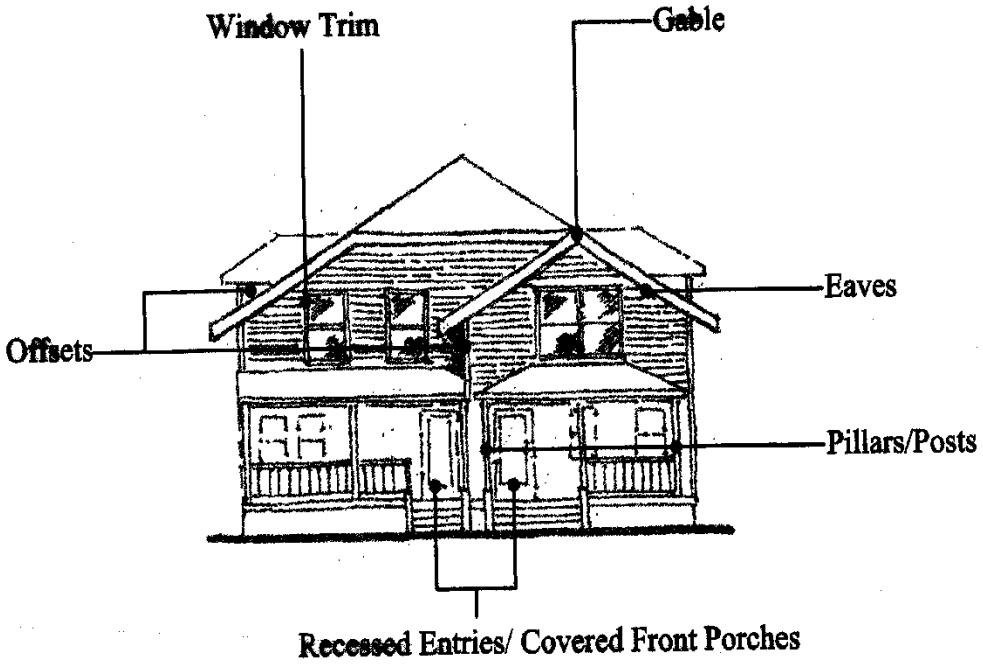
i. Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.

d. Parking: All of the required off-street parking spaces may be provided in one or more common parking lots within the Planned Development.

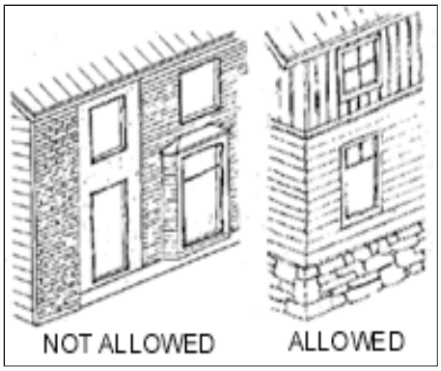
e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

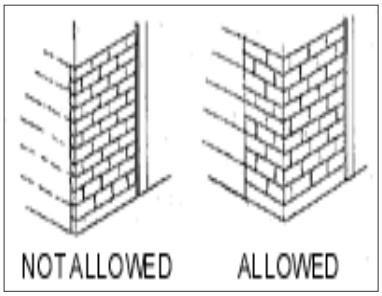
Diagrams "C" – Examples of Architectural Features



Example of Façade Articulation

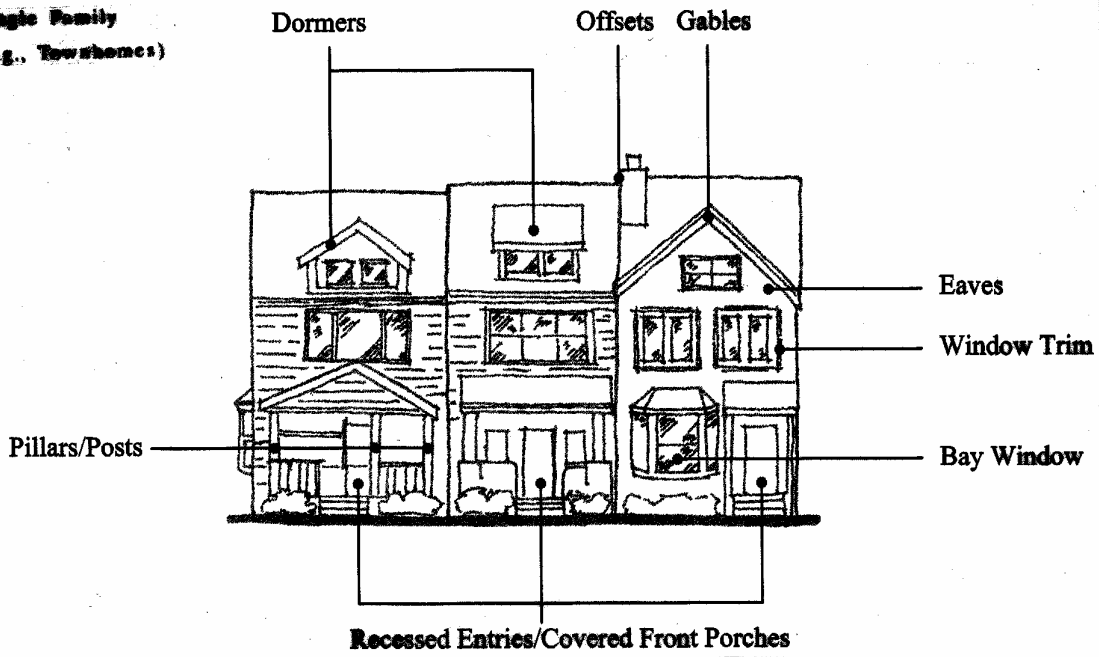


Example of Exterior Siding Material



Examples of Architectural Features

Single Family
(e.g., Townhomes)



Multi-Family Housing

B. **Additional Criteria for Commercial and Industrial Development**. In addition to the specific Planned Development approval criteria above, Planned Developments with commercial and industrial uses shall meet the following criteria:

1. Commercial and industrial uses that abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.
2. Commercial projects are encouraged to include housing as a secondary use, as appropriate.
3. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed below along the front building elevation (i.e., facing the street), as applicable.
   (1.) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
   (2.) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
   (3.) Large display windows on the ground-floor (nonresidential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground-floor from second story, as shown below).
   (4.) Decorative cornice at top of building (flat roof), or eaves provided with pitched roof.

[Note: the example shown below (Diagram "D" – Building Design Elements) is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

C. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply:

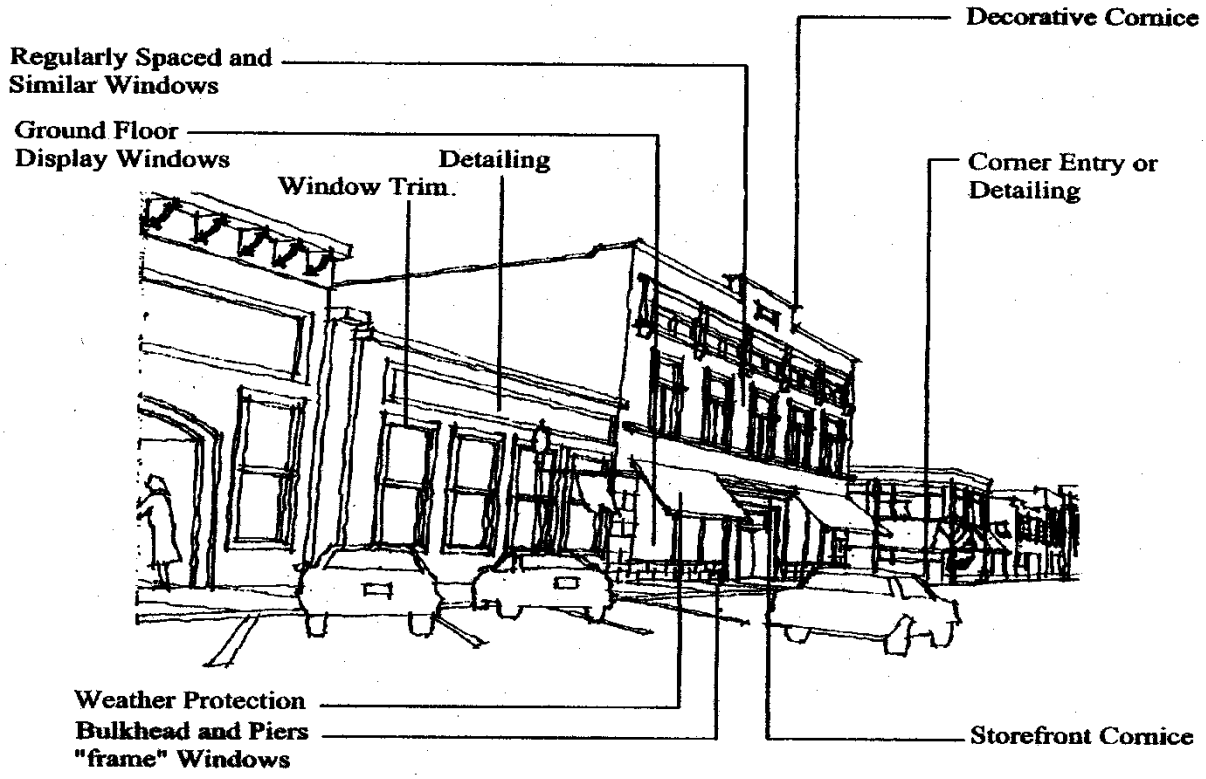
(1.) Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and

(2.) A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

D. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features to break up and articulate large building surfaces and volumes.

E. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

Diagram "D" – Building Design Elements



17.07.100 Shared Open Space. The following requirements shall apply to common open space in each planned Development:

1. The open space area shall be shown on the final development plan.
2. The open space shall be conveyed in accordance with one of the following methods:
   a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication must be acceptable to the City with regard to the size, shape, location, improvement, and budgetary and maintenance limitations; or
   b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
      (1.) The continued use of such land for the intended purposes;
      (2.) Continuity of property maintenance;
      (3.) When appropriate, the availability of funds required for such maintenance;
      (4.) Adequate insurance protection; and
      (5.) Recovery for loss sustained by casualty and condemnation or otherwise.
   c. By any method which achieves the objectives set forth above.

17.07.110 Noncompliance and Bonding

A. **Noncompliance.** Noncompliance with an approved final development plan shall be a violation of this chapter.

B. **Issuance of Occupancy Permits.** The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any

occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one (1) year.

CHAPTER 17.16 - SITE PLAN REVIEW

Legislative History: Ord. 1774 (1999); Ord. 1816 (2001); Ord. 1994 (2011); Ord. 2002 (2011)

17.16.040 Decision Criteria.

A. **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.

B. **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.

C. **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.

D. **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 shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

E. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:
   1. 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.

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

G. **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.

H. **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.

I. **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:

1. Massing
2. Offsets
3. Materials
4. Windows
5. Canopies
6. Pitched or terraced roof forms
7. Other architectural elements

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

K. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.16.050 Multi-Family and Group Residential Decision Criteria.

A. **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.

B. **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.

C. **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 shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

D. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:
   1. 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.

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

F. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

G. **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:
   1. Massing
   2. Offsets
   3. Materials
   4. Windows
   5. Canopies
   6. Pitched or terraced roof forms
   7. Other architectural elements

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

I. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

CHAPTER 16.08 - GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS, AND LOT LINE ADJUSTMENTS

Legislative History: Ord. 1816 (2001); Ord. 1888 (2005); Ord. 1951 (2008)

SECTIONS:

16.08.010 Approval Process for Subdivisions and Partitions
16.08.020 Preliminary Plat Submission Requirements and Approval Criteria
16.08.030 Final Plat Submission Requirements and Approval Criteria
16.08.040 Filing and Recording
16.08.050 Variances and Penalties
16.08.060 Replatting and Vacation of Plats
16.08.070 Lot Line Adjustments

16.08.010 Approval Process for Subdivisions and Partitions

A. **Subdivision and Partition Approval through Three-Step Process.** Applications for subdivision or partition approval shall be processed through a three-step process.

1. **Pre-Application Conference:** A pre-application conference with City staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.
2. **Preliminary Plat:** The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
    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 under Title 17.
3. **Review of Final Plat:** The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter (Section 17.09.020), using the approval criteria for final plats in this title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

B. **Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two (2) years from the date of approval.

C. **Amendments and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided below.

1. **Minor Amendments:**
    a. Minor Amendment Defined. The Planning Director may determine that the proposed amendment(s) is minor if all of the following criteria are met by the proposed changes:
        (1) There will be no change in land use;
        (2) There will be no increase in the number of dwelling units;
        (3) There will be no change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;
        (4) There will be a less than five percent (5%) reduction in the area reserved for common open space and/or usable open space; and

(5) There will be a less than five percent (5%) reduction to specified setback requirements, provided the minimum setback standards of the zone can still be met.

b. Minor Amendment Request. An application for approval of a minor amendment is reviewed as an Administrative action under Title 17 (Section 17.09.030). A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of Title 17 – Zoning Ordinance.

2. **Major Amendments:**

a. Major Amendment Defined. Any modification to a land use decision or approved development plan which is not within the description of a minor amendment as provided above, shall be considered a major amendment.

b. Major Amendment Request. An applicant may request a major amendment as follows:

(1) When the Planning Director determines that the proposed amendment is a major amendment, the applicant shall submit an application for the major amendment.

(2) The amendment request shall be subject to the same review procedure (Administrative or Quasi-Judicial) and approval criteria used for the initial project approval; however, the review shall be limited in scope to the amendment request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

3. **Extensions:** The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one (1) extension of the approval period not to exceed one (1) year; provided that

a. Any changes to the preliminary plat follow the procedures above;

b. The applicant has submitted written intent to file a final plat within the one-year extension period;

c. An extension of time will not prevent the lawful development of abutting properties; and

d. The extension request is made before expiration of the original approved plan.

D. **Phased Development.**

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than five (5) years with one 1-year extension possible, without reapplying for a preliminary plat.

2. The criteria for approving a phased land division proposal are

a. Public facilities shall be constructed in conjunction with or prior to each phase;

b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 16.12. A temporary public facility is any facility not constructed to the applicable City standards;

c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

E. **Appeals.** The administrative provisions of Chapter 17.09 of the Hood River County Municipal Code shall apply to the provisions of this chapter.

<u>16.08.020 Preliminary Plat Submission Requirements and Approval Criteria</u>

B. **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).

C. **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:**
   f. 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);
   g. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
   h. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
   i. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date of the survey; and
   j. Identification of the drawing as a "preliminary plat".
2. **Site analysis:**
   b. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on and abutting the site;
   c. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
   d. 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;
   e. 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;
   f. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   g. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
   h. 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;
   i. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;
   j. Designated historic and cultural resources on the site and adjacent parcels or lots;
   k. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
   l. 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:**
   q. 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;
   r. Location, width, and purpose of all easements;

s. 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;

t. 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;

u. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

v. The proposed source of domestic water;

w. The proposed method of sewage disposal;

x. Method of surface water drainage and treatment if required;

y. The approximate location and identity of other utilities, including the locations of street lighting fixtures;

z. 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);

aa. 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;

bb. 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;

cc. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction;

dd. 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;

ee. Street trees plan; and

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

D. **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;

   a. 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.

E. **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.

F. **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.

16.08.030 Final Plat Submission Requirements and Approval Criteria

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.

16.08.040 Filing and Recording

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.

16.08.050 Variances and Penalties

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.

CHAPTER 16.12 - GENERAL DESIGN AND IMPROVEMENT STANDARDS
Legislative History: Ord. 1816 (2001); Ord. 1877 (2005); Ord. 1949 (2008); Ord. 2002 (2011)

SECTIONS:

16.12.010 General Applicability
16.12.020 Vehicular Access and Circulation
16.12.030 Pedestrian and Bicycle Access and Circulation
16.12.040 Landscape Conservation
16.12.050 Street Trees
16.12.060 Public Facilities Standards
16.12.070 Performance Guarantee
16.12.080 Warranty Guarantee

16.12.010 General Applicability. All subdivisions and partitions must comply with the provisions of this chapter. Subdivisions and partitions that include the construction of a street may require detailed findings demonstrating compliance with each section. For partitions that do not include the construction of a street, fewer code provisions may apply.

16.12.020 Vehicular Access and Circulation

A. **Intent and Purpose.** The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.

B. **Applicability.** This section shall apply to all public streets within the City and to all properties that abut these streets.

C. **Access Permit.** Access to a public street requires an access permit in accordance with the following procedures:
   1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 – Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
   2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or the County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
   3. Permits for access to County highways shall be subject to review and approval by the County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. **Traffic Impact Analysis.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements. The City requires either a Transportation Assessment Letter or a Traffic Impact Analysis pursuant to Section 17.20.060 for proposed land use actions unless waived by the City Engineer. (See also, Public Facilities Standards, Section 16.12.060.)

E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit to ensure the safe

and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten [10] feet per lane is required). These methods are "options" to the developer/subdivider, unless a method is specifically required by the City Engineer.
   1. **Option 1:** Access is from an existing or proposed alley or mid-block lane.
   2. **Option 2:** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A private street may only be developed as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
   3. **Option 3:** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
   4. **Frontage on an Arterial Street:** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two (2) or more lots (e.g., includes Planned Unit Developments and mid-block lanes).
   5. **Double-Frontage Lots:** When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in all residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
   1. **Local Streets:** A minimum of twenty-two (22) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
   2. **Arterial and Collector Streets:** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 51.

The standards for driveway and street spacing on local public streets are established in Table 8 of the Transportation System Plan and are included below as Table 16.12-A.

Table 16.12-A: City of Hood River Access Management Spacing Standards [a, b, c]

Street Classification	Spacing Between Public Streets (Min.-Max.)	Minimum Spacing Between Driveways and Other Driveways or Public Streets [d]
Minor Arterial Street	660-1,000 feet	300 feet
Collector Street	220-440 feet	100 feet
Local Street	200 feet	22 feet

[a] Exceptions may be made by the City Engineer

[b] Measured centerline to centerline

[c] Public streets within the IAMP Overlay Zone are subject to the standards in Section 17.20.030.D.

[d] Private access to arterial roadways shall only be granted through a requested variance of access spacing standards when access to a lower classification facility is not feasible.

The standards for street spacing on state highways in the Hood River Urban Growth Boundary (UGB) are established in the Oregon Highway Plan and OAR Chapter 734, Division 51. Standards for District highways are presented below in Table 16.12-B.

Table 16.12-B Oregon Highway Plan Access Management Spacing Standards

Facility	Access Spacing Standard [a] per Posted Speed (Urban Area [b])				
	>= 55 mph	50 mph	40 & 45 mph	30 & 35 mph	<= 25 mph
District Highway [c]	700 feet	550 feet	500 feet	350 feet	350 feet

[a] Measurement of the approach road spacing is from center to center on the same side of the roadway.

[b] The Urban standard applies within UGBs unless a management plan agreed to by ODOT and the local government(s) establishes a different standard.

[c] OR 281 and US 30 are currently classified as District Highways

H. **Shared Driveways.** The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
   1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.
   2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.
   3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

I. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
   1. **Block Length and Perimeter:** The maximum block length and perimeter shall not exceed
      a. Four Hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;
      b. Six Hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
      c. Not applicable to the Industrial zone (I); and

d. Eight Hundred (800) feet length and 2,000 feet perimeter in all other zones.

2. **Street Standards:** Public and private streets shall also conform to criteria in *Public Facilities Standards* (Section 16.12.060), *Pedestrian Access and Circulation* (Section 16.12.030), and applicable Americans with Disabilities Act (ADA) design standards.
3. **Exception:** Exceptions to the above standards may be granted when blocks are divided by one (1) or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

J. **Future Street Plan (FSP) Required.** Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

1. **Applicability:** The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in Subsection (2) and shall be subject to review and approval under Subsection (4), below. The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one (1) or more directions in the following situations:
   a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
   b. The proposed street layout is consistent with a street pattern of an existing approved FSP.
2. **Submittal Requirements:** The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the FSP criteria. The FSP shall incorporate the following details, both on-site and off-site:
   a. The FSP shall be no larger than eleven (11) inches x seventeen (17) inches and may include several sheets;
   b. The topography for slopes of fifteen percent (15%) or greater with contour intervals not more than ten (10) feet;
   c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site;
   d. Property lines and dimensions;
   e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development;
   f. Site access points for autos, pedestrians, bicycles; and
   g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.
3. **Review Criteria:** A proposed FSP shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
   a. A future street plan shall
      (1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
      (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
      (3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns;
      (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets;
      (5) Minimize the impact to natural resources and fit the landscape; and
      (6) Provide pedestrian access and create neighborhoods.
   b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the

development. Pedestrian/ bicycle accessways may connect on one (1) end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).

c. Pedestrian accessways shall be provided as required under 16.12.030.

4. **Filing a Future Street Plan:** Upon approval by the review authority, a FSP shall be made a matter of record by being recorded by the Planning Director on a future street index to be maintained by the Planning Department.
5. **Compliance with or Revision to Future Street Plans.** New developments shall be consistent with adopted FSP. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. A revision to an approved future street plan shall be reviewed by the Planning Director as an administrative procedure. All revisions to future street plans must comply with review criteria for FSP.

K. **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

16.12.030 Pedestrian and Bicycle Access and Circulation

A. **Pedestrian and Bicycle Access and Circulation**. To ensure safe, direct, and convenient pedestrian and bicycle circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below.
   1. **Continuous Pathways**: A continuous pathway system, including sidewalks along streets, shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.
   2. **Street Connectivity**: Multi-use pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.020(I). Multi-use pathways shall also be provided to connect cul-de-sacs or dead-end streets with other public streets~~,~~ and/or to other developments where feasible. Multi-use pathways used to comply with these standards shall conform to all of the following criteria:
      a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than ten (10) feet wide and located within a fifteen (15) foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
      b. Stairs or switchback paths using a narrower right-of-way or easement may be required in lieu of a multi-use pathway where grades are steep;
      c. The City may require landscaping within the pathway right-of-way;
      d. The hearings body or Planning Director may determine, based upon facts in the record that a pathway is impracticable due to
         (1) Physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);
         (2) Buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and
         (3) Sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. **Design and Construction**. Pathways shall conform to all of the standards below as follows. Sidewalks that are part of required public roadway right-of-way shall conform to the standards in Section 16.12.060 Public Facilities Standards.
   1. Vehicle/Pathway Separation: Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a five (5) foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
   2. Housing/Pathway Separation: Pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
   3. Crosswalks: Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
   4. Pathway Surface: Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six (6) feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least eight (8) feet wide. (See also, Public Facilities Standards, Section 16.12.060 for public, multi-use pathway standard.)
   5. Accessible Routes: Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.
   6. Fencing adjacent to pathway rights-of-way shall not exceed four (4) feet in height in order to improve visibility and safety of path users.

16.12.040 Landscape Conservation

A. **Applicability.** All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – "diameter, breast, height"), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.

C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A "protection" area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:
   1. **Protection of Significant Trees and Shrubs:** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.

2. **Conservation Easements and Dedications:** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

F. **Exemptions**. The protection standards in Section D shall not apply in the following situations:
1. **Dead, Diseased, and/or Hazardous Vegetation:** Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. **Emergencies:** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

16.12.050 Street Trees. Requirements for street tree planting strips are provided in *Public Facilities Standards*, Section 16.12.060. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

1. **Growth Characteristics:** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:
   a. Provide a broad canopy where shade is desired.
   b. Use low-growing trees for spaces under utility wires.
   c. Select trees which can be "limbed-up" where vision clearance is a concern.
   d. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
   e. Use species with similar growth characteristics on the same block for design continuity.
   f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
   g. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.
   h. Select trees for their seasonal color, as desired.
   i. Use deciduous trees for summer shade and winter sun.
2. **Caliper Size:** The minimum caliper size at planting shall be (two) 2 inches, based on the American Association of Nurserymen Standards.
3. **Spacing and Location:** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.
4. **Soil Preparation, Planting and Care:** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.

5. **Assurances:** The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two (2) years after planting.
6. **Street Tree List:** A recommended street tree list is available at the Planning Office.

16.12.060 Public Facilities Standards

A. **Purpose and Applicability.**
   1. **Purpose:** The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City's Transportation System Plan.
   2. **When Standards Apply:** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of and adopted under this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established and adopted under this Chapter.
   3. **Standard Specifications:** The City Engineer shall establish engineering standards and construction specifications consistent with the design standards of this Chapter and application of engineering principles (the ""Engineering Standards"). The Engineering Standards are incorporated in this Chapter by reference and apply as if fully set forth in this Chapter.
   4. **Conditions of Development Approval:** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Title and the Engineering Standards. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

B. **Transportation Standards.**
   1. **Development Standards:** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
      a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
      b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
      c. New streets and drives street shall be hard-surfaced; and
      d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
         (1) A partial improvement may create a potential safety hazard to motorists or pedestrians;
         (2) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
         (3) The improvement would be in conflict with an adopted capital improvement plan; or
         (4) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
   2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.

3. **Creation of Rights-of-Way for Streets and Related Purposes:** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.
4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
   a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
   b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
      (1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
      (2) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be consistent with the widths shown in Figures 16.12-A through 16.12 G. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
   a. Street classification in the Transportation System Plan;
   b. Anticipated traffic generation;
   c. On-street parking needs;
   d. Sidewalk and bikeway requirements based on anticipated level of use;
   e. Requirements for placement of utilities;
   f. Street lighting;
   g. Minimize drainage, slope, and sensitive lands impacts;
   h. Street tree location, as provided for in Section 16.12.050;
   i. Protection of significant vegetation, as provided for in Section 16.12.040;
   j. Safety and comfort for motorists, bicyclists, and pedestrians;
   k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
   l. Access needs for emergency vehicles; and
   m. Transition between different street widths (i.e., existing streets and new streets), as applicable.

Figure 16.12-A Historic Columbia River Highway – US 30 Standard Diagram

Figure 16.12-B OR 281 Standard Diagram

Figure 16.12-C Arterial Streets Standard Diagram

Figure 16.12-D Collector Streets Standard Diagram

Figure 16.12-E Local Streets Standard Diagram

Figure 16.12-F Alley, Cul-de-sac & Industrial Streets Design Standards

Figure 16.12-G Private Street Standard Diagram
[PLEASE CONTACT THE PLANNING DEPARTMENT FOR DIAGRAMS]

7. **Traffic Signals and Traffic Calming Features:**
   a. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
   b. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.
8. **Future Street Plan and Extension of Streets:**
   a. Where required by Section 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
   b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (1)-(3), below:
      (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
      (2) A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
      (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.
9. **Street Alignment and Connections:**
   a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
   b. Spacing between local street intersections shall be regulated by the Transportation Systems Plan, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
   c. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent (15%) for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, and parks.
e. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in section 16.12.020 *Vehicular Access and Circulation.* The maximum block length shall not exceed:
   (1) Four hundred (400) feet length and 1,200 feet perimeter in the Central Business District;
   (2) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
   (3) Not applicable to the Industrial zone (I); and
   (4) Eight hundred (800) feet length and 2,000 feet perimeter in all other zones.

Exceptions to the above standards may be granted by the City Engineer when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040.

10. **Sidewalks, Planter Strips, Bicycle Lanes:** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 16.12-A through 16.12-E, applicable provisions of the Transportation System Plan, the Comprehensive Plan, street connectivity plan, and adopted future street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
11. **Intersection Angles:** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity.
12. **Existing Rights-of-Way:** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).
13. **Cul-de-sacs:** A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.
    a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of forty-two (42) feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and
    b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
14. This section intentionally left blank.
15. **Curbs, Curb Cuts, Ramps, and Driveway approaches:** Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Sections 16.12.020 and 16.12.030.
16. **Streets Adjacent to Railroad Right-of-Way:** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.
17. **Development Adjoining Arterial Streets:** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one (1) or more of the following:
    a. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
    b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.12.020;

c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
d. Other treatment suitable to meet the objectives of this subsection;
e. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

18. **Alleys, Public or Private**. Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve (12) feet.
19. **Private Streets:** Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.
20. **Street Names:** No street name shall be used that will duplicate or be confused with the names of existing streets in the City or Urban Growth Area, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and the City Charter.
21. **Survey Monuments:** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
22. **Street Signs:** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
23. **Mail Boxes:** Plans for mail boxes to be used shall be approved by the United States Postal Service.
24. **Street Light Standards:** Street lights shall be installed in accordance with City standards and shielded in a downward pattern.
25. **Street Cross-Sections:** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

C. **Public Use Areas.**

1. **Dedication Requirements:**
   a. Where a proposed park, playground, or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
   b. Where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses if:
      (1) Approved by the Hood River Valley Parks and Recreation District; and,
      (2) Determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies.
   c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).
2. **System Development Charge Credit:** If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

D. **Sanitary Sewer and Water Service Improvements**.

1. **Sewers and Water Mains Required**. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

2. **Sewer and Water Plan Approval:** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
3. **Over-sizing:** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.
4. **Permits Denied:** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development, and which if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

E. **Storm Drainage.**
1. **General Provisions:** The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in accordance with the requirements of the City Engineer.
2. **Accommodation of Upstream Drainage:** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
3. **Effect on Downstream Drainage:** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

F. **Utilities.**
1. **Underground Utilities:** All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
    a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
    b. The City reserves the right to approve the location of all surface mounted facilities;
    c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
    d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. **Easements:** Easements shall be provided for all underground utility facilities.
3. **Exception to Under-Grounding Requirement:** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

G. **Easements.** Easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or City Engineer.

H. **Construction Plan Approval and Assurances.** A construction site permit is required for all public and private improvements subject to this title. No public or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for design reviews, construction observation and other services in connection with the improvement. The permit fee shall be set by City Council resolution. The City may require the developer or subdivider to provide bonding or other performance guarantees and warranties to ensure completion and performance of required public improvements.

I. **Installation.**
   1. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
   2. **Adopted Installation Standards:** The Oregon Standard Specifications for Construction, Oregon Department of Transportation and Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.
   3. **Commencement:** Work shall not begin until the City has been notified in advance.
   4. **Resumption:** If work is discontinued for more than one (1) month, it shall not be resumed until the City is notified.
   5. **Construction Observation:** Improvements shall be constructed under the observation and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under *Modifications and Extensions*, Section 16.08. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced by an Oregon Licensed Land Surveyor prior to final acceptance of the improvements.
   6. **Engineer's Certification and As-Built Plans:** A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" drawings, in conformance with the City Engineer's specifications, for permanent filing with the City. One set shall be a hard copy plot or print and one set shall be in electronic AutoCad format compatible with the City's computer hardware and software.

16.12.070 Performance Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a performance guarantee if the public improvements are not installed, inspected, and approved before final plat approval.

A. **Form of Performance Guarantee Required.** When a performance guarantee is required, the developer shall file an assurance of performance with the City supported by one of the following ("performance guarantee"):
   1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
   2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated;
   3. Cash; or
   4. If the developer is a governmental entity, an intergovernmental agreement approved by the City Council and governing body of the developer pursuant to which the developer and/or the City

agree to construct the public improvements. The City Council may condition approval of the intergovernmental agreement on the provision of an irrevocable letter of credit, surety bond, or cash, or other form of fund commitment for some or all of the costs of constructing the public improvements.

B. **Determination of Sum.** The performance guarantee shall be for a sum determined by the City Engineer as required to cover 110 percent of the estimated cost of the work, including improvement fees and deposits, and related engineering and incidental expenses. An intergovernmental agreement does not need to cover more than 100 percent of the estimated cost of the work.

C. **Itemized Improvement Estimate.** The developer shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance guarantee.

D. **Agreement.** If the public improvements are not constructed or installed and inspected and approved prior to final plat approval, the developer shall sign an agreement with the City that specifies as follows. The agreement shall be on a form provided by the City and included with the final plat. In the case of a performance guarantee in the form of an intergovernmental agreement, the intergovernmental agreement shall contain the following provisions.
   1. The period within which all required improvements and repairs shall be completed;
   2. A provision that if work is not completed within the period specified, the City may call on the performance guarantee (bond, cash deposit, letter of credit, or intergovernmental agreement) to complete the work; and
   3. Stipulates the improvement fees and deposits that are required.
   4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. **Reduction and Termination of Performance Guarantee.** The performance guarantee shall not be terminated, allowed to expire without written authorization from the City Engineer. The City Engineer may allow reduction of the performance guarantee as portions of the improvements are constructed, inspected and approved. Ten percent of the cost of those portions constructed shall be retained as the guarantee amount is reduced. Upon acceptance for ownership and operation, the guarantee shall be released or returned unless required to satisfy the warranty guarantee requirement in Section 16.12.080.

F. **Procedures.** The City Engineer shall establish standard forms for the guarantee, agreement referenced in subsection (D) above, and an administrative procedure for reduction of the guarantee when permitted.

16.12.080 Warranty Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a warranty prior to acceptance of the public improvements by the City.

A. **Warranty Guarantee Required.** A warranty guarantee is required prior to City acceptance for ownership and operation of public improvements installed or constructed by the developer. The warranty guarantee may be provided in the same manner as performance guarantees or by continuing the performance guarantee required under Section 16.12.070.

B. **Determination of Sum.** The warranty guarantee shall be for ten percent (10%) of the actual construction cost for the public improvements to which this provision applies. The warranty guarantee shall be in effect from the date of written acceptance by the City for ownership and operation for a period of two (2) years. The City Engineer may require longer periods for guarantees with respect to public improvements constructed under contract with the City.

C. **Repairs and Replacements.** Repairs or replacements required during the warranty period shall be guaranteed for two years from the date of completion of the repair or replacement. The City Engineer may require a separate two (2) year warranty guarantee for any repairs done pursuant to the warranty obligation. The form shall conform to subsection (A) above.

D. **Notice of Warranty Work Required.** The City Engineer shall provide written notice to the developer of the need to perform warranty work unless the City Engineer determines that an emergency exists, that delay would cause serious additional loss or damage, or if any delay in performing the work might cause injury to any member of the public. In cases of emergency or if the

developer, after written notice, fails within fourteen days to perform the work required, the City may perform the warranty work and recover the costs of the warranty work, including any additional damages suffered by the City, from the warranty guarantee. The developer shall reimburse the City for the costs of any warranty work that exceeds the amount of the warranty guarantee, including interest at the legal rate if not paid within thirty (30) days of the date reimbursement is requested.

E. **Termination of Warranty Guarantee.** At the end of the warranty period, including any extensions, the warranty guarantee shall be released and any unused deposit money returned.

F. **Procedures.** The City Engineer shall establish standard forms and procedures for the warranty guarantee.