CITY OF HOOD RIVER
LAND USE APPLICATION INSTRUCTIONS & TIMELINE

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

2. **Pre-Application Conference:** Prior to submitting your application, you may be required to attend a pre-application conference with city staff to discuss applicable standards and criteria of the Code, and submittal requirements to make your application complete. Pre-application conferences typically are scheduled approximately 4 weeks after submittal of an application and fee. You also may be required to conduct a neighborhood meeting (mandatory for subdivisions and PUDs).

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

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

4. **Completeness Review (≤ 30 days):** Upon submittal, your application will be reviewed for completeness within 30 days. Completeness is based upon the requirements of State law (ORS 227.178) and the requirements in the Code for your development proposal. It is the applicant's responsibility to provide written findings and materials to demonstrate the application complies with the applicable approval criteria and standards.

5. **Incomplete Applications (> 30 days):** If the Planning Department determines that your application is "incomplete," you will be informed in writing and provided with a list of missing or incomplete materials and options for completing the application. Refusal to submit all or some of the missing information could limit the city's ability to approve your application. Incomplete applications become void 181 days after submittal (ORS 227.178).

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

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

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

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

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

CITY OF HOOD RIVER
STREET VACATION APPLICATION

Street Vacation Information Sheet

ABUTTING AND AFFECTED PROPERTY OWNER INFORMATION:

The written consent of all abutting property owners and the owners of not less than two-thirds in area of the real property affected thereby is required. See ORS 271.080(2) attached for the definition of the "real property affected thereby."

The name, address, map and tax lot number, and signature of all of the abutting property owners and not less than 2/3 of the affected property owners are required. This form will be Exhibit B of your Vacation Petition.

MAP REQUIREMENTS:

You must include a map showing the street proposed to be vacated. This map will be Exhibit A to your Vacation Petition. The map accompanying the application shall include the following information (maps must contain all required information for the application to be complete):

1. location and dimension of street proposed to be vacated;
2. all abutting and affected properties;
3. location and dimensions of driveways and public and private streets and alleys;
4. location of streams, wetlands, steep slopes and other significant natural features;
5. existing fences and walls; and
6. any other information deemed necessary by the City Recorder for ensuring compliance with city codes.

VACATION PETITION (See ORS 271.080-271.120):

You must complete the attached Vacation Petition and submit it with this application. If the City Recorder determines that your Vacation Petition is sufficient and the application complete, she will notify you of the time and date at which the Vacation Petition will be presented to the City Council. If the City Council determines that there is no reason why the Petition should not be allowed in whole or in part, the Council will direct the City Recorder to schedule the matter for public hearing.

The City Recorder will notify you of the Council's determination. If the matter is to be set for hearing, you will be required at that time to pay a deposit to the City Recorder to cover the publishing, posting, and other administrative expenses pursuant to ORS 271.110(3).

HEARING PROCEDURE:

Concurrent with the procedure set forth above regarding the Vacation Petition and if the Council directs the vacation to be set for public hearing, the vacation will first be heard by the City Planning Commission as a quasi-judicial action under HRMC Chapter 17.09 (see below). The Planning Commission will make a recommendation to the City Council as to whether the Vacation Petition should be granted or denied. The City Council will make the final decision.

APPLICATION FEES:

In addition to the deposit for costs described above, a non-refundable application fee is required to be submitted as part of a complete application.

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

CITY OF HOOD RIVER
STREET VACATION APPLICATION

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

APPLICANT:

Name: _____

Address: _____
(physical)

_____

(mailing) _____

_____

(email) _____

Telephone: _____ Cell Phone: _____

Signature: _____

STREET INFORMATION:

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

Current Zoning: _____

Street Location (name and cross streets) _____

BEFORE THE CITY COUNCIL OF THE CITY OF HOOD RIVER

In the matter of the vacation)
Of a portion or all of) **VACATION PETITION**
_____ street / avenue)

Pursuant to ORS 271.080, the undersigned petitioner(s) request the City Council of the City of Hood River to vacate that portion of _____ street / avenue described on the attached Exhibit A. (Attach a map showing proposed portion of street to be vacated).

The purpose for which the vacated ground is proposed to used is: _____

_____

_____

_____

_____

The reason for the vacation is: _____

_____

_____

_____

The consents of all abutting owners are attached on Exhibit B. The consents of the owners of not less than two-thirds in area of the real property affected by this vacation are also attached on Exhibit B. (See ORS 271.080(2) to determine the real property affected by the vacation).

Petitioner(s):

_____ _____
(Signature) (Signature)

Name: _____ Name: _____

Address: _____ Address: _____

_____ _____

Attach: Exhibit A – map
Exhibit B – consents of abutting and affected property owners

Exhibit B
Consent of Abutting and Affected Property Owners

By executing this document, we, the owners of all the property abutting on that portion of _____ Street / Avenue to be vacated as described in the petition, consent to the vacation of such ground.

Name of abutting owner:
Signature: _____ Address: _____
Printed Name: _____
Description of abutting lot: _____
Township _____ Range _____ Section _____ Tax Lot(s) _____

Name of abutting owner:
Signature: _____ Address: _____
Printed Name: _____ _____
Description of abutting lot: _____
Township _____ Range _____ Section _____ Tax Lot(s) _____

Name of abutting owner:
Signature: _____ Address: _____
Printed Name: _____ _____
Description of abutting lot:
Township _____ Range _____ Section _____ Tax Lot(s) _____

Name of abutting owner:
Signature: _____ Address: _____
Printed Name: _____ _____
Description of abutting lot: _____
Township _____ Range _____ Section _____ Tax Lot(s) _____

Name of abutting owner:
Signature: _____ Address: _____
Printed Name: _____ _____
Description of abutting lot: _____
Township _____ Range _____ Section _____ Tax Lot(s) _____

Per ORS 271.130(3)
I certify that all City liens and all taxes have been paid on the lands to be vacated.

_____ _____
Date City Recorder for the City of Hood River

APPROVAL CRITERIA: .HOOD RIVER MUNICIPAL CODE

17.09.040 QUASI-JUDICIAL ACTIONS

A. Quasi-Judicial Action means an action which applies general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria which results in a determination that will directly affect a small number of identifiable persons and that involves the exercise of discretion.

B. **Quasi-Judicial Actions**. The Commission and Council, on appeal, shall each have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial planning actions. All quasi-judicial actions shall be reviewed through the public hearing process described in *Public Hearings* of this Chapter, and ORS.

C. **Decision Types:** Quasi-judicial actions include, but are not limited to, the following:
   1. Quasi-Judicial Site Plan Review
   2. Conditional Use Permits
   3. Variances
   4. Non-Conforming Uses
   5. Subdivisions
   6. Zone Changes

D. **Staff Report.** The Director shall prepare a staff report for each quasi-judicial action which identifies the criteria and standards which apply to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

E. **Quasi-Judicial Public Hearings.**
   1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled meeting of the hearing body within 45 days from the date the application is deemed complete.
   2. Hearing on applications for quasi-judicial actions shall be conducted per the procedures in Public Hearings.
   3. Unless otherwise ordered by the hearing body, the Director shall schedule complete applications for quasi-judicial actions in the order in which they are filed.
   4. The hearings body shall hold at least one public hearing on a complete application.
   5. The applicant has the burden of proof to show why the application complies with the applicable criteria or can be made to comply through applicable conditions.
   6. The applicant shall attend the prescribed public hearing for the quasi-judicial action, unless otherwise authorized by the hearing body.

F. **Notice of Hearing**. At least 20 days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to:
   1. The applicant and owners of property within 250 feet of the subject property. The list shall be compiled from the last available complete property tax assessment roll.
   2. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries include the subject property lies.

   3. The notice shall:
      a. Explain the nature of the application and the proposed use or uses which could be authorized.
      b. Set forth the street address or other easily understood geographical references to the subject property.
      c. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision

maker an opportunity to respond to the issue, precludes appeal to LUBA on the issue.

d. List by commonly used citation the applicable criteria for the decision.
e. State the place, date, and time of the hearing.
f. State that a copy of the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
g. State that a copy of the staff report will be available for inspection at no cost and will be provided at a reasonable cost at least seven days prior to the hearing.
h. Include the name and telephone number of the planning staff to contact for additional information.
i. Include a general explanation of the requirements for submission of testimony and procedure for conduct of hearings.

4. The failure of a property owner to receive actual notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.

G. **Decision on Quasi-Judicial Actions.** The decision of the hearing body shall be set forth in writing and signed by the presiding officer. The written decision shall be based upon and accompanied by a brief statement that includes:
1. An explanation of the criteria and standards considered relevant to the decision.
2. A statement of basic facts relied upon in rendering the decision.
3. Facts, which explain and justify the reason for the decision based on the criteria, standards and basic facts set forth.

H. **Final Decision.** The approval, approval with conditions, or denial of a quasi-judicial action shall be a final decision, subject to appeal as provided in this chapter.

I. **Notice of Decision.** Decision notice shall be mailed to the applicant and all participating parties within five working days of the date the decision is signed. The decision notice shall include the following:
1. The date of decision.
2. A brief description of the action taken.
3. The place where, and time when the decision may be reviewed.
4. An explanation of appeal rights and requirements.

J. **Date of Final Decision.** The date that a decision on a quasi-judicial action is considered final is the date notice of the decision is mailed to the applicant and parties of record.

K. **Appeal.**
1. Commission decisions on quasi-judicial actions may be appealed to the Council, per the provisions of *Appeal Procedures*, within 12 days of the date the decision became final.

A Council decision on appeal may be further appealed to LUBA in accordance with the appeal procedures in ORS Chapter 197, within 21 days of the date the decision became final.

17.09.100 CRITERIA FOR APPROVAL

The burden of proof shall be upon the applicant seeking approval. The more drastic the change or the greater the proposal or the greater the impact of the proposal in an area, the greater the burden is upon the applicant.

17.09.110 RESTRICTIONS

The hearing body may include restrictions and conditions as part of any approval. The purpose of the restrictions and conditions may be to:

A. Protect the public from the potentially negative effects of the proposal;

B. Fulfill the need for public services created or increased by the proposal; and/or

C. Further the purposes of the Comprehensive Plan and Zoning Ordinance.

OREGON REVISED STATUTES

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, “Notice of Street Vacation,” “Notice of Plat Vacation” or “Notice of Plat and Street Vacation,” as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council’s own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation “Vacated” upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]