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
TOWNHOUSE SUBDIVISION APPLICATION

Submit the completed application **with one (1) paper copy of all application materials including full- and reduced-sized plans and written analysis, one electronic copy, and the required fee(s)** 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) _____

Phone: _____ Cell Phone: _____

Signature: _____

PARCEL OWNER: (if different than applicant)

Name: _____

Address: _____
(mailing) _____

Phone: _____ Cell Phone: _____

Signature: _____

Authorization of parcel owner required.

PARCEL INFORMATION:

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

Current Zoning: _____ Parcel Size: _____ Is an existing structure being converted to a townhouse? _____

Property Location (cross streets or address): _____

Project Name: _____

Neighborhood Meeting Requirement fulfilled? YES ☐ Date: _____

Note: If three or fewer parcels are proposed, please use a townhouse partition application.

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

- ☐ 1. Preliminary partition plat consistent with Hood River Municipal Code Section 16.08.020(B) including existing and proposed utility locations.
- ☐ 2. Preliminary plans of proposed townhouse project verifying the locations of existing and proposed structures.
- ☐ 3. Scaled elevation drawings of proposed townhouse building verifying height (photographs may be acceptable).
- ☐ 4. Location and layout of parking and loading facilities.
- ☐ 5. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic.
- ☐ 6. Location of existing and proposed walls and fences and indication of their height and materials.
- ☐ 7. Proposed location and type of exterior lighting.
- ☐ 8. Proposed location and size of exterior signs.
- ☐ 9. Site specific landscaping, including percentage of total area.
- ☐ 10. Location and species of trees greater than six inches in diameter when measured four feet above the ground, and an indication of any such trees that are to be removed.
- ☐ 11. Topographic map of the subject property using two foot contour intervals (five foot contour intervals may be allowed on steep slopes).
- ☐ 12. Natural drainage and other significant natural features.
- ☐ 13. Legal description of the lot.
- ☐ 14. Percentage of the lot covered by all proposed and remaining structures, and driveways and parking areas.
- ☐ 15. Locations and dimensions of all easements and nature of the easements.
- ☐ 16. Grading and drainage plan as required by the City Engineer.
- ☐ 17. Traffic Impact Analysis, Geotechnical Report or other documentation as required by the City Engineer.
- ☐ 18. Documentation of Neighborhood Meeting Requirement per 17.09.130, unless waived by Planning Director.
- ☐ 19. Other site elements which will assist in evaluation of the proposed use.

REQUIRED WRITTEN ANALYSIS: (See next page)

WRITTEN ANALYSIS REQUIRED: On a separate sheet of paper, please provide a detailed analysis demonstrating how your proposal addresses each of the applicable approved criteria. Please refer to the zoning and land division criteria from Hood River Municipal Code (HRMC). Applicable criteria are specified in:

A. Underlying zoning district – HRMC 17.03. Verify if a Townhouse Project is listed as a permitted or conditional use in that zone. Ensure proposal meets applicable site development standards, setbacks, maximum lot coverage, maximum building height, minimum parking regulations, etc.

B. Access – HRMC 17.04.020.

C. Townhouse criteria – HRMC 17.19

D. Preliminary Plat approval criteria – HRMC 16.08.020(C)

E. General Design and Improvement Standards – HRMC 16.12

F. Conditional Use Permit criteria for Townhouse Projects in the General Commercial (C-2) Zone – HRMC 17.06.

CHAPTER 17.19 – TOWNHOUSE PROJECTS

Legislative History: Ord. 1774 (1999); Ord. 1806 (2001); Ord. 1903 (2006); Ord. 2036 (2017)

SECTIONS:

17.19.010 Applicable Zones
17.19.020 Standards
17.19.030 Townhouse Process

17.19.010 Applicable Zones.

A. Townhouse Projects are permitted in the following zones:
   1. R-2 with no more than 2 townhouses
   2. R-3 with 3 or fewer townhouses
   3. C-1 with 3 or fewer townhouses

B. Townhouse Projects with 4 or more townhouses are subject to site plan review in the R-2, R-3 and C-1 Zones.

C. Townhouse Projects are subject to conditional use review in the C-2 Zone.

17.19.020 Standards. The standards of the applicable zoning district apply except where superseded by the standards of this section.

A. Site Development Standards. The following site development standards apply to all townhouse projects.

   1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.

   2. Each townhouse building shall contain:
      a. No more than two (2) attached townhouses in the R-2 zone;
      b. No more than four (4) attached townhouses in the R-3 and C-1.

   3. Maximum residential density is calculated as follows:
      a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.
      b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse.

   4. The minimum lot size permitted per townhouse:
      a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.
      b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.

   5. Minimum lot frontage: The minimum lot frontage standard of the applicable zoning district is not applicable for townhouse lots.

   6. Lot Coverage: Subject to HRMC 17.04.120.

   7. As a part of an application for a townhouse project, an applicant may request an exception to the standards in HRMC 17.04.020, Access for townhouse projects which have alley access. The City may approve the exception when all of the following standards are met:
      a. The proposed access plan is approved by the City Fire and Engineering Departments;
      b. The alley has been dedicated to the City for public access;
      c. The alley has a minimum hard surface width of 10 feet;

d. The applicant provides a Traffic Impact Analysis or Traffic Assessment Letter demonstrating that the alley has adequate capacity for the proposed use; and,

e. A hard-surfaced path with a minimum width of 6 feet is provided between the public street and any townhouse unit that obtains vehicular access from the alley. In addition, address signage meeting City standards shall provide directions from the public street to any alley-accessed townhouse. And, any on site fencing adjacent to the path shall not exceed four-feet tall. The path and signage ensure safe access for emergency service providers.

B. Setbacks. The setback requirements of the applicable zone shall be applied to the townhouse building(s) except that the setback for the common wall on a townhouse is reduced to zero (0).

C. Maximum Building Height. The maximum building height requirements of the applicable zone shall be applied to the townhouse building(s).

D. Parking Regulations. The parking requirements of the applicable zone shall be applied to the townhouse building(s).

E. Additional Standards.

1. If a townhouse building is destroyed in any manner, it shall be replaced with the same or less number of units or the parcels shall be legally combined to create a parcel(s) meeting the minimum lot size of the underlying zone.

2. In addition to obtaining a building permit for a townhouse building, the owner shall obtain approval for a partition or subdivision pursuant to Title 16 – Land Divisions.

17.19.030 Townhouse Process. A townhouse **project** shall be processed as a partition **or subdivision**, pursuant to the provisions of Title 16 – Land Divisions.

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.

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

A. **General Submission Requirements.**

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

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

1. **General information:**
   a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
   b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
   c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
   d. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date of the survey; and
   e. Identification of the drawing as a “preliminary plat”.
2. **Site analysis:**

a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on and abutting the site;
b. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
d. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten percent (10%) and at two (2) foot intervals for ground slopes of less than ten percent (10%). Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one percent (1%). When contours are not shown, a reasonable number of spot elevations, as determined by the City Engineer, may be required;
e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030), and other areas identified by the City or natural resource regulatory agencies as requiring protection;
h. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;
i. Designated historic and cultural resources on the site and adjacent parcels or lots;
j. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements, and/or state and federal requirements.

3. **Proposed improvements:**
   a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
   b. Location, width, and purpose of all easements;
   c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
   d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
   e. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
   f. The proposed source of domestic water;
   g. The proposed method of sewage disposal;
   h. Method of surface water drainage and treatment if required;
   i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
   j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
   k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;

l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency (FEMA) to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction;
n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources;
o. Street trees plan; and
p. Future street plan in accordance with Section 16.12.020(K).

C. **General Approval Criteria.** The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;
   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.

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

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

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.

16.08.060 Replatting and Vacation of Plats

A. **Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. **Procedure.** All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. **Basis for Denial.** A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with the Filing and Recording requirements of this title (Section 16.08.040) and the following procedures:
   1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
   2. Vacations shall also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.

E. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. **Vacation of streets.** All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

In addition, please ensure the proposal is consistent with the standards of:

CHAPTER 16.12 – GENERAL DESIGN AND IMPROVEMENT STANDARDS