

ORDINANCE NO. 1806

(An ordinance **replacing** Title 16 Subdivisions, Chapter 17.07 Planned Unit Development and **amending** Chapter 17.19 Townhouses.)

WHEREAS, the City is updating certain provisions in Titles 16 and 17 of the Hood River Municipal Code ("HRMC") to provide continuity, consistency and efficiency;

WHEREAS, following preparation of this Ordinance, notice pursuant to the City of Hood River Comprehensive Plan, HRMC, and Oregon Revised Statutes was duly given;

WHEREAS, a public hearing to consider the proposed Ordinance was held before the Planning Commission on 15 November 2000;

WHEREAS, at the conclusion of the 15 November 2000 public hearing, the Planning Commission recommended approval of the Ordinance;

WHEREAS, a public hearing was held before the City Council on 11 December 2000 at which the Council heard public testimony;

WHEREAS, the City Council accepted the recommendation of the Planning Commission, with certain additional amendments;

WHEREAS, all of the amendments to the Ordinance are consistent with the notice given pursuant to ORS Chapter 227;

WHEREAS, the Ordinance is consistent with the applicable provisions of the City's Comprehensive Plan;

WHEREAS, the City Council finds that making changes to Title 16 Subdivisions better implements the adopted Transportation System Plan and the Transportation Planning Rule and provides regulations for the division of land which are easier to apply and use;

WHEREAS, with respect to the proposed changes to Chapter 17.07 Planned Development (formerly Planned Unit Development) and Chapter 17.19 Townhouses, the City Council found that the updates make the Section easier to apply and use and that the changes better implement the concepts found in the Comprehensive Plan.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

1. The existing Title 16 shall be repealed, and a new Title 16 Subdivisions is hereby adopted as shown in **Attachment A**.

See Attachment A

2. The existing Chapter 17.07 Planned Developments shall be repealed, and a new Chapter 17.07 Planned Developments is hereby adopted as shown in **Attachment B**.

See Attachment B

3. Chapter 17.19 Townhouses is amended to read as shown in **Attachment C** (changes are indicated in ~~strike through~~ and underline for changes and additions or movement of text to a new location.)

See Attachment C


Read for the first time: January 8, 2001.

Read for the second time and passed: January 8, 2001, to become effective thirty (30) days hence.



Paul G. Cummings, Mayor

ATTEST:



Anita R. Smith, City Recorder

TITLE 16 – LAND DIVISIONS

CHAPTERS:

- 16.04 Purpose and Definitions
- 16.08 General Procedural Requirements for all Land Divisions
- 16.12 General Design and Improvement Standards

CHAPTER 16.04 – PURPOSE AND DEFINITIONS

SECTIONS:

- 16.04.010 Purpose.
- 16.04.020 Definitions.

16.04.010 Purpose.

The purpose of this chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
 - 1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
 - 2. Partitions involve the creation of three or fewer lots within one calendar year.
 - 3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan and the Transportation System Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;

- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
- F. Promote alternative modes of transportation through the provision of adequate pedestrian and bicycle facilities;
- G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for all modes of transportation, water supply, sewage and drainage; and
- H. Encourage the conservation of energy, natural and open space resources.

16.04.020 Definitions.

As used in this title, the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

ACCESS OR ACCESS WAY means the way or means by which pedestrians and vehicles enter and leave property.

BLOCK means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.

BUILDING LINE means a dashed line on a plat restricting the location of buildings or structures, or that distance as prescribed by the zoning ordinance, when applicable.

COMPREHENSIVE PLAN means the plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

CONTIGUOUS LAND means two or more parcels, excluding platted subdivisions, under a single ownership which are not separated by an intervening parcel of land under a separate ownership.

CURB LINE means the line dividing the roadway from a planting strip or footway.

DESIGN means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

EASEMENT means a grant of the right to use a strip of land for specific purposes.

FUTURE STREET means a proposed right-of-way as may be designed by the planning commission or other such agency, or authority as provided for herein, which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

LEGAL DESCRIPTION means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

LOT means a unit of land that is created by a subdivision of land.

LOT AREA means the total horizontal net area within the lot lines of a lot.

LOT CORNER means a lot or parcel situated at the intersection of two or more streets.

LOT DEPTH means the depth of a lot or parcel shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

LOT, THROUGH means an interior lot or parcel having frontage on and with access on two parallel or approximately parallel streets.

LOT, FLAG means a lot or parcel which has the buildable area located away from the public right-of-way and is connected to same through a corridor of minimum or less frontage.

LOT LINE, FRONT means in the case of an interior lot or parcel, a line separating the lot from the street; in the case of a corner lot or parcel, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR means a lot or parcel line which is opposite and most distant from the front lot line.

LOT LINE, SIDE means any lot or parcel boundary line not a front or rear lot line.

LOT, WIDTH means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

MINIMUM ROAD STANDARD means that standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the city.

OFFICIAL MAP means the comprehensive plan map as adopted by the planning City Council for the city of Hood River.

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 recreation courts, patios, open landscaped areas, or natural areas with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas or driveways.

OWNER means the owner of record of real property as shown on tax rolls of Hood River County or deed records of Hood River County, or person who is purchasing property under contract.

PARTITION LAND means to divide land into two or three parcels of land within a calendar year, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
- (c) The division of land resulting from the recording of a subdivision or condominium plat;
- (d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- (e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property

line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

PARKING SPACE means a rectangle not less than eighteen feet long and nine feet wide for use by a vehicle, having an all-weather surface, and further provided that such parking space shall have easy access to the street or alley by a driveway having an all-weather surface.

PARCEL means a tract of land that is created by a partitioning of land.

PEDESTRIAN WAY (PATHWAY) means a right-of-way for pedestrian traffic.

PERSON means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLAT means a map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this chapter.

PRACTICABLE means able to be done considering technology and costs.

RIGHT-OF-WAY means the area between the boundary lines of an alley, easement, street or highway.

ROADWAY means the portions of the right-of-way of a street or highway developed for vehicular traffic.

SIDEWALK means a pedestrian walkway with all-weather hard surfacing.

STREET means a public way for travel by vehicles, bicycles and pedestrians, and including the terms "road," "highway," "lane," "place," "avenue," or other similar designations.

a. **ALLEY** means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

b. **ARTERIAL** means a state or major road or street that links cities, larger towns, and other major traffic generators.

c. **COLLECTOR** means streets leading onto arterials, and those main streets used for traffic movement within residential, commercial and industrial areas.

d. **CUL-DE-SAC** (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

e. **HALF STREET** means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

f. **MARGINAL ACCESS STREET** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

g. **RESIDENTIAL/LOCAL STREET** means a road or street that provides access to abutting properties. Travel distances are relatively short, and speeds are generally slow.

SUBDIVIDE LAND means to divide land into four or more lots within a calendar year.

SUBDIVIDER means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

SUBDIVISION means either an act of subdividing land or an area or a tract of land subdivided as defined in this section

TRANSPORTATION SYSTEM PLAN (TSP) means the plan adopted by the City Council providing the policies and standards for transportation systems in the city, including amendments thereto.

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

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.
 - 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.
 - 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.

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, 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 5 percent reduction in the area reserved for common open space and/or usable open space; and
 - (5) There will be a less than 5 percent reduction to specified setback requirements, provided the minimum setback standards of the land use district can still be met.
 - b. Minor Amendment Request. An application for approval of a minor amendment is reviewed as a Ministerial Action under Title 17. 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 the Development Code.
 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 extension of the approval period not to exceed one 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.
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.

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 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. 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 (1) percent. 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 inches or greater at four 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 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; and
- 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.

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;

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, to public convenience and safety, and to 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;
5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat; and
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 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 times or 200 percent 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 land use district 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. 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.

- A. Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within 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.

- B. 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.

- C. 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, of latches, 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;

- 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 or more permanent objects for identifying its location.
 4. 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&R's); 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.
 - a. 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.
 - b. 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 surveyorHe 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 surveyorhe determines that there has not been full conformity, the surveyorhe 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.
 - c. 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 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.

- B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City two 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.

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 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.

16.08.070 Lot Line Adjustments.

Lot Line Adjustments, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

- A. Submission Requirements. All applications for Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Ministerial action, as governed by Title 17. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public

and private streets within or abutting the subject lots; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with city codes.

B. Approval Process.

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Ministerial action, as governed by Title 17, using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of two years from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection 2;
 - b. The lot line adjustment has been improperly recorded with the County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use zone (Title 17) including lot area and dimensions.
3. Access. All lots and parcels comply with applicable access and circulation standards or requirements; and
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use zone (Title 17).
5. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with the County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit the copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved lot line adjustment within the one year extension period; and
3. The extension request is made before expiration of the original approved plan.

CHAPTER 16.12 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTIONS:

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

16.12.010 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.

- 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 Study. 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. (See also, Section 16.12.060 – Public Facilities Standards.)
- 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 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one 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 in 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 or more lots (e.g., includes Planned Unit Developments and mid-block lanes).
5. Double-Frontage Lots. When a lot has frontage onto two 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 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 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 and Manual for Uniform Traffic Control Devices. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 31.
3. Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an

intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

- H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section ‘G’, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.
- I. 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. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 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.
- J. 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. 400 feet length and 1,200 feet perimeter in the in the Central Business District;
 - b. 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. 800 feet length and 2,000 feet perimeter in all other zones.
2. **Street Standards.** Public and private streets shall also conform to Section 16.12.060 Public Facilities Standards, Section 16.12.030 - Pedestrian Access and Circulation, 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 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.

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 Access and Circulation

- A. **Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian 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 in subsections 1-3, below:
1. **Continuous Pathways.** A pathway system 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.** Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. 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 8 feet wide and located within a 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/easement may be required in lieu of a multi-use pathway where grades are steep.
 - c. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
 - d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and 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 in 1-5 as follows:

1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 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.** Pedestrian pathways shall be separated a minimum of 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 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 10 feet wide. (See also, Section 16.12.060 – Public Facilities Standards 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.

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 6 inches or greater, as measured 4 feet above the ground (DBH), 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 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 land use district.
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 “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 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 Chapter 16.12.060 – Public Facilities Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. 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:
1. Provide a broad canopy where shade is desired.
 2. Use low-growing trees for spaces under utility wires.
 3. Select trees which can be “limbed-up” where vision clearance is a concern.
 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 7. 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.
 8. Select trees for their seasonal color, as desired.
 9. Use deciduous trees for summer shade and winter sun.
- B. Caliper Size. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.
- C. 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 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

- D. 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.
- E. 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 years after planting.
- F. 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 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 this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
3. Standard Specifications. The City Engineer shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.
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 Code. 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, and the following standards are met:
 - 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 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 Section 16.12.020 Vehicular Access and Circulation and/or Section 16.12.030 Pedestrian Access and Circulation. 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:
 - a. Street grades shall be approved by the City Engineer in accordance with the City's design standards and subsection 14, below; 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 the widths in Table 16.12-A and as shown in Figures 16.12-A through 16.12-E. 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.

Table 16.12-A
Street Design Standards

Classification	Pavement Width	Right-of-Way Width	Posted Speed
Cul-de-Sac	See Figure 16.12-E	See Figure 16.12-E	None
Neighborhood Infill			
▪ Less than 100 vpd	20 ft	32 ft	None
▪ Less than 200 vpd	25.5 ft	42 ft	None
Local Residential	20-34 ft	44-58 ft	None
Collector	34 ft	58 ft	25 mph
Arterial	34-36 ft	62-74 ft	30 mph
Commercial/Industrial Downtown	40 ft	60 ft	20 mph

Figure 16.12-A Minimum Arterial Standards

1. A planter strip is required on all new arterials.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

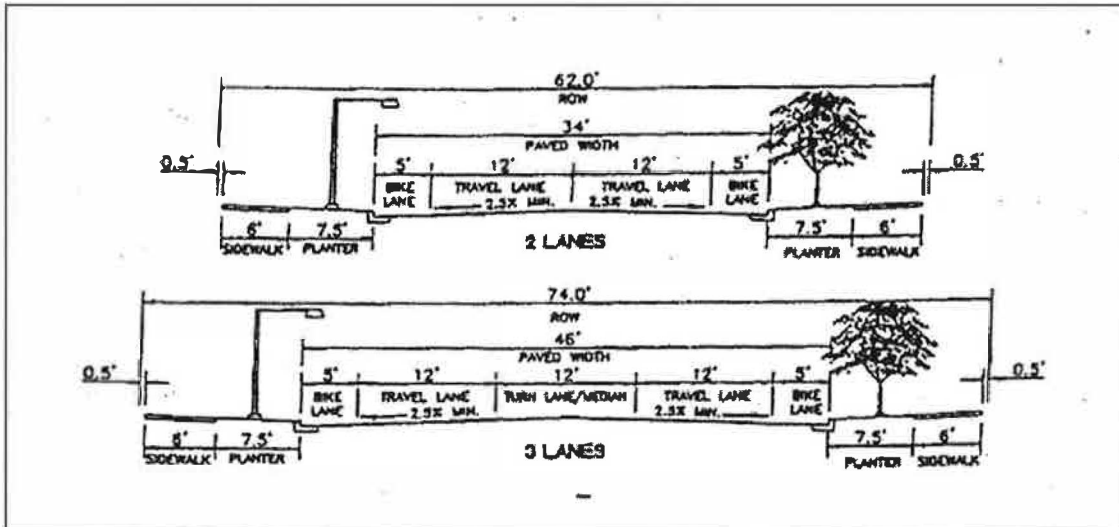


Figure 16.12-B - Minimum Collector Standards

1. A planter strip is required on all new collectors.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

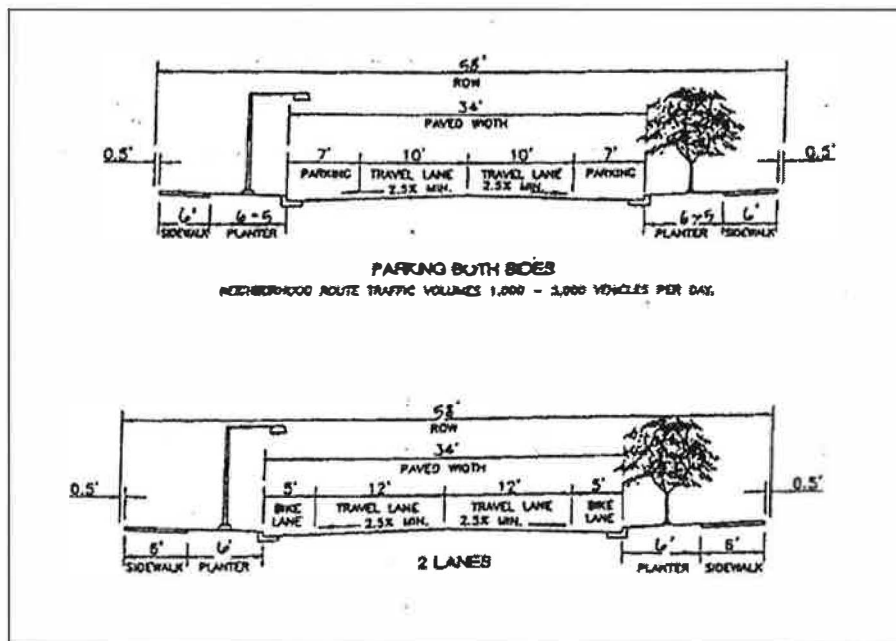


Figure 16.12-C - Minimum Residential – Local Street Standards

1. A planter strip is required on all new residential/local streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

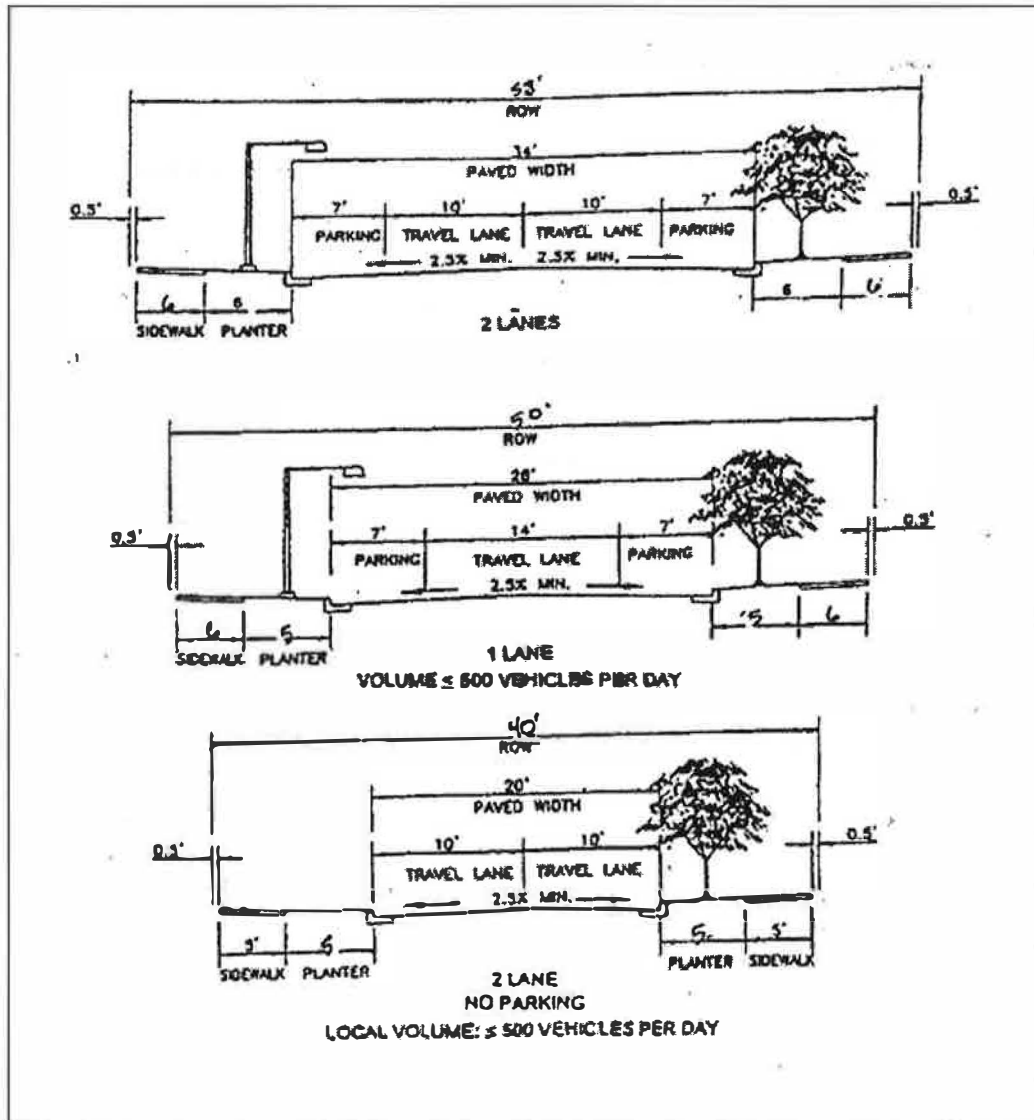


Figure 16.12-D - Neighborhood Infill Standards

1. A planter strip is required on all local streets.
2. Width of curb is included in sidewalk or planter strip width.
3. For use when no vehicle connectivity is possible due to development or topography constraint.
4. Street trees and streetlights shall be located within the planter strip.
5. 5 feet minimum distance from developed neighboring abutting property line.

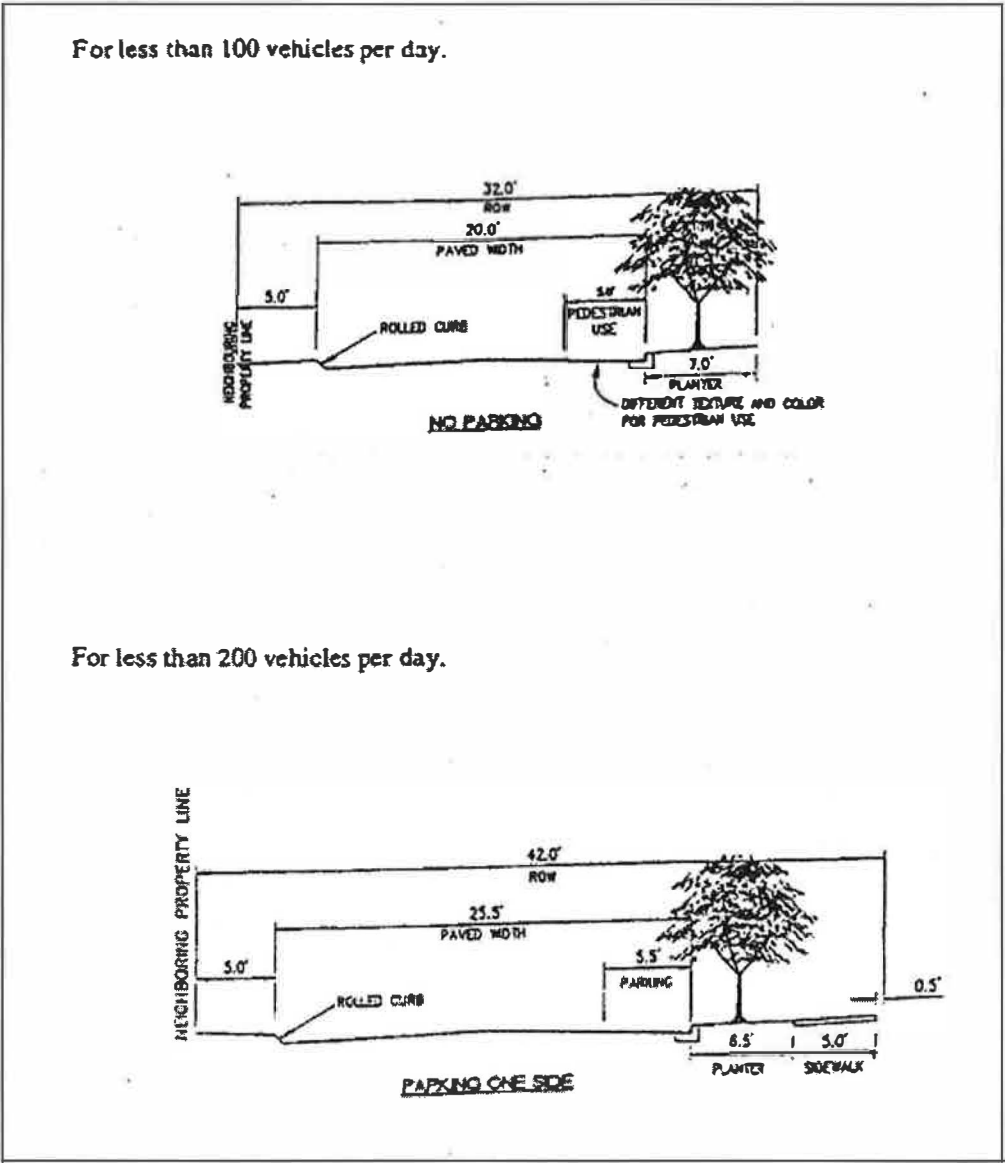
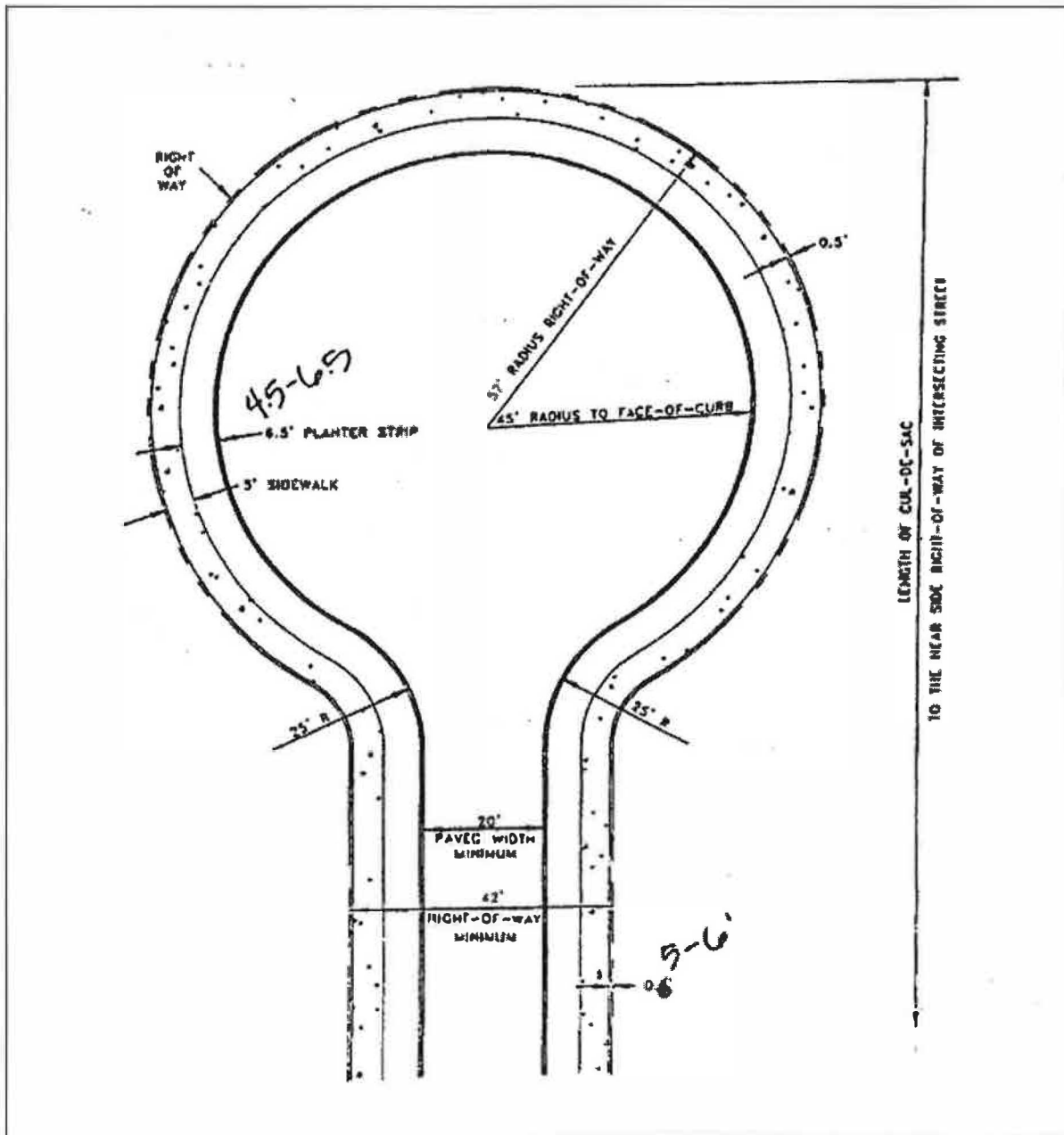


Figure 16.12-E - Cul-de-Sac Standards

1. A planter strip is required on all cul-de-sacs.
2. Width of curb is included in sidewalk or planter strip width.
3. The length of cul-de-sac shall be no longer than 200' and have not more than 20 dwelling units on a closed end street system. Infill cul-de-sac length shall not exceed 150 feet.
4. Parking is allowed in the bulb and is prohibited in the neck.
5. Street trees and streetlights shall be located within the planter strip.



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, and Manual of Uniform Traffic Control Devices. 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. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development. The developer shall demonstrate that their plan is consistent with the street connectivity plan and existing street plan.
 - 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 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 have a minimum separation of 125 feet, 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 which 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 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) 400 feet length and 1,200 feet perimeter in the in the Central Business District;
 - (2) 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) 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. In addition, the following standards shall apply:
 - a. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 - b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 - c. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

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 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 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. **Grades and Curves.** Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
 - a. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and

- b. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

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 or more of the following:

- a. A parallel access street along the arterial with a landscape buffer separating the two 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 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 12 feet.

19. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street)

are prohibited. Design standards for private streets shall conform to the provisions of Table 16.12-A.

20. Street Names. No street name shall be used which 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 year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.
 - a. Sub-base and leveling course shall be of select crushed rock;
 - b. Surface material shall be of Class C or B asphaltic concrete;
 - c. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
 - d. No lift shall be less than 1-1/2 inches in thickness.

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;
 - 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 15 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

H. Construction Plan Approval and Assurances. No public 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 construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion 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 Standard Specifications for Public Works Construction, 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 month, it shall not be resumed until the City is notified.
5. City Inspection. Improvements shall be constructed under the inspection 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 Section 16.08 - Modifications and Extensions. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced 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 2 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

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. Performance Guarantee Required. When a performance guarantee is required, the subdivider shall file an assurance of performance with the City supported by one of the following:
 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; or
 3. Cash.

- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- 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:
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 bond, cash deposit, or letter of credit to complete the work;
 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.

The agreement shall be on a form provided by the City and included with the final decision.

- E. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

CHAPTER 17.07 - PLANNED DEVELOPMENTS

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, i.e., 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 a thoughtful site plan.

17.07.020 APPLICABILITY

- A. Applicable in all 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 .5 acre to apply the planned development process.
- C. Mandatory for Commercial and Industrial Developments. Developments with commercial uses that are greater than 2.5 acres and developments with industrial uses greater than 5 acres are required to use the planned development overlay.

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. **Concurrence 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 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 approval criteria below:

- 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 approved following the procedures and criteria provided below.

1. Minor Modifications.

- a. **Minor Modification Defined.** 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:

- (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 less than a 5 percent change in the floor area proposed for non-residential use where previously specified;
- (5) There will be a less than 5 percent change in the area reserved for common open space and/or usable open space; and
- (6) There will be a less than 5 percent change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.

b. **Minor Modification Request.** 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.

2. Major Modification

a. **Major modification defined.** All modifications to an approved development plan which are not minor modifications as provided above, shall be reviewed as a major modification.

b. **Major Modification Request.** 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.

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 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 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 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 5 years from the date of the final development plan approval.
3. If the final phase is not completed within the 5-year time period the Planned Development will be in noncompliance with this chapter.

17.07.050 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.

17.07.060 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. Neighborhood commercial uses;
7. Public and institutional uses;
8. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
9. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, or similar use; and
10. Recreational vehicle storage area, for the Planned Unit Development residents only.

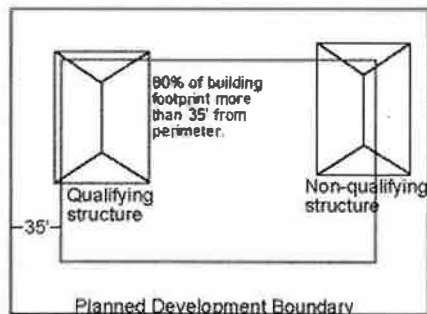
B. **In commercial zones.** Planned developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

- 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.

17.07.070 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 foot for each additional foot of setback up to a maximum of 120% of the base zone height standard. To qualify a building shall have 80% of the building footprint more than 35 feet from the Planned Development site boundary. See diagram below. No height increases are allowed for residential buildings.



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 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 STEETS

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

- A. Private streets shall have a minimum improved width of ten feet for each lane of traffic.
- B. On-street parking spaces shall be improved to provide an additional eight feet of street width.

17.07.080 PRELIMINARY DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

- A. **Preapplication Conference.** Prior to submittal of a planned development application, the applicant, or the applicant's representative shall attend a preapplication 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:

- 1. A map showing street systems, lot or partition lines and other divisions of land for management use or allocation purposes;

2. 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;
3. 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;
4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
5. 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;
6. A copy of all existing or proposed restrictions or covenants.

17.07.100 APPROVAL CRITERIA

A. Specific planned development approval criteria. The following approval criteria shall apply to the planned development;

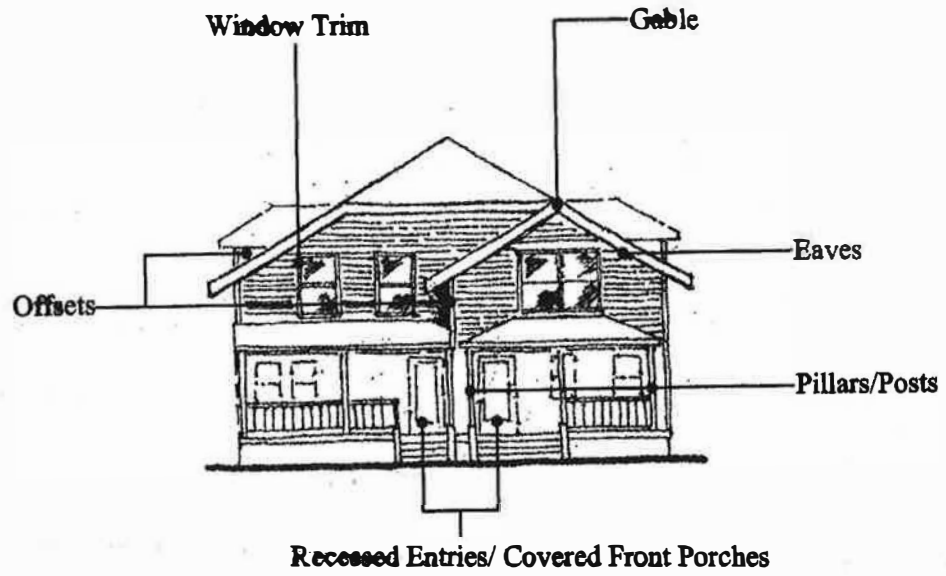
1. All the provisions of the land division provisions, Title 16, shall be met.
2. Except as noted, the Conditional Use Decision Criteria shall be the approval criteria. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable 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. The developer may choose to provide or the commission may require additional amenities, landscaping or tree planting.
3. In residential developments, a minimum of 30 percent of a planned development site area shall be reserved as common open space. 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 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 which the Planning Commission may approve according to the following:

- a. A maximum of 10 percent is allowed for the inclusion of at least six 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 20 percent is allowed for the inclusion of at least nine 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 33 percent is allowed for the inclusion of at least twelve 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.

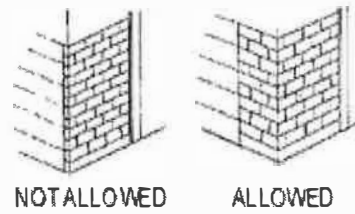
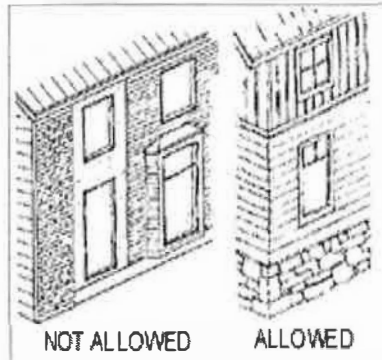
Architectural Features

- (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 18 inches around sidewalls. Lap siding and shingles shall be exposed a maximum of 5 inches. Heavier materials shall appear only below lighter appearing materials.)
- (16) An alternative feature providing visual relief, similar to options (1)-(15) above.

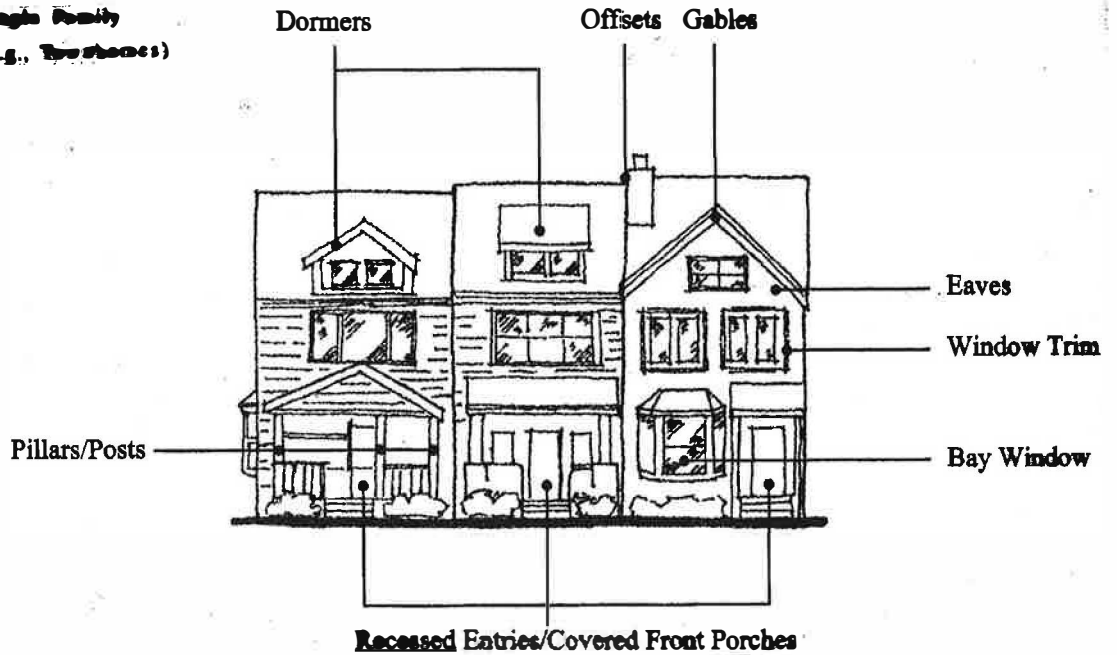


Example of Façade Articulation

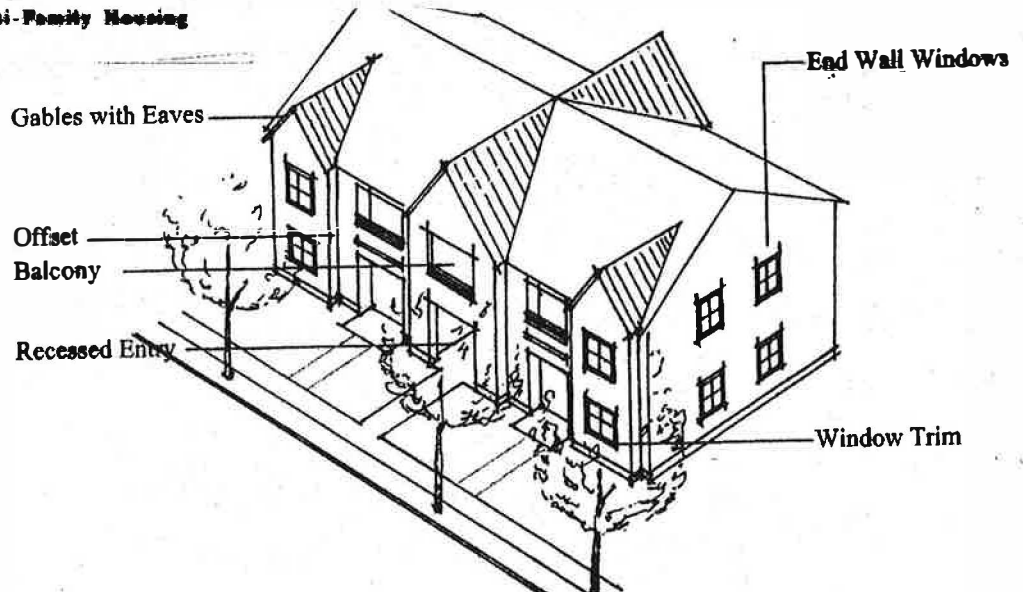
Example of Exterior Siding Material



**Single Family
(e.g., Townhomes)**



Multi-Family Housing



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;

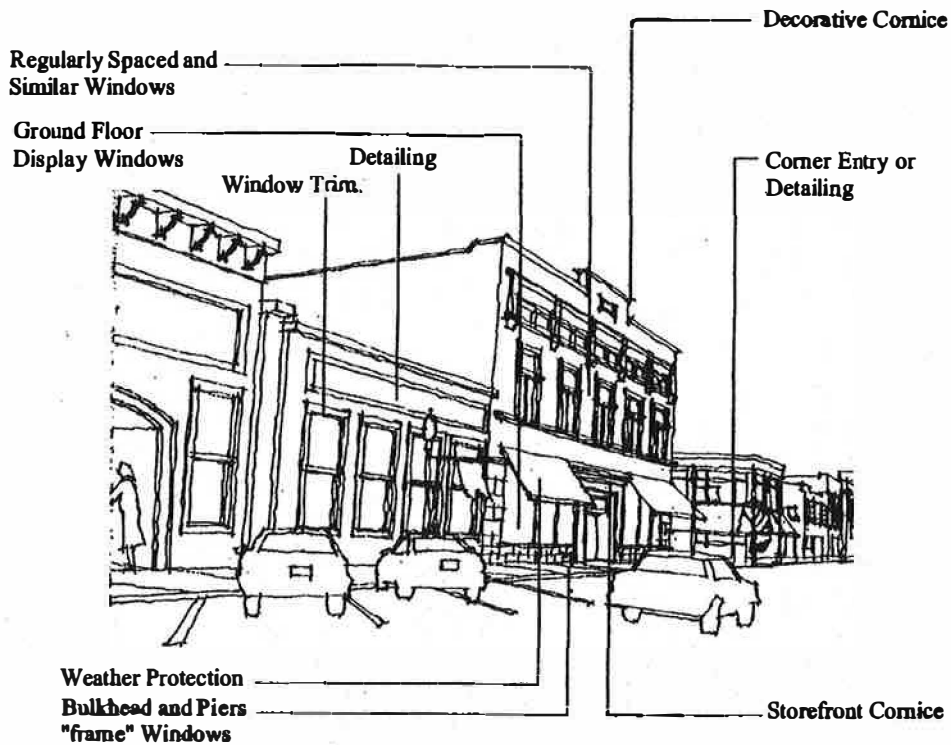
- (3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;
 - (4) The structures shall be oriented with consideration for the sun and wind directions, where possible; and
- 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 48 square feet;
 - (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
 - (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 bedroom units, 200 square feet per unit; and
 - (b) Three or more bedroom units, 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:
 - (a) It may be all outdoor space; or
 - (b) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or
 - (c) It may be all public or common space; or
 - (d) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or
 - (e) Where balconies are added to units, the balconies shall not be less than 48 square feet.
- d. Parking:
- (1) Up to 50% of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.
- 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 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 with the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

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.

- a. Privacy and noise: Commercial and industrial uses which 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.
- b. Commercial projects are encouraged to include housing as a secondary use as appropriate.
- c. 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 in (1)-(4), 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 (non-residential 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 is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]



d. 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.

e. 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.

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

17.07.100 SHARED OPEN SPACE

Requirements for shared open space. The following shall apply to common open space in each planned development:

1. The open space area shall be shown on the final development plan; and
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 to the City must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations;
 - 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 in Subsection 2 above of this section.

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 year.

CHAPTER 17.19 - TOWNHOUSES

SECTIONS:

17.19.010	Applicable Zones
17.19.020	Criteria
17.19.030	Townhouse Conversion-Process

17.19.10 APPLICABLE ZONES

Townhouses are permitted in the following zones:

- R-2
- R-3
- C-1
- C-2

17.19.20 CRITERIA

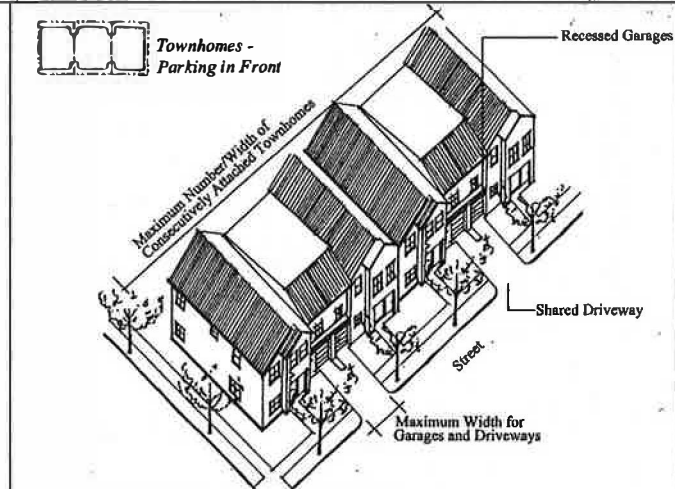
An application for a townhouse project shall meet the following criteria:

1. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.
2. Each townhouse building shall contain no more than two townhouses in the R-2 zone; no more than four townhouses in the R-3, C-1 and C-2 zones.
3. The townhouse project shall have a lot size of not less than 2,100 square feet per townhouse for the first two townhouses and a minimum of 1,500 square feet for each additional townhouse thereafter.
4. The site development standards for the proposed zone, setback requirements, building height restrictions and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.
5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the City Engineer and recorded with the plat.
6. Common access drives must be at least sixteen (16) feet wide with a minimum of 12 feet of paved area with 1 foot minimum shoulders on either side.
7. No parking in common access drives. Parking in designated parking areas only.
8. At the intersection of the easement and public dedicated street, there shall be no visual obstruction, see vision clearance standards.

9. Street Access Developments.

With the exception of the conversion of duplexes existing on or before [date of ordinance], townhouses receiving access directly from a public or private street shall comply with all of the following standards. These standards are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve

Figure 2.1.200E(3) - Townhomes and Multiplex Housing With Street Access



appearance of the streets, and minimize paved surfaces for better storm water management.

a. When garages face the street, they shall either be:

- (1) Recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet; or,
- (2) Flush with the front elevation, provided there is a balcony or living area above the garage that is either flush with the front elevation or projects beyond it.

b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage frontage per unit is 50 percent of the total building frontage. For example, a unit with 24 feet of frontage onto the public street may have 12-feet of garage facing the street.

10. Each unit shall provide a minimum average size of 6 feet by 12 feet of 72 square feet of private outside open area (patio/deck/lawn). The minimum width or depth of the open area(s) shall be four feet.

11. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity to be formed pursuant to covenants, conditions and restrictions for the townhouse project. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be subject to review and approval by the Planning Director for compliance with this provision and shall be recorded and provided to the city prior to building permit approval.

12. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria, or the tax lots/parcels shall be legally combined to create a minimum 5,000 square foot parcel or to create a parcel the size of the parcel prior to the townhouse project.

13. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented for recording.

14. The side yard setback for the common wall on a townhouse is reduced to zero.

17.19.030 TOWNHOUSE CONVERSION PROCESS

A townhouse conversions shall be processed as a ~~minor~~ partition, pursuant to the provisions of ~~the~~ ~~minor partitions~~ section of Title 16.