CODIFIED
BY JWK Date 8-26-05

ORDINANCE NO. 1877

(An ordinance amending Chapters 12.09, 16.12, 17.08 and 17.09, and amending Sections 17.01.040, 17.01.060, 17.04.110, 17.12.070, 17.14.100, .130, .150, 17.15.040, 16.08.010 and 16.08.070 of the Hood River Municipal Code, and the Transportation System Plan)

WHEREAS, various changes in the law regarding annexation of territory to the City have occurred since the City adopted Chapter 12.09;

WHEREAS, the following amendments to Chapter 12.09 will better coordinate annexation with the City's land use decision process;

WHEREAS, the City Engineer has adopted Engineering Standards in accordance with Chapter 16.12;

WHEREAS, the amendments to Chapter 16.12 clarify the application of the Engineering Standards and include other amendments necessary to implement the Engineering Standards;

WHEREAS, Chapter 17.08 contains the provisions regarding zone changes and previously only addressed the criteria for quasi-judicial zone changes;

WHEREAS, the amendments to Chapter 17.08 set forth the criteria for both legislative and quasi-judicial zone changes;

WHEREAS, Chapter 17.09 contains the land use permitting review procedures and the provisions are in need of updating and clarification;

WHEREAS, the amendments to Chapter 17.09 clarify the review procedures, and add provisions regarding pre-application conferences, neighborhood meetings, and provide for a process to make nonsubstantive changes to land use decisions;

WHEREAS, the remaining amendments to the specified sections in Titles 16 and 17 are necessary to correct inconsistencies and provide clarification;

WHEREAS, the amendment to the Transportation System Plan corrects an inconsistency with the County's Transportation System Plan; and

WHEREAS, the attached staff report containing findings of fact and conclusions of law are adopted by the City Council as if fully set forth herein.

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

Chapters 12.09, 16.12, 17.08 and 17.09, and Sections 17.01.040, 17.01.060, 17.04.110, 17.12.070, 17.14.100, .130, and .150, 17.15.040, 16.08.010 and 16.08.070 of the Hood River Municipal Code, and the Transportation System Plan are amended to read as follows:

1. Amendments to Chapter 12.09 are contained in the attached Exhibit A.

2. Amendments to Chapter 16.12, and Sections 16.08.010 and 16.08.070 are contained in the attached Exhibit B.

3. Amendments to the Transportation System Plan are contained in the attached Exhibit C.

4. Amendments to Chapters 17.08 and 17.09, and Sections 17.01.040, 17.01.060, 17.04.110, 17.12.070, 17.14.100, .130, and .150, and 17.15.040 are contained in the attached Exhibit D.

Read for the first time: July 25, 2005.

Read for the second time and passed: August 8, 2005, to become effective thirty (30) days hence.

Signed August 9, 2005.

Linda Rouches, Mayor

ATTEST:

Jean M. Hadley, City Recorder

FINDINGS OF FACT

July 25, 2005

To: City Council
From: Cindy Walbridge
Subject: Proposed amendments to Title 12- Administration, Title 16 – Land Divisions and Title 17 – Zoning of the Hood River Municipal Code and the Transportation System Plan

Over the past 6 years this department has kept a running list of inconsistencies, changes and other problems that came to light in our day to day administration of the following parts of the Hood River Municipal Code and other documents. These changes will allow the Planning Department to more consistently apply those codes.

1. **Amendments to Title 12 – Administrative Annexation (Exhibit A)**

Exhibit A: 12.09 Administrative Annexations. The changes to 12.09 clarify that annexation decisions are land use decisions to be processed under Chapter 17.09 and make it explicit in the ordinance that conditions of approval can be attached to the grant of service, apart from conditions of approval that are allowed under the land use process in Title 17.

2. **Amendments to Title 16 – Land Divisions (Exhibit B)**

Exhibit B: 16.12 (General Design and Improvement Standards). These changes address the newly adopted Engineering Standards document for the City's Engineering Department. This document established engineering and construction standards and Title 16 is amended to 1) allow use of the Engineering Standards as an enforceable standard; and 2) make Title 16 consistent with the Engineering Standards document.

Exhibit B: 16.08.010 and 070 (Procedural Requirements for Land Divisions). This changes processing a minor amendment to partition or subdivision to an administrative action (requiring notice) rather than a ministerial action, consistent with Oregon land use law. It also changes the timeline for boundary line adjustments to be consistent throughout the ordinance.

3. **Transportation System Plan – (Exhibit C)**

Exhibit C: TSP. This change resulted in working with Hood River County and development of their TSP for the UGA. In acknowledging that there were already many existing driveways along the streets in the UGA, this change will allow consistency between the county and the city and will allow flexibility in placement of driveways. This change maintains consistency with the City's Comprehensive Plan.

4. **Amendments to Title 17 – Zoning Ordinance (Exhibit D)**

Exhibit D 17.08 pages 1-6: Chapter 17.08 Zone Change and Plan Amendments. Goal 2-Land Use Planning. The Comprehensive Plan and Title 17 of the HRMC provide a land use planning process and policy framework as the basis for all decisions and actions relating to the use of land. Generally, by following Title 17, procedures for processing this matter and the conduct of all public hearings related to the application, this Goal is satisfied. However, in the case of legislative zone changes, Chapter 17.08 does not contain the substantive criteria against which legislative zone changes and plan amendments are evaluated. There is nothing in Section 17.08.010 (Legislative Zone Changes and Plan Amendments) that refers to any criteria contained in Chapter 17.08, whereas section 17.08.020 (Quasi-Judicial Zone Changes and Plan Amendments) specifically references "the criteria in this chapter". This does not mean that there are no criteria for legislative zone changes and plan amendments because Goal 2 of the City's Comprehensive Plan does contain criteria for zone changes and plan amendments. Section 17.08.030 implements those criteria for quasi-judicial zone changes and plan amendments, but does not for legislative zone changes and plan amendments. The amendments to 17.08 implement those criteria from the Comprehensive Plan for legislative zone changes and plan map amendments.

Exhibit D 17.09 pages 1-19: Chapter 17.09: Review Procedures. Specifically, these changes clarify the application and review process for quasi-judicial and legislative applications and eliminate inconsistencies that have become apparent through use of this document since its last amendment in 1999 and issues that surfaced through onerous appeals.

In addition, these changes eliminate of the so-called "burden of proof factors." This provision served little to no practical purpose because the list contained factors to be considered. In fact, the factors were already taken into consideration in the drafting of the review criteria. In addition, because they were factors and not standards, an application could not be denied on the basis that a factor was not "met". The factors derive from the Comprehensive Plan and the Comprehensive Plan continues to apply to all decisions.

Additions:

17.09.120 Pre-application conferences (17.09 – page 20, Exhibit D). Currently, pre-application conferences are not mandatory. This provision makes them mandatory under certain circumstances and specifies their conduct and purpose. This provision is consistent with Goal 2 by improving the factual basis for land use decisions.

17.09.130 Neighborhood Meeting Requirement (17.09 – page 21, Exhibit D). This provision makes a neighborhood meeting a requirement under certain circumstances for more problematic or contentious applications. These meetings can serve useful purposes and address and even solve issues prior to the hearing. This provision improves citizen involvement consistent with Goal 1.

17.09.140 Amended Decision process and Correction of Clerical Errors (17.09 – pg 21, Ex D). These changes do not alter the decision making framework. Rather, these changes clarify the process and improve consistency.

Exhibit D: Other changes to Zoning Code.

17.01.040 Interpretations (17.01 - page 1, Exhibit D)

17.01.060 Definitions (17.01 - page1, Exhibit D)

17.04.110 (C) Bed and Breakfast Facilities- Time Limit (17.04 – page1, Ex. D)

17.12.070 Manufactured Homes – Time Limit (17.12 – page 1, Exhibit D)

17.14.100, 130,150 Historic Preservation – (17.14 – page 1, Exhibit D)

17.15.040 Annexation – (17.15 – page 1, Exhibit D)

CONCLUSION: These amendments are generally nonsubstantive and, therefore, maintain consistency with the Comprehensive Plan. Where they are substantive, more detailed findings are made above.

CHAPTER 12.09 - ANNEXATION

Sections:

12.09.010 Annexation or Consent to Annexation Required for Service Provided Outside of City Limits.

A. Prior to any connection to the city water system, wastewater system, or storm water system outside city limits, a consent to annexation shall be provided to the city and recorded in the deed records of Hood River County, for all premises which may be served by the connection(s).

B. If connection to the city water system, wastewater system or storm water system was initially made without providing a legal consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises that increases the use of the city water system, wastewater system or storm water system.

C. In lieu of a consent to annexation, the city may require annexation as a condition of connection to the city water system, wastewater system, or storm water system for premises contiguous to city limits, or separated from the city only by a public right of way, stream, or other body of water. Annexation may be conditioned upon such conditions of approval as the city considers necessary.

D. The consent to annexation shall be on forms provided by the city. The owner of the property shall cause the consent to annexation to be recorded in the deed records of Hood River County and shall be responsible for paying the recording fees.

12.09.020 Annexation of Contiguous Property.

A. Any parcel contiguous to city limits, or separated from the city only by a public right of way, stream, or other body of water, for which the city has received a consent to annexation pursuant to this title or otherwise in exchange for provision of extraterritorial water, wastewater or storm water service, or is being annexed as a condition of approval pursuant to Section 12.09.010(C), shall be annexed into the city pursuant to the provisions of this chapter and the applicable provisions of Title 17 of this code.

12.09.030 Annexation Terms and Conditions

A. The Council shall, by resolution, set the fees and related terms and conditions for annexations under Section 12.09.020, for connection to the water, wastewater and storm water systems, and for consents to annexation. This section does not affect the authority provided under Title 17 to condition approval of an annexation.

16.08.010(C)(1)(b)

b. Minor Amendment Request. An application for approval of a minor amendment is reviewed as an Administrative Action under Title 17 (Section 17.09.0230). A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of Title 17 – Zoning Ordinance.

16.08.070 Lot Line Adjustments

D. **Recording Lot Line Adjustments.**

1. **Recording:** Upon the City's approval of the proposed lot line adjustment, the applicant shall submit a copy of the recorded survey map to the City, to be filed with the approved application.

16.12.060 Public Facilities Standards

A. **Purpose and Applicability.**

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

B. **Transportation Standards.**

1. **Development Standards:** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
    a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
    b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
    c. New streets and drives street shall be hard-surfaced; and
    d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:

(1.) A partial improvement may create a potential safety hazard to motorists or pedestrians;

(2.) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

(3.) The improvement would be in conflict with an adopted capital improvement plan; or

(4.) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.
3. **Creation of Rights-of-Way for Streets and Related Purposes:** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.
4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
    a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
    b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either
        (1.) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter, or

(2.) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.

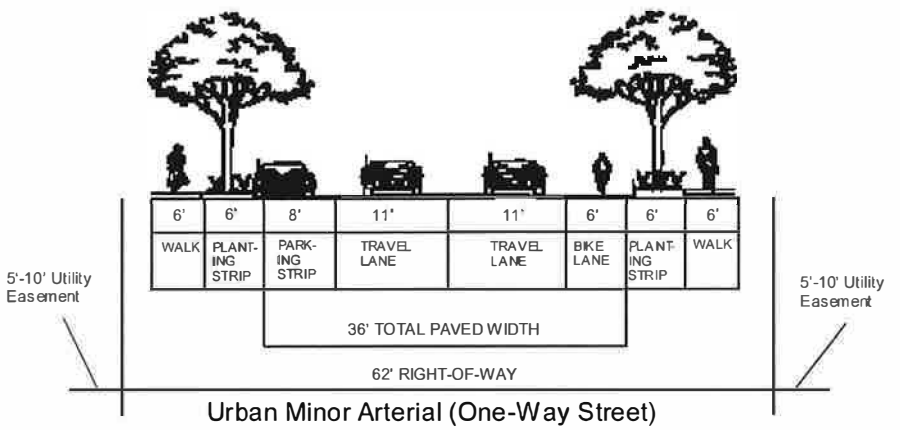
6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be the widths in Table 16.12-A and as shown in Figures 16.12-A through 16.12-E. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is 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

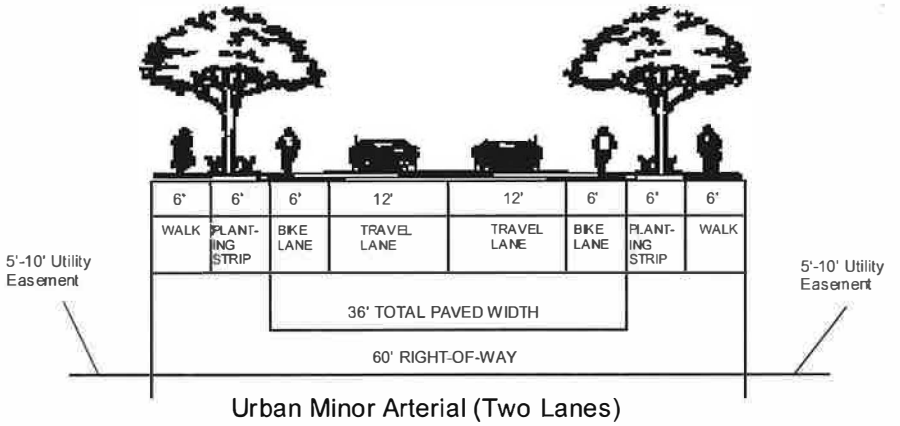
Classification	Pavement Width	Right-of-Way Width	Posted Speed
Cul-de-Sac	See Figure 16.12-E	See Figure 16.12-E	None
Neighborhood Infill ▪ Less than 100 vpd ▪ Less than 200 vpd	 20 ft 25.5 ft	 32 ft 42 ft	 None None
Local Residential	20-34 ft	44-58 ft	None
Collector	34 ft	58 ft	25 mph
Arterial	34-36 ft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

Figure 16.12-A Urban Arterial Streets

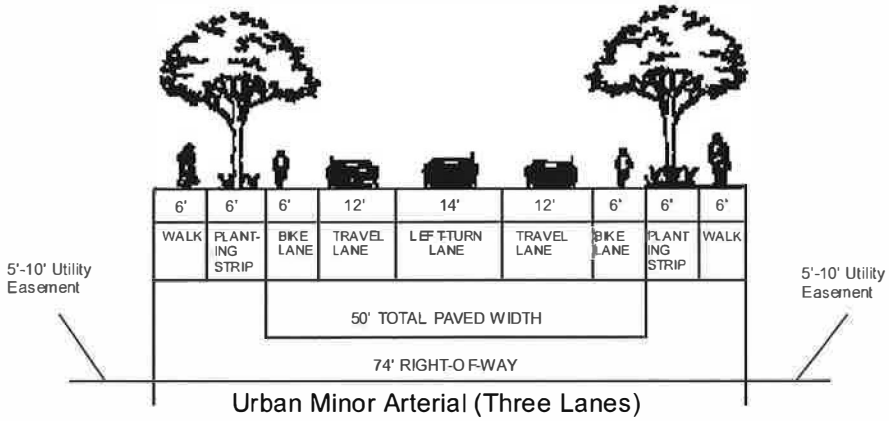
URBAN ARTERIAL STREETS



Urban Minor Arterial (One-Way Street)



Urban Minor Arterial (Two Lanes)

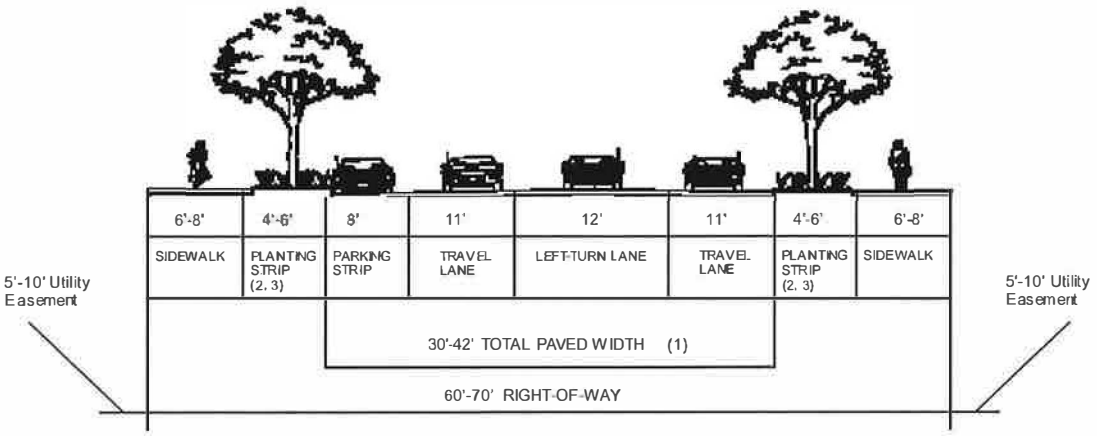


Urban Minor Arterial (Three Lanes)

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

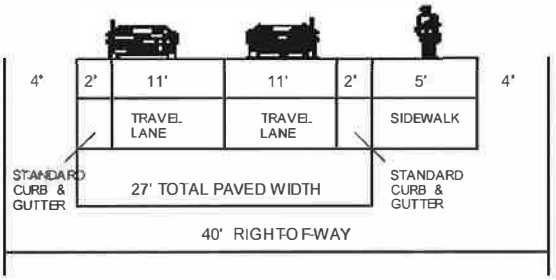
Figure 16.12-B Commercial/Industrial Streets and Urban Collector

COMMERCIAL / INDUSTRIAL STREETS AND URBAN COLLECTOR

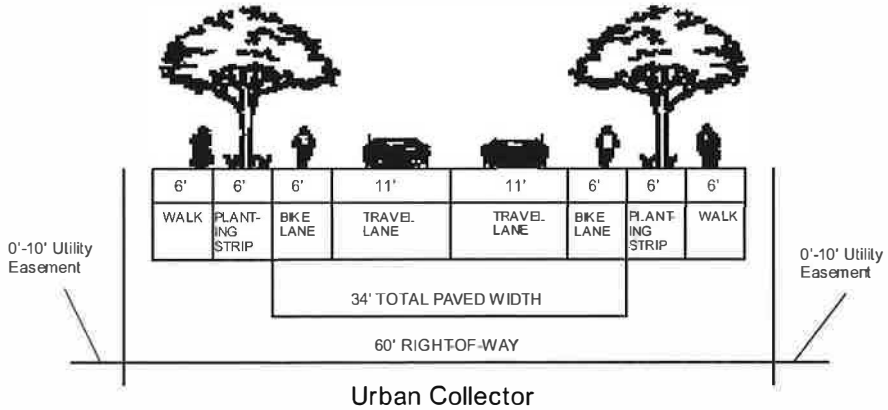


1. 42' Total Paved Width with center turn lane.
2. 4'-6' wide plantings trips with 6' sidewalk.
3. 4'-6' wide tree wells with 8' sidewalk.

Urban Commercial / Industrial Streets



Urban Industrial Streets

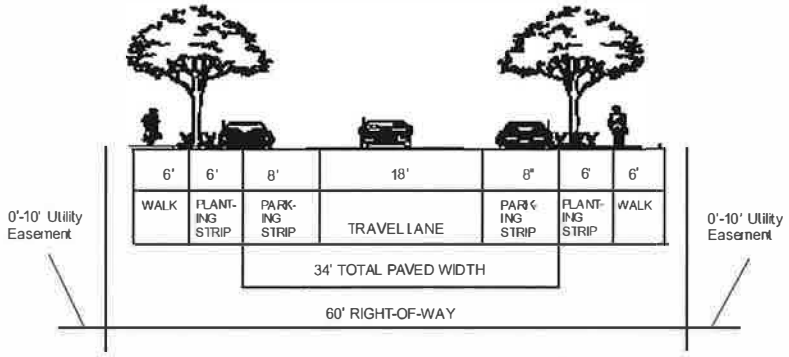


Urban Collector

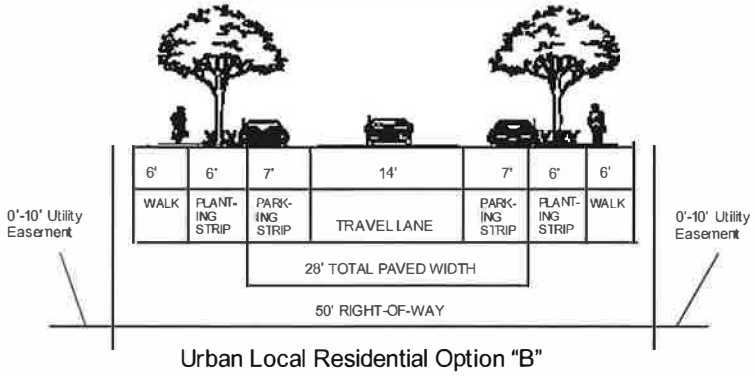
1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Figure 16.12-C Local Streets

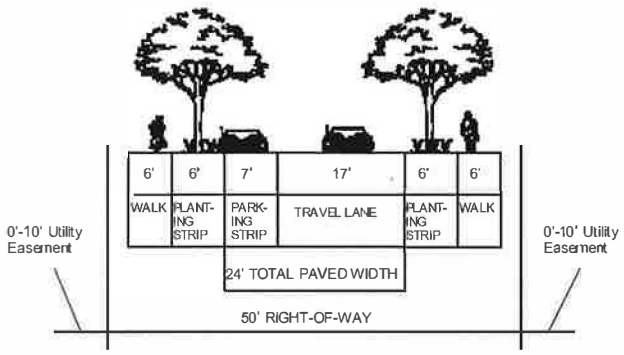
LOCAL STREETS



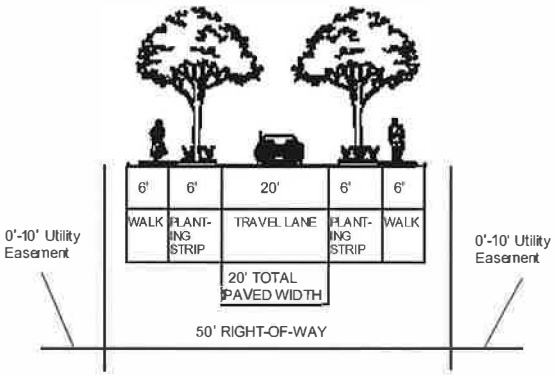
Urban Local Residential Option "A"



Urban Local Residential Option "B"



Urban Local Residential Option "C"

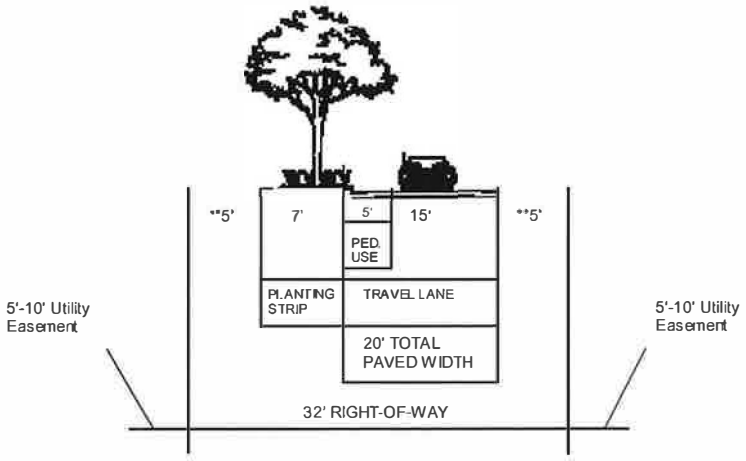


Urban Local Residential Option "D"

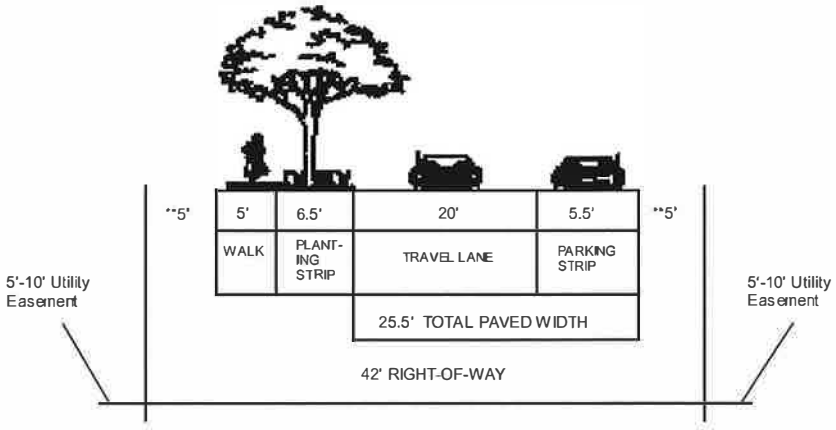
1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Figure 16.12-D Local Streets-Infill Standards

LOCAL STREETS INFILL STANDARDS



Neighborhood Infill Street Option "A"
(Less than 100 vehicles per day)

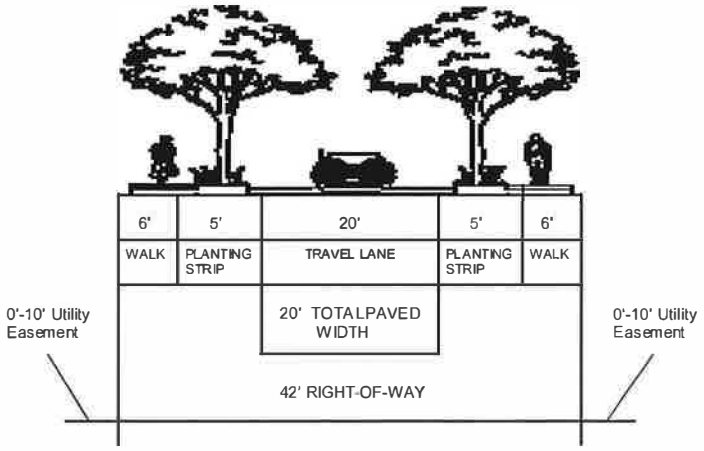


Neighborhood Infill Street Option "B"
(Less than 200 vehicles per day)

1. A planter strip is required on all new streets.
2. Width of curb is included in 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. ** Five (5) feet minimum distance from developed neighboring abutting property

Figure 16.12-E Cul-De-Sac Streets

CUL-DE-SAC STREETS



Cul-de-sac Streets

1. A planter strip is required on all cul-de-sacs.
2. Width of curb is included in planter strip width.
3. The length of cul-de-sac shall be no longer than 200 feet 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. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.
8. **Future Street Plan and Extension of Streets:**
    a. Where required by Section 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
    b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (1)-(3), below:
        (1.) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
        (2.) A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
        (3.) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.
9. **Street Alignment and Connections:**
    a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
    b. Spacing between local street intersections shall be regulated by the Transportation Systems Plan, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

c. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent (15%) for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, and parks.

e. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in section 16.12.020 *Vehicular Access and Circulation*: The maximum block length shall not exceed
   (1.) Four hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;
   (2.) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
   (3.) Not applicable to the Industrial zone (I); and
   (4.) Eight hundred (800) feet length and 2,000 feet perimeter in all other zones.

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

10. **Sidewalks, Planter Strips, Bicycle Lanes:** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 16.12-A through 16.12-E, applicable provisions of the Transportation System Plan, the Comprehensive Plan, street connectivity plan, and adopted future street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

11. **Intersection Angles:** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity.

12. **Existing Rights-of-Way:** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).
13. **Cul-de-sacs:** A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.
    a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of forty-two (42) feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and
    b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
14. This section intentionally left blank.
15. **Curbs, Curb Cuts, Ramps, and Driveway approaches:** Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Sections 16.12.020 and 16.12.030.
16. **Streets Adjacent to Railroad Right-of-Way:** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.
17. **Development Adjoining Arterial Streets:** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one (1) or more of the following:
    a. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
    b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.12.020;
    c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
    d. Other treatment suitable to meet the objectives of this subsection;

e. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

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

C. **Public Use Areas.**

1. **Dedication Requirements:**
   a. Where a proposed park, playground, or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
   b. Where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation

of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses if

(1.) Approved by the Hood River Valley Parks and Recreation District; and,

(2.) Determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies.

c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).

2. **System Development Charge Credit:** If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

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

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

E. **Storm Drainage.**

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

overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

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

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

H. **Construction Plan Approval and Assurances.** A construction site permit is required for all public and private improvements subject to this title. No public

or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for design reviews, construction observation and other services in connection with the improvement. The permit fee shall be set by City Council resolution. The City may require the developer or subdivider to provide bonding or other performance guarantees and warranties to ensure completion and performance of required public improvements.

I. **Installation.**

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

16.12.070 Performance Guarantee

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

A. **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 ("performance guarantee"):
   1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
   2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
   3. Cash.

B. **Determination of Sum.** The performance guarantee shall be for a sum determined by the City Engineer as required to cover 110 percent of the estimated cost of the work, including improvement fees and deposits, and related engineering and incidental expenses.

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

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

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

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

16.12.080 Warranty Guarantee

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

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

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

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

D. **Notice of Warranty Work Required.** The City Engineer shall provide written notice to the developer of the need to perform warranty work unless the City Engineer determines that an emergency exists, that delay would cause serious additional loss or damage, or if any delay in performing the work might cause injury to any member of the public. In cases of emergency or if the developer, after written notice, fails within fourteen days to perform the work required, the City may perform the warranty work and recover the costs of the warranty work, including any additional damages suffered by the City, from the warranty guarantee. The developer shall reimburse the City for the costs of any warranty work that exceeds the amount of the warranty guarantee, including interest at the legal rate if not paid within thirty (30) days of the date reimbursement is requested.

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

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

General Access Management Guidelines

Street Classification	Minimum Posted Speed	Minimum Spacing Between Driveways and/or Streets[1]	Minimum Spacing Between Intersections (Min-Max)	Appropriate Adjacent Land Use Type
Arterial	35-45	300 feet	660-1000	light industry/office and buffered medium or low density residential
Collector Street	25-35 mph	100 feet Access to each lot permitted.	220-440 feet	neighborhood commercial near some major intersections
Local Street	25 mph	Access to each lot permitted	200 feet	primary residential
OR 35 from I-84 to Historic Columbia	25 mph	1,320 feet	500 feet	Commercial

Research has shown a direct correlation between the number of access points and collision rates. In addition, the wider arterial streets that can ultimately result from poor access management can diminish the livability of a community.

The access points to an arterial can be restricted through the following techniques:

- Restricting spacing between access points (driveways) based on the type of development and the speed along the arterial.
- Sharing of access points between adjacent properties.
- Providing access via collector or local streets where possible.
- Constructing frontage roads to separate local traffic from through traffic.

[1] Desirable design spacing (existing spacing will vary).

CHAPTER 17.09 REVIEW PROCEDURES

SECTIONS:

17.09.010 Purpose

This chapter describes the review procedures required to make final decisions regarding applications for ministerial actions, administrative actions, quasi-judicial actions, and legislative actions, and to provide for appeals. The provisions of ORS chapters 197 and 227 also apply, and in the event of conflict, the provisions of ORS control.

17.09.020 Ministerial Actions

A. The Director has the authority to review and approve, approve with conditions, or deny ministerial actions.

B. **Decision Types.** Ministerial actions are not land use decisions or limited land use decisions. Ministerial actions include, but are not limited to, the following:
   1. Final subdivision approval
   2. Final partition approval
   3. Boundary line adjustments
   4. Sign permits

C. **Applications.** An application for a ministerial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall
   1. Include the information requested on the application form
   2. Address the criteria in sufficient detail for review and action; and
   3. Be accompanied by the required filing fee.

D. **Time Limits.** The Director shall approve, approve with conditions, or deny an application for a ministerial action within twenty-one (21) days of accepting the application unless the time limit is extended with the consent of the applicant.

A ministerial action not approved within the required time period is deemed approved.

E. **Final Decision.** A ministerial decision is final for purposes of appeal on the date it is mailed or otherwise provided to the applicant, whichever occurs first. A ministerial decision becomes effective the day after the twelve (12) day appeal period expires.

F. **Appeal.** The applicant can appeal a ministerial action to the Planning Commission per the provisions of the *Appeal Procedures* of this Chapter within twelve (12) days of the final decision.

17.09.030 Administrative Actions

A. The Director has the authority to review and approve, approve with conditions, or deny applications processed as administrative actions.

B. **Option to Process as Quasi-judicial Action.** At the discretion of the Director or the request of the applicant, an administrative action may be processed as a quasi-judicial action, per the provisions of *Quasi-Judicial Actions* of this Chapter.

C. **Decision Types.** Administrative actions include limited land use decisions and may include land use decisions that are made by the Director without a hearing. Administrative actions include, but are not limited to, the following:
   1. Site Plan Review
   2. Partition
   3. Extensions of time limits for approved Administrative and Quasi-judicial actions
   4. Minor amendments to subdivisions and partitions
   5. Minor historic alterations
   6. Interpretation of nonconforming use and structures (Chapter 17.05)
   7. Bed and breakfast facilities
   8. Change of use
   9. Annexations
   10. Written interpretations made under Section 17.01.040

D. **Pre-application Conference.** A pre-application conference may be required at the Director's discretion prior to filing an application for an administrative action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

E. **Applications.** An application for an administrative action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall
   1. Include the information requested on the application form
   2. Address the criteria in sufficient detail for review and action; and
   3. Be accompanied by the required filing fee.

F. **Notice of Application.**

1. Within ten (10) days after receipt of a complete application for administrative action, notice of the request shall be mailed to
    a. The applicant and owners of property within 250 feet of the subject property. The list shall be completed from the most recent property tax assessment roll.
    b. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries the subject property lies.
2. The notice shall
    a. Briefly explain the nature of the application and the proposed use or uses which could be authorized.
    b. Set forth the street address or other easily understood geographical reference to the subject property.
    c. Provide a fourteen (14) day comment period, from the day notice was mailed, for submission of written comments prior to the decision.
    d. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Council or LUBA on that issue.
    e. List, by commonly used citation, the applicable criteria for the decision.
    f. State the place, date, and time that comments are due.
    g. State that the application, all documents, and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost.
    h. Include the name and telephone number of the planning staff to contact for additional information.
    i. Briefly summarize the decision making process for the decision being made.
3. The failure of a property owner to receive notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.
4. Administrative site plan review applications, excluding change of use applications, will require an additional noticing requirement. The notice of application shall be published one (1) time in the local newspaper of record.

G. **Findings and Decision.** Administrative actions shall be approved, approved with conditions, or denied in a written decision signed by the Director that includes

1. An explanation of the criteria and standards considered relevant to the decision;
2. A statement of basic facts relied upon in rendering the decision; and
3. Findings that explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

H. **Final Decision.** An administrative decision is final for purposes of appeal on the date the Notice of Decision is mailed by the City. An administrative decision becomes effective the day after the twelve (12) day appeal period expires.

I. **Notice of Decision.** Decision notice shall be provided to the applicant, any party of record, the Planning Commission, and any person entitled to notice within five (5) working days of date the decision is signed. The decision notice shall include
   1. A brief summary of the decision and the decision making process; and
   2. An explanation of appeal rights and requirements.

J. **Appeal.** Administrative actions may be appealed to the Planning Commission, per the provisions of the *Appeal Procedures* within this Chapter, within twelve (12) days of the date the decision became final. A Commission decision on appeal may be further appealed to the City Council per the provisions of *Appeal Procedures*, within twelve (12) days of the date the Commission's appeal decision became final.

17.09.040 Quasi-Judicial Actions

A. The Commission, Landmarks Review Board, and Council, on appeal, have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial actions.

B. **Decision Types.** Quasi-judicial actions are land use decisions, and may include certain limited land use decisions. Quasi-judicial actions include, but are not limited to, the following:
   1. Site plan review
   2. Conditional use permits
   3. Planned unit developments (PUDs)
   4. Variances
   5. Non-conforming uses
   6. Subdivisions
   7. Zone changes
   8. Street vacations
   9. Appeals of Ministerial decisions, Administrative decisions, Landmarks Review Board decisions, or Planning Commission decisions
   10. Landmarks Review Board decisions

C. **Pre-application Conference.** A pre-application conference may be required at the discretion of the Director prior to filing an application for a quasi-judicial action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

D. **Applications.** An application for a quasi-judicial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall
   1. Include the information requested on the application form
   2. Address the criteria in sufficient detail for review and action; and
   3. Be accompanied by the required filing fee.

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

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

G. **Notice of Hearing**.
   1. At least twenty (20) days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to
      a. The applicant and owners of property within 250 feet of the subject property. The list shall be compiled from the last available complete property tax assessment roll; and
      b. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries include the subject property lines.
   2. The notice shall
      a. Explain the nature of the application and the proposed use or uses which could be authorized.
      b. Set forth the street address or other easily understood geographical references to the subject property.
      c. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to

afford the decision maker an opportunity to respond to the issue, precludes appeal to the Council or LUBA on the issue.

d. List, by commonly used citation, the applicable criteria for the decision.
e. State the place, date, and time of the hearing.
f. State that the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost.
g. State that the staff report will be available for inspection at no cost and a copy will be provided at a reasonable cost at least seven (7) days prior to the hearing.
h. Include the name and telephone number of the planning staff to contact for additional information.
i. Include a general explanation of the requirements for submission of testimony and procedure for conduct of hearings.

3. The failure of a property owner to receive actual notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.
4. Written notice shall be provided to the Department of Land Conservation and Development as required by ORS 197.610.

H. **Continuances.**

1. Except as otherwise provided below, when a hearing is continued, it may be continued to a specific time and place or an undetermined time and place, notice of the continuance will be made as follows:
   a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same matter and the specific time and place of the subsequent hearing is stated, then no additional notice is required.
   b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in subsection (a) above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested notice. The notice should, but need not, be mailed at least twenty (20) days before the hearing.
2. Applicant Requested Continuance. At any time prior to the date and time set for the initial public hearing, the applicant shall receive a continuance upon any request if accompanied by a corresponding extension of the 120- day rule under ORS 227.179. At the date and time originally scheduled for the public hearing, the hearing body shall open and continue the public hearing to a date and time certain. This provision also applies to the initial public hearing on appeal. No additional written notice is required.
3. Any Participant. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence,

arguments, or testimony regarding the application. The hearings body shall grant the request by continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony. The granting of a continuance or record extension is at the discretion of the hearings body.

a. Continuance. If the hearings body grants a continuance of the public hearing, the hearing shall be continued to a date, time, and place certain at least seven (7) days from the date of the initial evidentiary hearing. No additional notice of hearing is required if the matter is continued to a specified place, date, and time. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

b. Leave the Record Open. If the hearings body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record according to the following procedure:

i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony;

ii. An extension of the hearing or record is subject to the limitations of ORS 227.178 ("120-day rule"), unless the continuance or extension is requested or agreed to by the applicant;

iii. The hearings body shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

4. All other continuances and record extensions shall be governed by ORS 197.763(6).

K. **Decision on Quasi-Judicial Actions.** The decision of the hearing body shall be set forth in writing and signed by the presiding officer. For quasi-judicial annexations and zone changes, the Council's decision shall be by ordinance. The written decision shall approve, approve with conditions, or deny the action and be based upon and accompanied by a statement that includes

1. An explanation of the criteria and standards considered relevant to the decision;
2. A statement of basic facts relied upon in rendering the decision; and
3. Facts that explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

J. **Notice of Decision.** Decision notice shall be mailed to the applicant, any party of record, and any person or entity entitled to notice within five (5) working days of the date the decision is signed. The decision notice shall include the following:
1. The date of decision,
2. A brief description of the action taken,
3. The place where, and time when, the decision may be reviewed, and
4. An explanation of appeal rights and requirements.

K. **Final Decision and Effect Date.** A quasi-judicial decision is final for purposes of appeal on the date the Notice of Decision is mailed to the applicant and parties of record. The quasi-judicial decision is effective the day after the initial appeal period expires, regardless of whether an appeal is filed, or as specified in the ordinance containing the decision. Notwithstanding Section 17.09.070(A), a quasi-judicial decision of the Planning Commission is final for purposes of appeal to LUBA if the 120-day period in ORS 227.178 will expire prior to the expiration of , or during, the appeal period for appeal to the City Council.

L. **Appeal.**
1. Planning Commission and Landmarks Review Board decisions on quasi-judicial actions may be appealed to the City Council, per the provisions of *Appeal Procedures* within this Chapter, within twelve (12) days of the date the decision became final.
2. A City Council decision on appeal may be further appealed to LUBA in accordance with the appeal procedures in ORS Chapter 197, within twenty-one (21) days of the date the decision became final.

17.09.050 Legislative Actions

A. The Planning Commission, and where appropriate, the Historic Landmarks Review Board, review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council makes the final decision per the provisions of this section. Legislative actions may be appealed to LUBA, subject to ORS 197.830.

B. **Decision Types.** Legislative actions are land use decisions that are broad in scope. Legislative actions include, but are not limited to, the following:
1. Legislative Zone Changes
2. Legislative Ordinance Amendments

3. Legislative Comprehensive Plan Map Amendments
4. Legislative Amendments to the Comprehensive Plan
5. Urban Growth Boundary Amendments

C. **Public Hearings.**
1. The Planning Commission and/or Landmarks Review Board shall hold at least one (1) legislative public hearing to review legislative actions and make a recommendation to the Council to approve, approve with conditions, or deny.
2. The City Council shall hold a legislative hearing on legislative actions within thirty (30) days of the date it receives ~~of~~ the Planning Commission's recommendation.

D. **Notice of Hearing**.
1. At least twenty (20) days before the first legislative hearing before the Council, notice of the hearing shall be published in a newspaper of general circulation.
2. The notice shall
    a. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized;
    b. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statues that apply to the particular application;
    c. Set forth the geographical reference to the subject area;
    d. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question; and
    e. Include the name and telephone number of the planning staff to contact for additional information.
    f. Include the hearing dates for the Planning Commission, Landmarks Review Board, and City Council hearings.

E. **Additional Notice**.
1. Written notice shall be provided to property owners when required by ORS 227.186.
2. Written notice shall be provided to the Department of Land Conservation and Development as required by ORS 197.610.
3. When a hearing body holds more than one (1) hearing or continues the hearing, additional notice will be made as follows:
    a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing is stated, then no additional notice is required.
    b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in

subsection (a) above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested notice. The notice should, but need not, be mailed at least twenty (20) days before the hearing.

F. **Decision on Legislative Actions**. The Council's decision shall be by ordinance. The decision shall be based upon and accompanied by a brief statement that includes
   1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision;
   2. A statement of basic facts relied upon in rendering the decision; and
   3. Ultimate facts that explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.

G. **Final Decision and Effective Date.** The Council's decision on legislative actions is the final decision. The date a decision on legislative actions becomes final is the day thirty (30) days after the date the ordinance is adopted by the Council, unless the decision is adopted as an emergency ordinance, in which case the decision is final on the date specified in the ordinance. If the action is not approved, the date the decision becomes final is upon mailing of the notice of decision to the parties of record.

H. **Notice of Decision.** Decision notice shall be mailed to all participating parties and DLCD within five (5) working days of the date the ordinance is adopted by the Council and signed by the Mayor or, in the case no ordinance is adopted, within five (5) working days of the date of the Council's action. The decision notice shall include the following:
   1. The date of decision
   2. A brief description of the action taken
   3. The place where, and time when, the decision may be read
   4. An explanation of appeal rights and requirements
   5. Date the decision is final

I. **Appeal.** The Council's decisions on legislative actions may be appealed to LUBA, in accordance with the appeal procedures of ORS Chapter 197, within twenty-one (21) days of the date the decision became final.

17.09.060 Quasi-Judicial and Legislative Public Hearings

The Planning Director may adopt supplemental rules of procedure for quasi-judicial and legislative public hearings.

A. **Quasi-Judicial Hearing Procedure**. All quasi-judicial hearings shall be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710. The following rules shall apply to all quasi-judicial hearings:
   1. Any questions concerning the conduct of a hearing shall be addressed to the Chair with a request for a ruling. Rulings from the Chair shall be made

in light of the stated purpose of these procedures and supplemental rules. Any ruling made by the Chair may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the hearing body.

2. The rules of procedure for the conduct of hearings under this section are as follows:
    a. At the commencement of the hearing, the Chair, or the Chair's designee, shall ascertain whether a quorum is present. A quorum is necessary to conduct the hearing and to deliberate. The Chair shall explain the nature of the application and list the substantive criteria of Title 16 or Title 17 of the Hood River Municipal Code, the Comprehensive Plan, and/or state statute that apply to the decision before the hearing body.
    b. The Chair shall then request abstentions by members of the hearing body. Prior to abstaining, the member shall explain the basis for his/her abstention. No member of the hearing body shall participate in discussion of the application or vote on the application when
        (1.) Any of the following has a direct or substantial financial interest in the proposal:
            (a.) The member of the hearing body or his/her spouse, brother, sister, child, parent, or like relative of his/her spouse has a direct or substantial financial interest in the proposal, or
            (b.) A business in which the member of the hearing body or any spouse or relative is then serving, or has served within the previous two (2) years has a direct or substantial financial interest in the proposal; or
            (c.) Any business, that has a direct or substantial financial interest in the proposal, that the member, spouse, or relative is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
        (2.) He/she owns property within the area entitled to receive notice of the public hearing; or
        (3.) He/she has a direct personal interest in the proposal.
    c. The Chair shall then request that all hearing body members disclose any significant pre-hearing or ex parte contact regarding the application. No member shall participate in any proceeding in which the member has an actual conflict of interest or in which the member, or those persons or businesses described in ORS 244.135, has a direct or substantial financial interest. If the member refuses to disqualify him or /herself for conflict of interest, ex parte contact, or bias, the hearing body shall have the power to disqualify the member by majority vote of those present for that proceeding.
    d. The Chair shall then provide an opportunity for questioning of the hearing body members by interested persons as to a hearing body

member's qualifications to hear the application or appeal. Based upon the disclosures of the hearing body members or any challenges by interested persons, the Chair shall then entertain motions by any member of the hearing body to disqualify any of its members. A member may be disqualified if a majority of the hearing body determines that a member is biased in favor of or against the applicant or proposal.

e. The Chair shall then request presentation of the City Planning Department's report.

f. The Chair shall then state the rules of conduct for the hearing as follows:
   (1.) No person shall testify without first being recognized by the Chair and stating his/her full name and residence address.
   (2.) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
   (3.) There shall be no audience demonstrations such as applause, cheering, display, signs, or conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the hearing body.
   (4.) No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
   (5.) Testimony and evidence must be directed toward the applicable substantive criteria. Failure to raise an issue with sufficient specificity to afford the hearing body and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue.
   (6.) The Chair; members of the hearing body; and with the approval of the Chair, the City Attorney; and any other officer or employee of the City may question and cross-examine any person who testifies.
   (7.) No other officer or employee of the City who has a financial or other private interest or has previously participated in a hearing on the application shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.
   (8.) The hearing body may set such time limitations for hearings provided that proponents and opponents are provided equal time for presentation of evidence and argument.

g. The Chair shall then request
   (1.) The proponent's case;
   (2.) Other testimony or evidence in support of the application;
   (3.) The opponent's case;
   (4.) Other testimony or evidence against the application;
   (5.) Testimony or evidence concerning the application, which by its nature is neither in favor nor against; and

(6.) Rebuttal, which should shall be limited to comments on evidence in the record.

h. The Chair shall then close the hearing and the hearing body shall commence deliberations. The hearing body's deliberations may include questions directed to City staff, comments from City staff, or inquiries directed to any person present. If new evidence, conditions, or modifications not presented in the staff report are raised after the close of the hearing, an opportunity shall be provided for any person to comment on or rebut that evidence or information.

i. When the hearing body reopens a record to submit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony, or criteria for decision making that apply to the matter at issue.

j. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant the request (a "continuance") by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763.

k. The hearing body shall, within thirty days (30) after closing the hearing, adopt a written decision, which specifically sets forth the basis for that decision. The hearing body's final decision shall be based on adequate findings of fact presented during the hearing. If a finding is challenged by a Commissioner or Councilor, a vote may be taken on the finding singly, apart from the motion. A proposed order may be submitted by the Planning Director, or the Planning Commission or City Council may request the applicant or appellant to submit a proposed order.

B. **Legislative Hearing Procedure.** The Historic Landmarks Boards, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings".

1. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.
2. A member with an actual conflict of interest shall not participate as a member in the hearing, but may vote if the member's vote is necessary to meet the minimum number of votes required to take official action.

17.09.070 Appeal Procedures

The following procedures apply to appeals of final decisions on ministerial and administrative planning actions made by the Director and final decisions on quasi-judicial planning actions made by either the Historic Landmarks Board or the Commission. The

Planning Director may adopt supplemental rules of procedure addressing matters not included in this section.

A. **Right to Appeal Decisions.** The following persons may appeal a final decision described above:
   1. Ministerial Decisions.
      a. The applicant.
   2. Administrative Decisions.
      a. The applicant.
      b. Any person who was mailed a notice of decision.
      c. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if the notice is not received.
      d. Any party of record to the particular action.
      e. The City Council upon a majority vote.
      f. The Planning Commission upon a majority vote; the Planning Commission may only appeal administrative decisions or Historic Landmarks Review Board decisions. An appeal by the Planning Commission on an administrative decision shall go before the Planning Commission.
      g. The Historic Landmarks Review Board upon a majority vote; the Historic Landmarks Board may only appeal administrative decisions made pursuant to the Historic Preservation Section. An appeal by the Landmarks Review Board on an administrative decision is heard by the Landmarks Review Board.
   3. Quasi-Judicial Decisions.
      a. The applicant.
      b. Any person who was mailed a notice of decision.
      c. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if the notice is not received.
      d. Any party of record to the particular action.
      e. The City Council upon a majority vote.

B. **Filing Appeals.** To file an appeal an appellant must
   1. File a completed Notice of Appeal application on a form prescribed by the Planning Department.
   2. Include the standard appeal fee as part of the Notice of Appeal application.
   3. File the Notice of Appeal application and appeal at the Planning Department office no later than 5:00 PM on the twelfth (12^{th}) day following the date the decision became final.

C. **Notice of Appeal Application.** Every Notice of Appeal application shall include
   1. The appellant's name and address, and a statement describing how the appellant qualifies as a party;
   2. The date and a brief description of the decision being appealed;

3. The specific grounds why the decision should be reversed or modified based on the applicable criteria or procedural error;
4. For appeals to City Council if the appellant is not the applicant, a statement demonstrating that the appeal issues were raised below; and
5. The appeal fee.

D. **Jurisdictional Defects**.
1. Any Notice of Appeal application that is received after the deadline, or is not accompanied by the required appeal fee shall not be accepted for filing.
2. The failure to comply with any other provision *of Subsections (B) or (C)* above shall constitute a jurisdictional defect. A jurisdictional defect means the appeal is invalid and no appeal hearing will be held. Determination of a jurisdictional defect shall be made by the Planning Director, with the advice of the City Attorney, after the expiration of the twelve (12) day appeal period described in *Subsection (B)(3)* above. The Planning Director's determination may be subject to appeal to the State Land Use Board of Appeals (LUBA).

E. **Consolidation of Appeals.** If more than one (1) party files a Notice of Appeal application on a planning action decision, the appeals shall be consolidated, noticed, and heard as one (1) proceeding.

F. **Notification of Appeal Hearing.** The Notice of Appeal application, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties of record at least fourteen (14) days prior to the hearing.

G. **Appeal Hearing Procedures**. All quasi-judicial hearings shall be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710.
1. Administrative and Ministerial action appeals are heard de novo before the Planning Commission or Landmarks Review Board, as appropriate, pursuant to the procedures in *Public Hearings* section of this Chapter with the following exception:
    a. The order of testimony shall be as follows:
        (1.) The appellant's case
        (2.) Other testimony or evidence in support of the appeal
        (3.) The applicant's case
        (4.) Other testimony or evidence in support of the applicant's case
        (5.) Rebuttal by the appellant, which shall be limited to comments on evidence in the record
2. Quasi-Judicial action appeals are heard on the record before City Council. Appeals to the City Council are conducted per the procedures in the *Public Hearings* section of this Chapter with the following exceptions:
    a. Scope of Appeal. The appeal of a quasi-judicial decision is limited to the specific grounds in the Notice of Appeal application provided those grounds were raised below. The appeal record is limited to the

record created below during the proceedings prior to appeal to the City Council.

b. The order of testimony shall be as follows:
   (1.) The appellant's case
   (2.) The applicant's case
   (3.) Rebuttal by the appellant, which shall be limited to comments on evidence in the record

3. Unless excused by the hearing body, the appellant shall attend the appeal hearing.

H. **Decision of Appeal.**

1. The hearing body on appeal may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The hearing body on appeal shall make findings and conclusions, and make a decision based on the hearing record, except in cases of appeals of ministerial and administrative actions, which are heard de novo.
3. Copies of the appeal decision shall be sent to all parties participating in the appeal.

17.09.080 Resubmittal

If an application is denied by the City Planning Department and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final decision denying the application. An application may be denied without prejudice and with a waiver of the six (6) month restriction. If a waiver is not granted upon denial and conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

17.09.090 Filing Fees

The filing fees for land use application(s), pre-application(s), and appeals shall be established by the Council by resolution. The fees shall be paid to the City Recorder upon filing of an application. Fees may be changed by Council resolution.

17.09.100 Criteria for Approval

The burden of proof shall be upon the applicant seeking approval. For purposes of an appeal, the burden of proof is upon the appellant. For any application to be approved, it shall be established that the proposal conforms to the City Comprehensive Plan; Zoning Ordinance; Land Division Ordinance; Oregon Revised Statutes, as applicable; and other requirements as they relate to the specific proposal.

17.09.110 Restrictions

The decision maker may include restrictions and conditions as part of any approval. The purpose of the restrictions and conditions may be to

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

2. Fulfill the need for public services created or increased by the proposal; and/or
3. Further the purposes of the Comprehensive Plan and Zoning Ordinance.

17.09.120 Pre-application Conferences

A. When a pre-application conference is required, the applicant shall schedule a meeting with the Planning Department. At the conference, the City may address the following:
   1. The comprehensive plan policies, and map designations applicable to the proposal;
   2. The ordinance provisions, including substantive and procedural requirements applicable to the proposal;
   3. Availability of technical data and assistance which will aid the applicant; and
   4. Other governmental policies and regulations that relate to the application.

B. **Disclaimer.** Failure of the City to provide any of the information required by this section does not constitute a waiver of any of the standards, criteria, or requirements for the application.

17.09.130 Neighborhood Meeting Requirement.

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. If required by subsection (B), an applicant will be required to contact all adjacent property owners within 250 feet of the development proposal to arrange a neighborhood meeting before the application is deemed complete. If a neighborhood meeting is mandatory, written verification of the date, time, attendance, and outcome of the meeting is required for a complete application, as well as a copy of the written notice, official mailing list, and affadavit of mailing.

B. Notwithstanding subsection (A), a neighborhood meeting is required for the following types of applications:
   1. Subdivisions
   2. PUDs
   3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Director.

17.09.140 Amended Decision Process and Correction of Clerical Errors. The Director may correct typographical errors, rectify inadvertent omissions, and/or make other minor changes to decisions made under this Title, so long as the changes that do not materially alter the decision. The decision may be changed through one of the following amended decision processes. All other requested changes to decisions that do not qualify as minor changes under this scetion shall follow the appropriate appeal or amendment process.

A. The Planning Director may make the minor changes and issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If a decision is amended, the decision shall be issued within twelve (12) business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new twelve (12) day appeal period shall begin on the day the amended decision is issued. Notice of an amended decision is given using the same mailing and distribution list as for the original decision notice.

B. The City Council may, subject to any applicable public notice and hearing requirements, adopt a resolution correcting minor changes and typographical errors in annexation, plan amendment ,or zone change ordinances and any appendices or maps appended thereto.

17.01.040 Interpretations

A. The Planning Director or other city official, as designated by the City Council, shall have the initial authority and responsibility to interpret and enforce all terms, provision, and requirements of the Zoning Ordinance. If requested, the Planning Director shall make an interpretation in writing. The Director's interpretation does not have the effect of amending the provisions of this Title. Any interpretation of this Title shall be based on the following considerations:
   1. The Comprehensive Plan;
   2. The purpose and intent of the Zoning Ordinance as applied to the particular section in question; and
   3. The opinion of the City Attorney.

B. **Written Interpretation**. If an interpretation is requested in writing, it shall be issued within fourteen (14) days after receiving the request. The interpretation becomes effective twelve (12) days after it is mailed or delivered to the requestor, unless an appeal is filed.

C. **Appeals**. Within twelve (12) days of the mailing of the interpretation, the requestor may appeal the Zoning Ordinance interpretation to the Planning Commission per the appeals procedure outlined in Review Procedures (Chapter 17.09), with the exeception that written notice of the hearing is provided only to the appellant when the request does not concern any specific property.

D. **Interpretations on File**. The Planning Director shall keep on file a record of all Zoning Ordinance interpretations.

17.01.060 Definitions

PLANNING DIRECTOR means the director of the Planning Department or designee.

OAR means Oregon Administrative Rules.

ORS means Oregon Revised Statutes.

ZONING ORDINANCE means Titles 16 and 17 of this Code.

17.04.110 Bed and Breakfast Facilities

Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

C. **Time Limit.** A bed and breakfast facilities permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

CHAPTER 17.08 ZONE CHANGES AND PLAN AMENDMENTS

SECTIONS:

17.08.010 Legislative Zone Changes and Plan Amendments

Legislative zone changes or plan amendments ("zone or plan changes") may be proposed by the Planning Commission or City Council. Such proposed changes shall be broad in scope and considered legislative actions. The City Council shall obtain a recommendation on the proposed changes from the Planning Commission. The recommendation of the Planning Commission shall be forwarded to the City Council within sixty (60) days after it is requested from the Planning Commission. The Planning Commission shall conduct at least one (1) public hearing to assist in formulating its recommendation. The City Council shall conduct its own public hearing. Public notice of the legislative zone or plan change hearing before the City Council shall be published in a newspaper of general circulation within the city at least twenty (20) days prior to the date of the hearing.

17.08.020 Legislative Zone Changes and Plan amendments Criteria

A. Legislative zone or plan changes may be approved if
   1. The effects of the change will not be unreasonably harmful or incompatible with existing uses on the surrounding area; and
   2. Public facilities will be used efficiently; and
   3. No unnecessary tax burden on the general public or adjacent land owners will result.

B. Legislative zone or plan changes may be approved if subsection (A) above is met and one or more of the following, as applicable, are met:
   0. A mistake or omission was made in the original zone or plan designation.
   1. There is not an adequate amount of land designated as suitable for specific uses.

C. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to
   1. The character of the area involved;
   2. It's peculiar suitability for particular uses;
   3. Conservation of property values; and
   4. The direction of building development.

17.08.030 Quasi-Judicial Zone Changes and Plan Amendments

A quasi-judicial zone or plan change may be initiated only by the application(s) of the owner(s) or authorized agent of the subject property.

A. An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department. The application shall include
   1. The applicable fee.
   2. A statement by the applicant explaining the proposed zone or plan change, including existing zoning and proposed zoning.
   3. The tax map of the area being considered for a zone or plan change, indicating boundaries, existing zoning, and existing comprehensive plan designation;
   4. A copy of a document showing ownership of the subject property, and if the applicant is not the owner, a letter of authorization from the owner;
   5. A vicinity map showing the subject property and the surrounding parcels, together with their current zoning;
   6. The reason(s) for requesting the zone change;
   7. Existing site conditions, including but not limited to: topography, public facilities and services, natural hazards, natural areas, open space, scenic and historic areas, transportation, and present use of the site;
   8. An explanation of how the zone change complies with the Comprehensive Plan and criteria in this chapter;
   9. A statement of the potential effect(s) of the zone or plan change on the site; and
   10. If an exception to a goal is required, applicant shall submit documentation establishing compliance with Oregon Revised Statute ORS 197.732 and any applicable Oregon Administrative Rules.

B. The Planning Director shall schedule at least one (1) public hearing on the application for zone or plan changes before the Planning Commission. The Planning Commission shall forward its recommendation to the City Council, which shall approve, approve with conditions, or deny the application.

C. The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan and the criteria set forth in this chapter.

D. Hearings under this chapter may be held only after required notification and shall be conducted in conformance with the *Review Procedures* (Chapter 17.09).

17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria

A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:
   1. A mistake was made in the original zone or plan designation; or

2. There is a public need for the change, and this identified need will be served by changing the zone or plan designation for the subject property(ies); or
3. Conditions have changed within the affected area, and the proposed zone or plan change would therefore be more suitable than the existing zone or plan designation.

B. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to:
1. The character of the area involved;
2. It's peculiar suitability for particular uses;
3. Conservation of property values; and
4. The direction of building development.

17.08.050 Transportation Planning Rule (Legislative and Quasi-Judicial)

A. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

B. A plan or land use regulation amendment significantly affects a transportation facility if it
1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or,
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

17.08.060 Record of Zone Changes and Plan Amendments

The Planning Department shall maintain records of amendments to the text and zoning map of this title.

17.08.070 Limitation on Re-Applications

No reapplication of a property owner for a zone or plan change shall be considered within a six (6) month period following a previous denial of such request.

CHAPTER 17.12 MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS

SECTIONS:

17.12.070 Time Limit

Manufactured homes and mobile home park permits are valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

CHAPTER 17.14 HISTORIC PRESERVATION

SECTIONS:

17.14.100(C) –
Alterations. Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts, with the exception of alterations classified as "minor alterations." The Planning Director, who may consult with the Landmarks Board, shall approve minor alterations through an Administrative action. The following are considered "minor" alterations:

17.14.130 Appeals

Final decisions by the Landmarks board may be appealed to City Council, per the provisions of the *Appeal Procedure in Review Procedures* (Chapter 17.09).

17.14.150 Time Limits

Landmarks Review Board permits for exterior alterations, new construction, or demolitions are valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later

17.15.040 Planning Commission Review

The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.