

ORDINANCE NO. 1954

(An ordinance amending section 15.16.010 of the Hood River Municipal Code—Prerequisite for building permit issuance)

WHEREAS, Section 15.16.010 sets out the conditions under which the City will authorize or approve a building permit for construction in the City and Urban Growth Area, which generally require completion of all street improvements;

WHEREAS, the conditions in Section 15.16.010 allow development on a street not improved to City standards simply by providing a waiver of remonstrance (now known as an Agreement for Improvements) for the formation of a local improvement district to construct the street to City standards;

WHEREAS, the City has collected hundreds of waivers of remonstrance, the validity of many of which is questionable;

WHEREAS, a valid waiver of remonstrance is useful only if the City will pay for construction of improvements up front via the local improvement district (LID) process;

WHEREAS, the City does not always have the financial means to construct the improvements and the City can not assess and collect prior to construction of the improvements, largely due to Measures 5 and 50 which were adopted after the City began obtaining waivers of remonstrance;

WHEREAS, the City generally does not undertake street improvement projects, has limited funds to do so as previously noted, and it is the general policy of the City for development to generally be responsible for such improvements;

WHEREAS, the amendment to Section 15.16.010 would require a permit applicant to improve the street along the frontage of the subject property, agree to improve the street along the frontage of the subject property, or bond or provide other security for the improvements, or, if the City Engineer did not believe such improvements were necessary at that time, or for any other reason, would require the permit applicant to provide an Agreement for Improvements for any needed street improvements that benefit the applicant's property;

WHEREAS, the amendments to Section 15.16.010 are intended to create more street and pedestrian connectivity, have development pay for street improvements associated with

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BY: MM CODIFIED
Date 8/08

development, and lessen the City's reliance on Agreements for Improvements and local improvement districts as funding mechanisms for needed improvements.

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

Section 15.16.010 of the Hood River Municipal Code is amended to read as follows:

CHAPTER 15.16 - BUILDING PERMITS

Sections:

- 15.16.010 Prerequisites for building permit issuance
- 15.16.020 Conditions for issuance for property outside platted subdivision
- 15.16.030 Sidewalk construction permit required concurrently with building permit--When
- 15.16.040 Exceptions to Section 15.16.030
- 15.16.050 Additional exceptions to Section 15.16.030
- 15.16.060 Sidewalk construction by city--Assessment
- 15.16.070 Elevation--Plot plan requirements
- 15.16.080 Elevation--Building permit requirement
- 15.16.090 Grading requirements

[only 15.16.010 is reproduced below; no amendments to remaining sections]

15.16.010 Prerequisites for building permit issuance. No building permit will be authorized for addition, alteration, intensification of use, change of occupancy or erection of a building within the city or the city urban growth boundary unless:

A. The tract of land upon which the building is or will be located is within the boundaries of an approved or tentatively approved the subdivision or partition plat theretofore approved by the in accordance with Title 16 council or tentatively approved by it; and

B. The tract of land upon which the building is or will be located has satisfactory access to a public street dedicated and accepted as set out on an approved subdivision or partition plat; and

C. The tract of land upon which the building is or will be erected is located on a street that has been improved or will be improved to city standards by the permit applicant as a condition of permit issuance for the frontage of the tract by the placing of curbs, gutters, storm sewers, and paving with an all-weather hard surface to city standards for the street classification on which it is located. Or, if the tract of land upon which the building is or will be erected is not located on a street that has been improved to city standards, the City may, in the City's sole discretion, condition issuance of the permit on one or more of the following in lieu of a condition of permit issuance requiring the applicant to improve the frontage of the tract as required above:

a. Improvement Agreement. The Improvement Agreement obligates the applicant and their heirs, successors and assigns to pay for and/or construct the frontage improvements at such time as the City requests. An Improvement Agreement must be recorded in the deed records of Hood River County.

b. Security. The applicant posts cash or other form of security acceptable to the City for the estimated cost of the frontage improvements. The security (in whatever form) must be for an amount equal to the estimate of the cost of the frontage improvements, provided by a qualified engineer licensed in the State of Oregon, plus 20%, and subject to approval by the City Engineer.

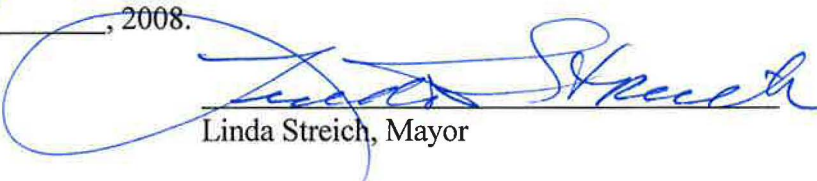
D. The owner shall will provide the city with a waiver of remonstrance (previously known as an Agreement for Improvements). The waiver of remonstrance Agreement for Improvements waives the applicant's and their heirs, successors and assigns' right to object to for the formation of a local improvement district for any street such improvements necessary now or in the future that benefit the subject tract of land, signed by the owner(s) of the tract. A waiver of remonstrance must be recorded in the deed records for Hood River County.

E. The building proposed on such tract complies with the site development standards, and other requirements, as listed in Chapter 17 of this code. (~~Ord. 1627 §1 (part), 1990; Ord. 1435 §1, 1978; Ord. 950 §2, 1952~~) [moved to beginning of chapter as part of codification]


Read for the first time: June 23rd, 2008.

Read for the second time and passed: July 17th, 2008, to become effective thirty (30) days hence.

Signed July 14, 2008.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder