

HOOD RIVER COUNTY

SUBDIVISION ORDINANCE

ADOPTED FEBRUARY 16, 1966; HRC ORDINANCE No. 46
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AMENDED MARCH 3, 1986 – Ord. No. 146
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ARTICLE 18

**SUBDIVISION ORDINANCE
HOOD RIVER COUNTY ORDINANCE
NO. 46**

**AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND
PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF
HOOD RIVER COUNTY**

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ARTICLE 18

HOOD RIVER COUNTY ORDINANCE NO. 46

AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF HOOD RIVER COUNTY

BACKGROUND INFORMATION

PURPOSE AND INTERPRETATION

Section 18.01 – Purpose of Adoption

The purpose of this Ordinance is to provide standards and procedures to govern the development of land, to carry out the Comprehensive Plan of Hood River County, to promote the public health, safety and general welfare, to lessen congestion in the streets, secure safety from fire, flood, slides, pollution and other dangers, provide adequate light and air, prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewage, drainage, education, recreation and other needs of the people of Hood River County.

Section 18.02 – Subdivision Ordinance Interpretations, Urban Growth Area

- A. The Hood River County Zoning Ordinance and Zoning Designations and Subdivision Ordinance apply to private, County and State ownerships, including lands within both Urban Growth Boundaries of the Cities of Hood River and Cascade Locks.
- B. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appeals process specified in Hood River County Zoning and Subdivision Ordinances. The Cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the City's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director administrative decision-making process.
- C. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the Cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretations relative to the following: uses permitted or conditionally allowed; and site development standards or requirements (e.g., maximum height, setbacks, minimum lot size for new lots or parcels, lot coverage, stream setbacks, distances between buildings, densities, etc.). However, the County reserves the right to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and the County) public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the City's and the County's Comprehensive Plans.
- D. Cities' responses to County referrals will be specific regarding what site development standards are required. A brief statement that the request must comply with the City's Zoning Ordinance is not acceptable.

DEFINITIONS

Section 18.03 – Purpose of Definition

For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms used herein shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words in the singular number include the plural; words in the plural number include the singular. The word "shall" is mandatory and the word "may" is permissive.

Section 18.04 – Definitions

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

- A -

ABUT OR ABUTTING - Means contiguous with.

ACCEPTED FARM PRACTICE - A mode of operation that is common to farms of a similar nature necessary for the operation of such farms to obtain a profit in money and customarily utilized in conjunction with farm use.

ACCESS OR ACCESS WAY - The place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this chapter.

ACCESSORY BUILDING OR USE - A building or use which: (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principles use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports, or patio covers.

ADVISORY REVIEW COMMITTEE - The Director of Public Works, the Planning Director and the County Sanitarian or their authorized representatives. The Planning Director shall act as Chairman and Secretary.

ALLEY - A public or approved private way at the side or rear of property permanently reserved as a means of secondary vehicular access to abutting property.

AREA - A piece of land capable of being described with such certainty that its location may be established and boundaries definitely ascertained.

AREA - LOT OR PARCEL - The total net area within the property lines of a lot or parcel, including that area within any right-of-way, as described in a recorded deed.

- B -

BOARD OF COMMISSIONERS - "Board" means the Board of County Commissioners of Hood River County.

- C -

COUNTY CLERK - The Director of Records and Assessments of Hood River County.

COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry" as defined in this section) of any article, substance or commodity for livelihood or profit including shops for the sale of personal services (including professional services), and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMISSIONERS - The Hood River County Board of Commissioners.

COMMISSION, PLANNING COMMISSION, OR COMMISSION - The Planning Commission of Hood River County.

COUNTY - The County of Hood River.

CUL DE SAC - A type of dead end street, designed for limited use which cannot practically be extended with a suitable turn-around radius at the end.

- D -

DIRECTOR OF PLANNING - Refers to the Director of Planning of the County of Hood River and includes "Planning Director" or "Planner - Zoning Administrator".

- E -

EASEMENT - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

- F -

FARM USE - As used in this Ordinance "farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof "farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

FLOODPLAIN - The 100-year floodplain of a river, stream or lake.

- G -

GOVERNING BODY - The Hood River County Board of Commissioners.

- I -

INDUSTRY - The manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof.

- L -

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

¹LOT - A single unit of land that is created by a subdivision of land.

LOT, BUTT - A lot, the lot side lines of which abuts the lot rear line of two or more adjoining lots.

LOT, CORNER - A lot at the junction of two or more intersecting streets with a boundary line thereof abutting on each of the streets.

LOT, CUL DE SAC - A trapezoidal or wedge shaped lot wherein the minimum lot width shall be measured at the setback line.

LOT, DEPTH - The average horizontal distance between the front and rear lot line measured in the mean direction of the side lines of the lot.

LOT, EXTERIOR - A lot which is a corner lot.

LOT, FLAGPOLE - A building site with access to a street by means of a corridor or access way which is not less than as required by this Ordinance.

LOT, INTERIOR - A lot which is not a corner lot.

LOT LINE, FRONT - On an interior lot, the "front lot line" means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the "front lot line" is the property line closest to and most nearly parallel with the street which serves the lot.

LOT OF RECORD - A lot, the legal description for which is recorded in the Department of Records and Assessments of Hood River County.

LOT THROUGH - A lot having frontage on two parallel or approximately parallel streets. The Commission shall determine which frontage shall be considered as the lot front for the purpose of compliance with yard and setback provisions of this Ordinance.

LOT WIDTH - The average horizontal distance measured between the side lines of the lot.

- O -

¹ORIGINAL LOT OR PARCEL - The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

- P -

¹PARCEL - A single unit of land that is created: (a) by partitioning, as defined in ORS 92.010; (b) in compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or (c) by deed or land sales contract, if recorded prior to January 1, 1976.

¹ Amended on July 15, 2002, HRC Ord. 241.

PARTITION - Means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION, MAJOR - Means a partition that includes the creation of a road or Street.

PARTITION, MINOR - Means a partition that is subject to approval by the County under this Ordinance and that does not include the creation of a road or street.

PARTITION, LAND - Means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include division of land resulting from the creation of cemetery lots, and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance.

PERSON - An individual, firm, co-ownership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the Federal or State Government, City, County, special district, or any other group or combination acting as an entity.

PLANNING DIRECTOR'S REVIEW PROCEDURE - Refers to provisions in Article 72 – Planning Director's Review Procedure of this Ordinance.

PLAT - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition, as defined in ORS 92.010.

PUBLIC UTILITY - Any company or firm under the jurisdiction of the Oregon State Public Utility Commissioner or County District under jurisdiction by a Board of Trustees.

- R -

RIGHT-OF-WAY - (1.) The exterior boundary of a street, public or private easement, or similar corridor of land where street and utility improvements, such as the improved road surface, sidewalks, planter strips, drainage ditches, and utility lines are located. When measuring setbacks, the edge of the right-of-way should be used, unless the setback is measured from centerline of the street. (2.) Is also defined as: Land that is owned in fee simple by the public, usually for transportation facilities.

ROAD OR STREET - A public or private way for travel by vehicles, bicycles and pedestrians, that meets County standards or descriptions in the County Transportation System Plan, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

- S -

STATEMENT OF WATER RIGHTS - Chapter 92, Oregon Revised Statutes requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, water control district, or district improvement company to file and record a statement of water rights. If a water

right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

STREAM - Any perennial natural water course.

STREET - The principal means of access to abutting property as defined herein. "Streets" also include parkways, alleys and roads.

STREET, ROAD OR WAY - PRIVATE - Any area used for vehicular access and restricted from and/or not dedicated to the general public use or as further defined by any standards adopted by the Board of County Commissioners.

STREET, ROAD OR WAY - PUBLIC - Any street, road or way dedicated to the public, or the County, for and available to public use.

STREET, CENTERLINE - The centerline of the street as determined by official surveys or precise or specific plan of a highway alignment.

STREET, LOCAL - Any street dedicated, deeded or condemned as such serving as a principal means of access to abutting property, which street may be shown on or included in the circulation element adopted by and as amended by the County. Local streets typically include public streets or roads that serve local or neighborhood traffic and are not classified as arterials or collectors in the County's Transportation System Plan.

STREET, COMPREHENSIVE OR SPECIFIC PLAN - Any street or highway shown on the circulation element or adopted by and as amended by the County, including the Street Classification Map of the County's Transportation System Plan.

STREET, SIDE - The street bounding a corner lot and which extends in the same general direction as the lot line determining the depth.

STREET, ARTERIAL - A street used primarily for through traffic and identified as an arterial on the Functional Classification Map of the County's Transportation System Plan.

STREET, COLLECTOR - A street that connects two arterials or connects several local streets to an arterial and that is identified as a collector street on the Functional Classification Map of the County's Transportation System Plan. Collector streets typically serve a mix of local and through traffic.

SUBDIVIDE LAND - Means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

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

APPLICABILITY OF OTHER ORDINANCES

Section 18.05 – Effects of Previous Subdivision Ordinances

- A. Hood River County Subdivision Ordinance Number VI is hereby repealed. Any approval or conditional approval granted under the provisions of the Subdivision Ordinance Number VI or its amendments shall be valid in accordance with the provisions and conditions under which it was approved.
- B. The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

SEPARABILITY

Section 18.06 – Separability

Should any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

GENERAL PROCESS

FILING FEES

Section 18.07 – Filing Fees Required

The filing fees for a land use application with the County Planning Department are reviewed by the County Board of Commission on an annual basis. To determine the fee for a particular application, see the most current County Fee Schedule.

Section 18.08 – Refund and Withdrawals

Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications. As such, refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Department shall authorize a refund based upon pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 18.09 – Waiver

The Planning Commission or Director may waive filing fees based upon the following:

- A. Applications made by tax supported governmental agencies, i.e., School Districts.
- B. The applicant is involved in an animal husbandry project in conjunction with a bona fide educational organization such as FFA or 4-H.
- C. Any additional waivers of fees will be subject to review and approval by the Board of Commissioners.

PLANNING COMMISSION & PLANNING DIRECTOR APPEALS

Section 18.10 – Appeal of the Planning Commission

- A. Any "party" having "standing" as provided by this section may appeal to the Board of Commissioners an action or ruling of the Planning Commission authorized by this Ordinance.
- B. Board of Commissioners review of final actions or rulings of the, Planning Commission shall be solely as provided by Section 18.10 of this Ordinance.
- C. No action for review by the Board of Commissioners shall be maintained as to the validity of any action or ruling of the Planning Commission, except a final order or ruling.
- D. In order to have standing for review under this Ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the hearing on which the Planning Commission based its action or ruling, and speak or introduce input in opposition to the Planning Commission's ultimate action or ruling at the hearing, unless the party can show to the Board good cause or reason why attendance at the hearing was not possible. The following only are hereby defined as "parties" having standing for review under this Ordinance:
 - 1. A person or persons jointly or severally adversely affected or aggrieved in fact by an action or ruling of the Planning Commission.
 - 2. A governmental agency, civic or environmental organization that demonstrates to the Board that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.
 - 3. Any other person who demonstrates to the Board that his legal rights are affected by the outcome of the hearing and subsequent action on a specific application.
 - 4. The Board of County Commissioners shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.
- E. Jurisdiction for review of a final order or ruling of the Planning Commission is conferred upon the Board of Commissioners. Proceedings for review shall be instituted by filing a written "Petition for Appeal" on a form provided by the Planning Commission, with the Department of Records and Assessments within 30 days after the Commission has rendered its final order or ruling. The petition shall state the nature of the petitioner's interest, the facts showing how the petitioner is adversely affected or aggrieved by the Planning Commission's order or ruling, and the ground or grounds upon which the petitioner contends the order or ruling should be reversed or remanded.
- F. If no appeal is filed within the 30 day period, the order or ruling of the Planning Commission shall be final and not appealable.
- G. The filing of the "Petition for Appeal" shall not stay enforcement of the Planning Commission's order or ruling, but the Board may do so upon requiring the giving of a bond or other undertaking or upon such other terms as it deems proper. Any bond or other undertaking executed pursuant to this subsection shall be in favor of Hood River County, Oregon, for its benefit and for the benefit of whomever else it may concern and may be

enforced by the Board or any other person concerned in an appropriate proceedings as their interest may appear.

- H. If the application is denied, either initially or never taken, or upon review by the Board of Commissioners, or by the courts affirming denial, no new application for the same or substantially similar action shall be filed for at least one (1) year from the date of final order on the action denying the application.
- I. Within 30 days after the filing of the "Petition for Appeal" the Planning Commission shall transmit to the Board of Commissioners the original or a certified copy of the entire record of the proceeding under review, but by stipulation of all parties to the review proceeding, the record may be shortened. The Board may require or permit subsequent corrections or additions to the record when deemed desirable.
- J. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the County, not less than five days prior to the date of the hearing. Such notices shall also be sent by mail to all property owners within 250 feet of the exterior boundaries of the property which is the subject of the appeal.
- K. If, not later than 15 days before the date set for the hearing on the petition, application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the Planning Commission, the Board may order the additional evidence to be taken before the Planning Commission upon such conditions as the Board deems proper. Notice of the time and place where the Planning Commission is to take the additional evidence shall be published in the same manner as in the original hearing. Planning Commission may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board, file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order as the cases may be.
- L. The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects, at its option, to hear the application de novo and allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo, this fact shall be included in the notice of the hearing.
- M. If the review of the Planning Commission's order is a review on the record and not a de novo hearing, the Board shall not substitute its judgment for that of the Planning Commission as to any issue of fact, and no additional evidence shall be received. However, in the case of disputed allegations of irregularities in procedure before the Planning Commission not shown in the record which, if approved, would warrant reversal or remand, the Board may take evidence limited to the alleged irregularities in procedure and make findings of fact and enter an order upon them.
- N. The Board may affirm, reverse or remand the order. The Board shall reverse or remand the Planning Commission's order only if it finds:
 - 1. The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioning party were prejudiced thereby and defects in the content of the notice required by this section, but not asserted at or prior to the commencement of the hearing before the Planning Commission, shall not be cause for reversal or

remand; or

2. The rule or order to be unconstitutional; or
 3. The order is not supported by reliable, probative and substantial evidence on the whole record; or
 4. The order is not supported by sufficient probative and substantial findings of fact.
- O. In the case of reversal, the Board shall make special findings of fact based upon evidence in the record and conclusions of law indicating clearly all respects in which the Planning Commission's order is erroneous. If the Board's decision upholds the decision of the Planning Commission, the Board shall make special findings substantiating their decision. The Board may adopt or include findings of the Planning Commission as it sees fit.
- P. All decisions of the Board of Commissioners under this Ordinance shall be final and shall be reviewed only upon writ of review as provided in ORS Chapter 34.

Section 18.11 — Appeal of the Planning Director

- A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director's final report is completed.
- B. Decisions of the Planning Director shall be final unless appealed. Appeals shall be submitted in writing to the Planning Commission within 15 days from the date of the Director's action by obtaining an appeal form from the Hood River County Planning Department.
- C. Any "party" having "standing" as provided below may appeal to the Planning Commission.
- D. In order to have standing for review, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the review on which the Director based his action or ruling and speak or introduce input in opposition to the Director's action or ruling, unless the party can show to the Planning Commission good cause or reason why attendance at the review was not possible. The following are hereby defined as "parties" having standing for review:
1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.
 2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.
 3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.
 4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.

PLANNING COMMISSION HEARINGS & PLANNING DIRECTOR REVIEW

Section 18.12 – Notice of Public Hearings

Notice of public hearings before the Board of Commissioners and Planning Commission shall meet the following:

- A. Board of Commissioners: Publication in a newspaper of general circulation in Hood River County at least 10 days in advance of the public hearing, and notification of each property owner listed on the latest equalized tax roll of the County of Hood River within 250 feet of the exterior boundary of the lot or parcel in question.
- B. Planning- Commission: The same as for the Board of Commissioners.

Section 18.13 – Conduct of Public Hearings

The Board of Commissioners, Planning Commission and Advisory Review Committee shall individually adopt by resolution rules of conduct of public hearings. Said rules shall be available upon request from the office of the Planning Commission and the Department of Records and Assessments. Copies shall be available at the public hearing and shall be distributed to each applicant and other individuals requesting same.

Section 18.14 – Planning Director's Review Procedure

Notice of Administrative Action before the Planning Director shall meet the following:

- A. Notice shall be sent by mail to all property owners within 250 feet of The property which is the subject of the application (major partitions only).
- B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.
- C. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.
- D. Notice of decision shall contain: (1) identification of applicant; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Directors decision.
- E. The Director shall notify the Planning Commission and Board of final decision(s)
- F. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.

ENFORCEMENT AND PENALTIES

Section 18.15 – Enforcement and Penalties

- A. Any individual, firm or corporation, whether as principal, agent or employee, violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or 50 days imprisonment in the County Jail or both per offence.
- B. In addition, the Board of Commissioners, the Planning Commission, the District Attorney or a person whose interest in real property in Hood River County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the unlawful use.

SUBDIVISIONS

GENERAL PROVISIONS

Section 18.16 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to OHS 92.101 to 92.160 for the purposes of adopting regulations for the design and improvements of subdivisions and minimum lot standards for subdividing land within the unincorporated territory of Hood River County.

SUBDIVISION OF LAND INTO FOUR OR MORE PARCELS TENTATIVE PLAN

Section. 18.17 – Requirements, Compliance with Comprehensive Plan

- A. No person, firm, corporation, partnership or association shall subdivide land in the unincorporated territory of Hood River County into four or more lots without first obtaining approval from the Planning Commission, Board of Commissioners or Director, pursuant to the requirements of Section 18.01, 18.02, 18.03 and 18.04 of this Ordinance.
- B. No person, firm, corporation, partnership or association shall cause a subdivision to be created and no County Official shall accept or approve a subdivision unless it meets the requirements of the Comprehensive Plan and the Zoning Ordinance.
- C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until approval is obtained.
- D. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until the plot of the subdivision has been acknowledged and recorded with the recording officer of the County in which the lot is situated. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat of such subdivision has been so recorded.

Section 18.18 – Preparation, Purpose and Filing of Tentative Plan

- A. The initial action in connection with the making of any subdivision shall be the preparation of a tentative plan or plans conforming to the provisions of this chapter. A tentative plan shall be made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon the accurate or detailed survey of the property.
- B. A tentative plan shall be filed with the Planning Department for any proposed division of land defined as a "subdivision" in Section 18.04.

Section 18.19 – Form and Contents for a Tentative Plan

- A. A tentative plan shall be drawn to scale and shall conform to the design regulations contained in Design Standards, Sections 18.32 – 18.40.
- B. Every tentative plan shall be clearly and legibly reproduced and shall show the following

information:

1. A site sketch showing the location of the proposed subdivision in relation to the surrounding area or region.
2. The tract name, date, north point and scale.
3. Names, addresses and telephone numbers of record owner, subdivider and engineer or surveyor or other persons preparing the tentative map.
4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of adjacent parcels.
5. Location, names, present center lines, widths and grades of adjacent or abutting roads and streets.
6. Location and dimensions of all known easements, reservations and drainage ditches on or adjacent to the proposed subdivision.
7. The location of all existing structures to remain on the property.
8. Topography shown with sufficient detail for proper study of drainage, sewage disposal, building sites and road locations.
9. Approximate location of all areas subject to inundation or storm water overflow and the locations, width and direction of flow of all water courses.
10. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.
11. The approximate dimensions and area of all lots and radii of all curves.
12. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
13. Source of water supply; volume of water available.
14. Natural factors such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Section 18.20 – Data to Accompany Tentative Plan

Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:

- A. A preliminary title report prepared by a reputable Title Insurance Company stating rights and interest in the property being subdivided.
- B. If domestic water supply proposed by the subdivider is from a private source, information on availability of water source shall be supplied.

- C. When subsurface sewage disposal systems are proposed for sewage disposal, test data in accordance with the requirements of the latest adopted standards by the Department of Environmental Quality and any supplemental tests as required by the County Health Department shall be submitted. Requirements of the Department of Environmental Quality and the County Health Department shall be met. Detailed information on any proposed community sewage disposal system shall be submitted to the satisfaction of the County Health Department and the Department of Environmental Quality.
- D. Information on the source of other public utilities.
- E. Proposed drainage and flood control measures.
- F. A general development plan of contiguous subdivision units and parcels Proposed for subdivision for the purpose of reference and information of the Planning Commission.
- G. Existing and proposed uses of the property, including any public areas proposed.

Section 18.21 – Statement of Water Rights

- A. Applicants proposing subdivisions or replats on lands outside the boundaries of an irrigation district, water control district, or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the subdivided lands, the water rights statement and a copy of the proposed subdivision shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved subdivision plat.
- B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3 or the Oregon Water Resources Department.

Section 18.22 – Filing Prints of Tentative Plan; Filing Fees; Acceptance

- A. There shall be filed with the Planning Director, twelve prints and one sepia; if a sheet size of 81" x 14" or smaller is used, a sepia is not required if the tentative plan conforms to the requirements of Section 18.19 and accompanying data required by Section 18.20 of this Section.
- B. The subdivider shall at the time of filing a tentative plan, pay a filing fee as required by Section 18.07.
- C. The time of filing a tentative plan shall be the time at which the plan is received by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with the provisions of law and this Ordinance.
- D. Upon acceptance, the Planning Department shall give a receipt for the plan, accompanying data and filing fee. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for proper consideration of the plan, nor does it insure that the plan does comply with the law and with this Ordinance.

Section 18.23 – Distribution of Copies; Action on Tentative Plan by Agencies, etc.; Approval or Disapproval

- A. The tentative plan shall be distributed by the Planning Department to public agencies and

officials and public utility companies requesting same for review and report thereon.

- B. Within not more than twenty eight days from receipt of a tentative plan, each officer or agency shall file a report with the Planning Department on his or its approval, conditional approval, recommendation or disapproval. Such recommendations shall be in writing and shall indicate what changes are necessary to make the proposed subdivision acceptable, including any typical drawings and specifications adopted as standards. The recommendations as submitted may then become a condition of approval.
- C. Prior to the public hearing by the Planning Commission, the Advisory Review Committee shall meet with the subdivider. The Advisory Review Committee shall prepare a report to the Planning Commission recommending appropriate action and/or conditions to be placed on the final plat.
- D. Upon receipt of an adverse report or recommendation from the County Sanitarian pertaining to sewage disposal or potability or quantity of water supply, or from any district or agency that has jurisdiction over sanitary sewer systems or adequacy of water supply or water systems, the Planning Commission shall deny the tentative plan.
- E. Within fifty days after receipt of a tentative plan from the subdivider, unless such time is extended by the Planning Commission and the subdivider or his agent is advised of such extension, the Planning Commission shall conduct a public hearing on the matter together with all reports pertaining thereto, and shall approve, conditionally approve or disapprove the same. Such action shall be endorsed upon the face of the tentative plan. In the event the tentative plan is disapproved, the reasons for such disapproval shall be stated upon a memorandum permanently attached to such map, together with a statement of what changes will render the plan acceptable. One copy of the tentative plan and memorandum shall be sent to the subdivider and one copy shall remain permanently in the files of the Planning Commission. If no action is taken by the Planning Commission within fifty days, or such longer period as required by the Planning Commission, the tentative plan shall be deemed approved and it shall be so attested by the Commission. The action by the Planning Commission is final unless appealed as provided in Sections 18.10 and 18.11 of this Ordinance.
- F. No tentative plan or plat of a subdivision shall be approved which bears a name using a word which is the same as, or similar to, or pronounced the same as a word in the name of any other subdivision in the same County, except for the words "town", "city", "place", "court", "addition" or similar words unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name.

SUBDIVISION OF FOUR OR MORE PARCELS FINAL PLAT

Section 18.24 – Time of Preparing a Final Plat, Failure to File Within Time Limits; Tentative Plan Pre-Requisite to Recording; Filing Fees

- A. Within a period of four (4) years after approval or conditional approval of the tentative plan or plans, the subdivider shall cause the subdivision, or any part thereof, to be surveyed and a final plat to be prepared in accordance with the tentative plan as approved and recorded, unless an extension of time is granted. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.¹
- B. Any such request for extension by the subdivider to file his final plat shall be made thirty days prior to the expiration date of the twelve month period following approval of the tentative plan. The request for extension shall be made by the subdivider in writing to the Planning Commission which must act upon such request prior to the expiration of the thirty days.

Section 18.25 – Form and Contents of the Final Plat

- A. The final plat shall be clearly and legibly drawn, or reproduced by a process guaranteeing a permanent record in black upon tracing cloth or polyester film. All lines, letters and figures shall be clearly and legibly drawn in black water proof India ink. The plat shall be made in such condition that when filed, good legible prints can be made therefrom.
- B. The size of sheets shall be eighteen inches by twenty six inches. The scale of the final plat shall be sufficiently large to clearly show the details of the plat.
- C. Every sheet comprising the final plat shall bear the tract name, scale, north point, legend, sheet number and number of sheets comprising the plat. Below the north point shall be clearly noted the basis of bearing for the survey. When the final plat consists of more than two plat sheets, a key plan showing the relation of the sheets shall be placed on sheet one.
- D. The final plat shall clearly show the exact location of all permanent monuments as required to be set per Section 18.81 of this Ordinance. The corners of adjoining subdivisions shall be identified by lot and block numbers, tract name and place of record, or by section, township and range or other proper designations.
- E. The final plat shall show the side lines, total width, width of the portion being dedicated and width of existing dedications of all streets and ways and the width of railroad rights-of-way appearing on the map. Where there has been established the center line of an existing street or way, the data shall be shown on the final plat indicating all monuments found and making reference to a field book or map. If the points were reset by ties, that fact shall be stated.
- F. All lots shall be numbered consecutively with no omissions or duplications throughout the subdivision, including all units of any subdivision which has the same tract name but is designated by different units. Block division or numbering is not permitted. Circles or other geometric figures shall not be drawn around numbers. Each lot must be shown entirely on one sheet.

¹ Section 18.24 was amended via Ordinance #372 on June 21, 2021

- G. Sufficient data must be shown on the final plat to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to nearest hundredth. Bearings and distances of straight lines, and such radii and arc length for all curves as may be necessary to determine the location of centers of curves shall be shown.
- H. The final plat shall show the location and width of all easements and building setback lines to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, the recorded reference given. If the easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements shall be designated by dashed lines. Distances and bearings of the side lines of lots cut by an easement must be arrowed to indicate clearly the actual lengths of the lot lines. The width of the easement and length and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication.
- I. The final plat shall particularly define and designate all lots reserved for private purposes and all lots offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case. Any or all of the lots intended for any public use, except those lots.

Section 18.26 – Certificates and Acknowledgements

The following certificates and acknowledgements shall appear on the final plat and may be combined when appropriate:

- A. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the preparation and recordation of the final plat. The signatures of parties owning the following types of interests may be omitted if their names and nature of interests are endorsed on the map;
 - 1. Right-of way, easements, or other interests, none of which can ripen into a fee.
 - 2. Right-of-way, easements of reversions, which by reason of changed conditions long disuse or negligence appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the map. Land including territory originally patented by the United States of this State, under patent reserving interest to either or both of those entities.
- B. A certificate for execution acknowledged as above donating to the public all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply system; and land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.
- C. A certificate by the registered professional engineer or licensed surveyor responsible for the survey and final plat. The signatures of such Civil Engineer or licensed surveyor must be accompanied by his seal or stamp.
- D. A certificate for execution by the Director of Public Works.

- E. A certificate for execution by the County Recorder.
- F. A certificate for execution by the Chairman of the Planning Commission attested by the Secretary thereof.
- G. A certificate attesting that a tax bond, cash or other security guarantees in payment has been filed with the Clerk of the Board of Commissioners to cover taxes and assessments against the property which are a lien but not yet payable.
- H. A certificate for execution by the Chairman of the Board of Commissioners, attested by the Clerk of such Board approving the final plat as submitted, and accepting, or not accepting, the areas offered for dedication for public use.

Section 18.27 – Official Not to Execute Certificates, etc., If He Has Interest in Subdivision

When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the plat, shall be exempt from the requirements of this section.

Section 18.28 – Data and Information to Accompany Final Plat

The following data and information shall accompany the final plat:

- A. Evidence of title issued by a reputable title insurance company, showing the names of all persons having any right, title or interest in the lands being subdivided and whose consent is necessary to convey clear title to the land.
- B. Deed restrictions to be recorded with the final plat.
- C. A letter from the Director of Public Works stating that either street improvements shown on the approved improvement plan have been installed satisfactorily, or if such improvements have not been installed, the estimated cost of installing such improvements.
- D. A letter from the County Health Department or Department of Environmental Quality and any public or private agency, company or district supplying water to the subdivision certifying that satisfactory arrangements have been made with them for the installation of an adequate and safe water supply for each lot within the subdivision, in accordance with provisions of Section 18.36 of this Ordinance.
- E. A letter from the County Health Department and Sanitary District or Sanitation District having jurisdiction, certifying that satisfactory arrangements have been made with them for adequate sewage disposal for each lot in the subdivision in accordance with any State Laws or County Ordinances pertaining thereto.
- F. Any other evidence and material that are, or may be hereafter required by law, or by the conditions or approval of the tentative plan.

Section 18.29 – Recording Statement of Water Rights

The Statement of Water Rights and the acknowledgement from the Oregon Water Resources Department must be recorded with the County approved subdivision plat.

Section 18.30 – Filing of Plat

- A. The final plat conforming to the requirements of Section 18.31 of this chapter and containing all (except the approval certificate by the Planning Commission and the Board of Commissioners) the necessary signatures affixed to the certificates and acknowledgements and all accompanying data and material, shall be filed with the Planning Department within one year after the tentative map has been approved, unless the subdivider has applied for and has been granted an extension of the time for filing by the Planning Commission.
- B. At the time of filing the final plat, the Planning Department shall give a receipt for the map and accompanying data.

Section 18.31 – Action on Final Plat by County Officials

- A. Either before or after recording the final plat, the subdivider shall file a report with the Real Estate Division, Department of Commerce and State of Oregon when required by Oregon State Law.
- B. Approval of final plat by the Planning Director. After reviewing the final plat, the Planning Director shall:
 - 1. Approve the plat if it substantially conforms to the adopted tentative plan
 - 2. Deny the final plat if it does not substantially conform to the tentative plan.
- C. Approving signatures. When the plat is approved by the Planning Director, the plat shall be sent to:
 - 1. The Director of Public Works, whose signature shall certify that the platting laws of this State and of this Ordinance have been complied with.
 - 2. The Director of Budget and Finance, whose signature shall certify that all taxes on the property have been paid, and a certification by the Director of Budget and Finance that a Security Bond. has been filed in the Department of Budget and Finance to cover any uncompleted improvements.
 - 3. The Planning Commission Chair and attested by the Secretary that the plat substantially conforms to the approved tentative plan.
 - 4. A majority of the Board of Commissioners, whose signatures shall certify that the plat is approved by them.
 - 5. The County Sanitarian, whose signature shall certify that all State and County health requirements have been complied with.
- D. Filing of the final plat. After obtaining all the required approvals and signatures, the subdivider shall file the approved final plat with the County Recorder. The County Recorder shall record the plat within 10 days after receipt of the plat.
- E. Upon filing of the final plat, the developer shall provide five copies to the County Planning Department.

DESIGN STANDARDS

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

Section 18.32 – Streets

- A. The alignment of street centerlines shall be continuations of centerlines of existing streets.
- B. Any two streets intersecting on a given street shall have a continuous centerline or be separated by one hundred and fifty feet minimum. Block corners shall be rounded by a radius of twenty feet. The angle of intersection shall be between 60° and 90°. Intersecting streets shall have at least fifty feet of tangent adjacent to the intersection.
- C. The following factors will be considered by the Planning Commission or Director in granting approval for streets:
 - 1. The relationship of the streets to existing and planned streets.
 - 2. Topographical conditions.
 - 3. Public convenience and safety and to the use of the land to be served by the street.
- D. Streets and roads dedicated to the public or intended to be accepted into the County maintained road system shall meet the minimum standards as established by the Board of Commissioners; however, this does not guarantee acceptance into the County-maintained road system. Criteria for acceptance of a public road into the County-maintained road system are included in an addendum to the County Road Standards Document.
- E. Road maintenance agreements are required for new private streets, and for new public streets, unless the public street has been accepted into the County road maintenance system.
- F. Within the Urban Growth Area of Hood River, transportation standards of the City of Hood River shall apply as described in the City of Hood River’s Transportation System Plan.
- G. Within the Urban Growth Area of Cascade Locks, transportation standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks’ Transportation System Plan.
- H. Within designated unincorporated communities outside the Urban Growth Areas of Hood River and Cascade Locks, urban local street standards shall apply to roads in all “urban density developments,” defined as new residential subdivisions and partitions that present both the potential to serve more than 10 parcels/lots (via build-out or street connectivity) and have an average potential lot size of 10,000 square feet or less. Within these areas, the following additional standards also shall be met:
 - 1. The maximum block size shall be 600 ft. in length with a 1,600 ft. perimeter.
 - 2. All residential developments shall provide a continuous pedestrian and/or multi-use pathway system that extends throughout the development and connects to all future phases of development as well as all adjacent trails, public parks, and open space whenever possible.

3. Road right-of-way shall not be considered part of a parcel's area.
4. Urban local streets shall be constructed to meet one of the four design standards identified in the following table and pursuant to subsection H.5 of this Ordinance section. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

A. Table 18-1. Urban Local Road Standards

Classification	ROW	Roadway	Travel lanes	Center lane	Bike lanes	1. Parking	Planting strip	Sidewalk	Utility easement*
Urban Local Residential Option "A"	60'	34'	NA	None	None	Both sides	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "B"	50'	28'	NA	None	None	One or both sides*	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "C"	50'	24'	NA	None	None	One side*	Two 6'	Two 6' minimum	One or two 0-10'
Urban Local Residential Option "D"	50'	20'	NA	None	None	None	Two 6'	Two 6' minimum	One or two 0-10'

*Access control required per design guidelines.

5. The narrower local street options (Options B through D) shall be allowed only if all of the following conditions (a through d below) and those in subsection I are met:
 - a. On-street parking is restricted within 20 feet of each intersection; additional restrictions up to 50 feet may be applied by the County Engineer, as needed. In order to maintain adequate vehicle passage, parking restrictions shall be enforced in all places where parking is restricted. The developer is responsible for providing striping of curbs and signage to indicate parking restrictions.
 - b. Adequate off-street parking shall be provided to serve the needs of residents and visitors when there is no on-street parking or on-street parking is limited to one side of the street by providing visitor parking areas, or larger lots to allow for four off-street parking spaces per lot.
 - c. Planting strips, or other areas, shall provide adequate space for snow removal.
 - d. Driveway access spacing follows the guidelines set forth in Figures 18-1 through 18-3 below:

Figure 18-1. Queuing guidelines, parking allowed both sides, Local Street Option B

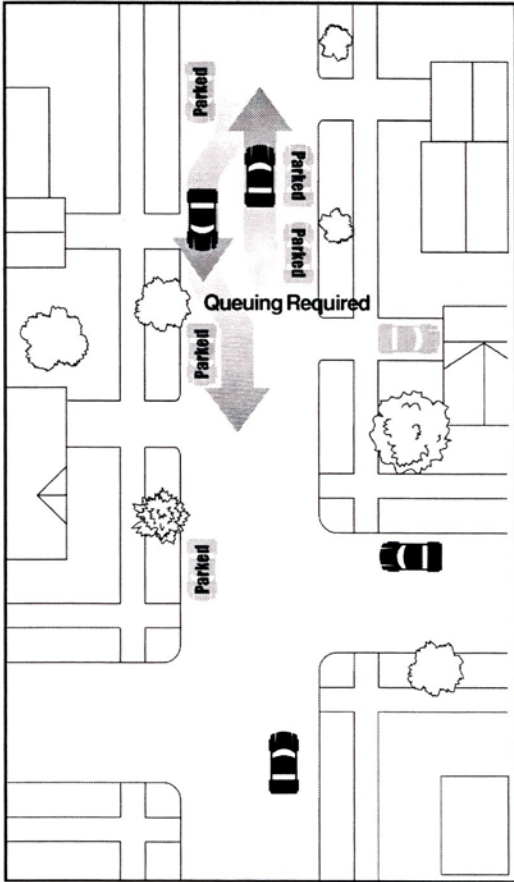


Figure 18-2. Queuing guidelines, parking allowed one side, Local Street Option C

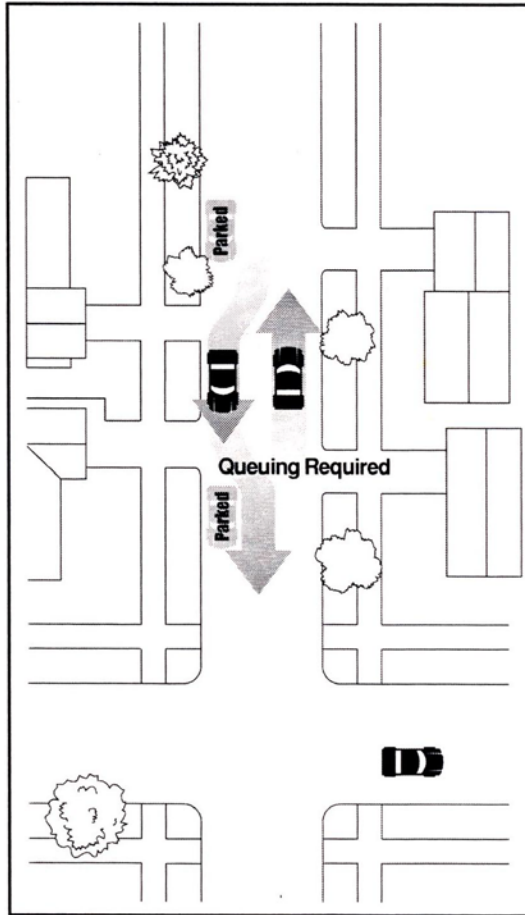
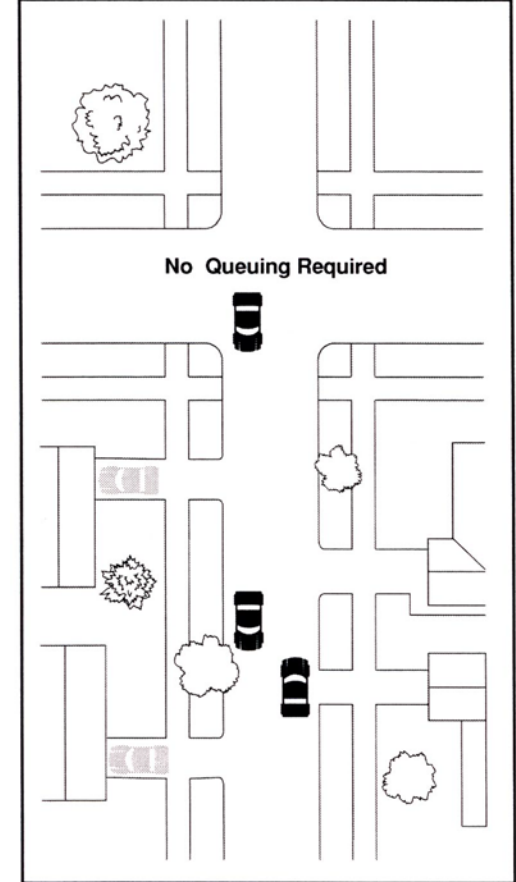


Figure 18-3. Queuing guidelines, no parking allowed, Local Street Option D



6. Sidewalks shall be included on all urban streets.
 7. Stub streets shall be allowed to maintain opportunities for future connectivity. Temporary turnarounds may be required in constructing stub streets.
 8. Cul-de-sacs shall be used only where topographical or other environmental constraints prevent street connections. Pedestrian and bicycle connections should be used to connect cul-de-sacs to adjacent streets or other cul-de-sacs, where practical. Cul-de-sacs will have a maximum length of 500 feet.
 9. Streets and accessways need not be required where one or more of the following conditions exist:
 - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.
- I. Access management standards for local streets shall be met in all new urban density developments as defined in subsection H of this Ordinance section. Driveway access spacing shall be maintained to allow queuing, as illustrated in Figures 18-1 through 18-3 (shown in subsection H.5.d). The guidelines found in subsection H.5 shall be used by the County Public Works Department to review and approve the use of narrow street standards on a case-by-case basis.

Additional access management standards are located in Article 19 of this Ordinance.

- J. Outside the Urban Growth Areas of Hood River and Cascade Locks, rural local street standards shall apply to new roads constructed in all new residential subdivisions and partitions that: a.) have the potential (via build-out or street connectivity) for no more than 10 parcels/lots total; and/or b.) Have an average potential lot size of more than 10,000 square feet. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

B. Table 18-2. Rural Local Road Standards

Classification	ROW	Roadway	Travel lanes	Center lane	a) Shoulder	(1) Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
Rural Local Residential Option A	60'	22'	Two 11' (paved)	None	3' gravel shoulder both sides	None	None	None	One or two 5-10'	12' ditch, one or both sides

Rural Local Residential Option B	50'	20'	Two 10' (gravel)	None	None	None	None	None	One or two 5-7'	Unpaved
Rural Local C	30'	20'	Two 10' (gravel)	None	None	None	None	None	One or two 5-7'	Unpaved
Rural Local Residential Cul de sac	Rural Option A, B, or C	Rural Option A, B, or C	NA	NA	3' for Option A	None	None	None	One or two 5-10'	

1. Public or private roadways designed to serve no more than four parcels shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 30 feet. (See Table 18-2, Rural Local Option “C”.) At the discretion of the County Engineer or Planning Director, based on input from the Fire Chief, the travel width may be reduced to 16 feet, under certain circumstances.
2. A roadway that has the potential to serve five to 10 parcels, with no further potential for street connectivity, shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 50 feet. (See Table 18-2, Rural Local Option “B”.)
3. Any roadway designed to serve more than 10 parcels, where the average potential lot size is greater than 10,000 square feet, shall be constructed according to the recommended rural local residential street standard of 22’ paved road surface width with a 60’ right-of-way. (See Table 18-2, Rural Local Option “A”.)
4. Turn-arounds, turn-outs, and additional access roads may be required for any of the above Rural Local Road Standards (Table 18-2, Options A-C) and shall comply with the requirements of the County Engineer and with the Fire District’s Fire and Life Safety Requirements.
5. Road right-of-way may be considered part of a parcel’s area for Rural Residential parcels with an average potential lot size of 2 acres or greater.

K. Streets in Planned Unit Developments (PUDs) are not covered by this Ordinance.

L. The Planning Commission or Planning Director may require the developer to create a reserve strip controlling access to and from a street to be placed under the jurisdiction of the County whenever the Planning Commission or Director determines that such a reserve strip is necessary to:

1. Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
2. Prevent access to the side of a street on the side of a street where additional width is needed.
3. Prevent access to land abutting the street of the development; or
4. Prevent access to land unsuitable for building developments.

- M. Whenever existing streets adjacent to or within a tract have inadequate width, additional right-of-ways may be required.
- N. Roads that have the potential to serve more than 4 parcels/lots shall be dedicated to the public.
- O. Private roads may be constructed if they serve, or have the potential to serve, no more than four potential parcels/lots and are not intended to provide through access to any other road, at the discretion of the County Engineer.
- P. New roads constructed within subdivisions shall be dedicated to the public, and accepted by the Board of Commissioners. New public roads constructed to county road standards within major partitions shall be dedicated to the public via a declaration on the face of the plat, with the signature of the Planning Director on the plat signifying the County's acceptance.
- Q. Vacation of easements for public right-of-way shall be processed according to the procedures defined in ORS 368.326 – 368.426 (County Roads), and ORS 92.234 – 92.245 (Subdivisions and Partitions).
- R. Street extensions, conforming to alignment, grade and width requirements shall be provided for access to acreage adjacent to the subdivision. Stub streets which are reserved for future extensions not exceeding one lot in depth shall not be required to have a cul de sac, provided all lots adjacent to such stub streets have adequate frontage on and access to another street.
- S. All street names shall be subject to the approval of the Planning Commission or Director. Duplication of street names will not be permitted unless the streets are obviously in alignment.
- T. All streets and right-of-ways shall be subject to the approval of the Planning Commission or Director.
- U. The creation of streets shall be in conformance with the required standards for an approved subdivision except, the Planning Commission or Director shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivision provided any of the following conditions exist:
 - 1. The establishment of the street is initiated by the County Board of Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - 2. Creation of a new road, which is proposed outside of the partitioning or subdivision process shall be considered a "Major Partition for Access Only" and shall follow the "Street Design Standards" of the Subdivision Ordinance (Section 18.32), as well as the applicable criteria identified in Sections 18.32(H) and (J). Private residential roads as described in Section 18.32(O) are exempt from this requirement, although the owners with an interest in such roads should still construct them to Fire District standards, obtain access approval from County Public Works, if necessary, and record easements with County Records and Assessment.

Section 18.33 – Drainage and Floodplains

Where land in the subdivision area is or will be periodically subject to accumulations of surface water, including floodplains, or is traversed by any water course, channel, stream or creek, the Commission or Director may require the subdivider to provide for adequate unrestricted drainage by dedicating to the public, drainage easements. On site drainage, including but not limited to drainage tiles may be required for each lot.

Section 18.34 – Public Utility Easements

- A. Public Utility Easement, ten feet in total width, shall be approved to accommodate public utility drainage and sanitary structures.
- B. Alignment of easement and additional easements for appurtenances to utility lines shall conform to the standards of the public utility company or district providing service to the subdivision.

Section 18.35 – Lot Standards

- A. All proposed lots in a subdivision shall not be divided less than the minimum requirements of this Ordinance. The County Health Officer shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety. The County shall not approve the proposed lots or parcels with less than the minimum area recommended by the Health Officer.
- B. When a Planned Unit Development project is proposed, lot standards may be deleted upon approval of the planning Commission or Director.
- C. Key, flagpole and butt lots will be kept to a minimum and shall be eliminated where feasible.
- D. As far as practicable, lot side lines shall run perpendicular to the street or radial to a curved portion of the street.
- E. Where the subdivision will create lots in excess of one half acre, the Commission may require a particular lot line arrangement if in the judgment of the Commission or Director, the lots may be further divided at a later date.
- F. The following provisions are applicable to Lands within the City of Hood River's Urban Growth Area:
 - 1. If applicable, subdivision proposals shall show, through use of a plot plan, how proposed lots can be reduced to future Urban Densities (5,000 to 7,000 square feet).
 - 2. The Director shall submit subdivision proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use, service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

Section 18.36 – Water Supply and Distribution Requirements

Water supply systems shall meet the requirements as to quantity, quality, specifications and standards as to materials and manner of construction of any district having jurisdiction, and the County Health Department and the Department of Public Health. When domestic water will not be used for irrigation purposes, irrigation water to supply the anticipated needs of the subdivision shall be supplied when located in an irrigation district.

2. Section 18.37 – Conformance to Comprehensive Plan

No subdivision or partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

Section 18.38 – Provision for Parks

The Planning Commission may require that land be set aside for parks and recreation purposes, or for open space. Such dedication shall be in compliance with the Comprehensive Plan.

Section 18.39 – Provisions for Schools

If in the opinion of the Planning Commission, upon the recommendation of the appropriate school district, a school site is needed, the Planning Commission may require the subdivider to reserve land suitable for a school for up to five years.

3. Section 18.40 – Underground Utilities

The Planning Commission shall require that certain utilities be placed underground except high power lines.

IMPROVEMENTS

Section 18.41 – Improvement Plans

Prior to commencement of any construction and submittal of the final plat, two copies of improvement plans shall be submitted to and approved by the Director of Public Works. The plan shall include the following:

- A. A plan and profile of the proposed roads and streets shall be made to a suitable scale and must show the ground surface line, finish grade surface, rates of grade, vertical curves, elevation of grade points and fifty foot stations. The ditch grade shall be shown by broken lines, and location and flow line elevation of all culverts shall be shown with diameter and length given thereon. The plan and profile shall be submitted to and subject to approval of the Director of Public Works.
- B. Detailed drawings and specifications of all public utilities right-of-way and easements, conforming with the standards and specifications of the company or district providing service to the subdivision, shall be submitted to any such agency, company and district for approval thereof. A copy of such approved improvement plan shall be submitted to the Director of Public Works before construction is started.
- C. Prior to the approval of the final plat, the subdivider shall sign a statement that he will install improvements subject to the conditions of the tentative plan and improvement plan. The subdivider shall sign a compliance agreement.

Section 18.42 – Drainage and Flood Control

Provisions shall be made to drain surface and storm water from the subdivision on the basis of computation of anticipated 100 year frequency storms for maximum periods of intensity for the entire drainage basin served by the given drainage or flood control system. Drainage structures and ditches shall have sufficient open area to carry the calculated storm water from such drainage areas based on standard engineering principles. Where free fall of water occurs, provisions shall be made to prevent erosion of soil. Natural drainage shall be preserved whenever possible.

Section 18.43 – Regulations Governing Supply of Water; Fire Protection Standards

Prior to the approval of the final plat, the Planning Director shall receive and accept either:

- A. Proof of water supply to each lot in accordance with the standards, regulations and specifications of the County Health Department and the Department of Public Health. Fire hydrants, gated connections and appurtenances shall be furnished for fire protection in accordance with the standards of the fire district in which the subdivision is located or the standards of the American Insurance Association, whichever is greater.

If a private water supply is to be used, feasibility information on availability of water shall be supplied.

If the proposed subdivision is located outside the boundary of a water district, the Planning Director may require the developer to construct the supply and system in accordance with the district's requirements with consideration towards ultimate annexation of the subdivision to the water district. Such requirements may be a condition of approval of the

tentative map.

- B. Enter into an agreement with the County, including a bond, subject to the requirements of Section 18.51 and Section 18.52.
- C. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water source may exist. A copy of any such statement signed by the subdivider and endorsed by the Planning Director, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the Commission in any public report made for the subdivision.

If the making of a public report has been waived, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement; shall immediately send a copy of the receipt to the commission and shall keep any such receipt on file in this State, subject to inspection by the Commission, for a period of three years after the receipt is taken.

Section 18.44 – Sewage Disposal

Sewage disposal improvements will be required for each lot prior to the issuance of any building permit which needs sewage disposal. Improvements shall be subject to the requirements of the County Health Department, the Department of Environmental Quality and any sanitation district (if the proposed development is within the district boundary or is proposed for annexation to a district)

Section 18.45 – Installation of Improvements; Duty of Subdivider

The subdivider shall install all improvements specified on the approved improvement plan, or agree to install such improvements as a condition precedent to the approval and acceptance of the final plat of the subdivision.

If the installation of all improvements is not completed satisfactorily before the final plat is filed, the subdivider shall concurrently with the approval of such plat, enter into an agreement with the Board of Commissioners to have the work completed within the time specified in such agreement. Such agreement shall be secured in an amount to cover the estimated cost of improvements as provided in Section 18.52.

Section 18.46 – Street Improvements

The subdivider shall provide street improvements pursuant to the approved tentative plan and approved improvement plan. No street shall be constructed that does not comply with the approved improvement plan or tentative plan.

SURVEYING AND STAKING

Section 18.47 – Limit of Error

A traverse of the boundaries of the tract and all lots and blocks must close within a limit of error on one in ten (10) thousand.

Section 18.48 – Monument

- A. The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than 2 inches in diameter and 3 feet long. The monument shall be set or driven 6 inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States Survey.
- B. The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe or iron or steel rods. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than one inch in diameter and 30 inches long, and if iron or steel rods are used, they shall not be less than 5/8 of an inch in least dimension and 30 inches long.
- C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe, not less than 1/2 inch in diameter or iron or steel rods, not less than 1/2 inch in least dimension and 2 feet long
- D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within 1/10 of a foot.
- E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plan of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection (2) of ORS 92.070 and if the person subdividing the land furnishes to the governing body of the County or City, by which the subdivision was approved, a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in this Ordinance.

Section 18.49 – Surveyor Affidavit

- A. Except as otherwise provided in this section, all plats or diagrams designating the location of land in the County, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he marked a proper monument as provided in CR5 92.060 indicating the initial point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks are laid out.
- B. If the person subdividing any land has complied with this Ordinance, the surveyor may

prepare the plat pursuant to this Ordinance of the subdivision for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with this Ordinance and referenced on the plat for the subdivision as approved by the City or County.

- C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under paragraph “A” of this section, the surveyor performing such work shall within 5 days after completion of such work, notify the person subdividing the land involved, the surveyor or engineer of the County and the governing body of the County.

Section 18.50 – Bond or Cash Deposit for Post Monuments

- A. If the interior monuments for a subdivision are to be marked on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to recording the plat, to the governing body of the County a bond or cash deposit, at the option of the governing body, in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monumentation.
- B. If the person subdividing the lands described in this Ordinance, pays the surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body, within three months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from monies within a cash deposit held by it for such purpose and return the excess of the cash deposit, if any, to such person.
- C. In the event of the death, disability or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the failure or refusal of such surveyor to set such monuments, the governing body may direct the County surveyor, in his official capacity, or contract with a surveyor in private practice to set such monuments for recording as provided in this Ordinance.

Section 18.51 – Agreement for Improvements

Before the final plat may be approved, the subdivider shall either:

- A. Install required improvements and repair existing streets and other public facilities damaged in the construction of the subdivision; or
- B. Execute and file with the Board of County Commissioners an agreement between himself and the County, and specifying the time within which the required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified that the County may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 18.52 – Improvement Bond

- A. The subdivider shall file with the agreement for improvements to assure his full and

faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
 2. A personal bond co-signed by at least (1) additional person together with evidence of financial responsibility and resources of those signing the bonds sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 3. Cash or certified check.
- B. Such assurance of full and faithful performance shall be for a sum determined by information submitted to the County Engineer and/or Planning Department as sufficient to cover the cost of improvements and repairs and all related engineering and incidental expenses which the County may sustain on account of the failure of the owner to carry out and execute all the provisions of the performance agreement.
- C. If the subdivider fails to carry out all the provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County can call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the costs and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider shall be liable to the County for the difference.

Section 18.53 – Maintenance Agreement

Prior to the approval of the final plat, the subdivider may be required to enter into an agreement with the Hood River County Board of Commissioners. The agreement shall specify the method by which improvements shall be maintained. The methods may include, but not be limited to, special assessment districts, homeowners association and bonding agreements.

MAJOR PARTITIONS

(Revised 07/21/03 as part of TSP adoption; HRC Ordinance 249; effective 8/22/03)

GENERAL PURPOSE

Section 18.54 — Purpose of Chapter

This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for the design and improvements of major partitions and minimum lot standards for major partitioning land within the unincorporated territory of Hood River County.

Section 18.55 — Compliance Requirement

- A. No person, firm, corporation, partnership or association shall partition land in the unincorporated territory of Hood River County into two or three parcels creating a road without first obtaining approval pursuant to this chapter.
- B. The Planning Commission or Planning Department will require that the partition allow for the future development of other parcels that could be created through further partitions of the original property as allowed under the existing zoning. Approval of the plat may require providing for the opening and extension of adjacent streets and utilities to service future partitions of the subject property or adjacent property via such mechanisms as public or private easements, stub streets, or reserve strips.
- C. No person, firm, corporation or association shall cause a major partition to be created and no County Official shall accept or approve a major partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.

Section 18.56 – Applicability of Shadow Platting Requirement

Additional data shall accompany the tentative plan (as per Section 18.60) for major partitions proposed within the Urban Growth Areas of the City of Hood River and the City of Cascade Locks and within designated unincorporated communities.

TENTATIVE PLAN

Section 18.57 — Tentative Plan Submission

A tentative plan for the purpose of a major partition shall be submitted to the Planning Department for action in conformance with these regulations and in compliance with ORS 92.090(2).

Section 18.58 — Form and Contents for a Tentative Plan

- A. Every tentative plan shall be drawn to scale and shall conform to the design regulations contained in the Design Requirements section of this Chapter. Every tentative plan shall be clearly and legibly reproduced and shall show the following information:
 - 1. Section, township, range and tax lot.
 - 2. Date, north point and scale.
 - 3. Names, addresses and telephone numbers of the record owners, partitioners, agent, and person(s) who prepared the tentative plan.

4. Location, width of rights-of-way, and names of abutting roads and streets.
5. Location and width of all known easements and other existing rights-of-way on the proposed partition, including water lines, power lines, and power poles.
6. Location, outline, and setback distances of all existing structures to remain on the property or to be removed, and of all structures proposed to be built upon the property.
7. Approximate location of all known areas subject to inundation or storm water overflow and the location, width and direction of all existing and proposed water courses and drainage ways, and any ponds or other natural features.
8. The location, names, width and approximate grades of all streets proposed or existing on the property, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities, including illustrations of how both proposed streets and utilities align with existing or planned streets and public utilities on adjacent properties.
9. The approximate dimensions and area in acres of all lots under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.
10. Topographic detail when percent of slope exceeds 12%.
11. Indicate which streets are intended to be public or private on the plan.

Section 18.59 — Data to Accompany Tentative Map

- A. A legal description.
- B. Source of water supply.
- C. Method of sewage disposal.
- D. Information on the source of other public utilities.
- E. Proposed drainage and/or flood control measures, if applicable.
- F. Existing and proposed uses of the property.

Section 18.60 – Additional Data to Accompany Tentative Map

Within the Urban Growth Areas and designated unincorporated communities, the following additional data shall accompany the applicant's Tentative Map:

- A. A plan for the property shall be drawn, using dashed lines to represent how it would look if partitioned to the fullest extent allowed under the existing zoning. Indicate all future lot patterns, utility line locations and easements, road and/or street locations and right-of-way including major arterials. The following statement shall be included on the tentative plan: "Dashed lines represent

future lots and streets based upon the projected densities and zoning for the area being developed.”

- B. A supplemental narrative may be required describing soil conditions, indicating where they are most and least acceptable for sanitary sewer systems.
- C. A supplemental narrative may be required describing how the proposed partition will allow for future build-out of the remainder of the property at the maximum density allowed by the existing zoning, including provisions for future street and utility extensions that will align with existing roadways and public facilities.
- D. A Future Street Plan (FSP) demonstrating (in the form of site plans, maps or diagrams) that proposed future roadways on the property will align with existing and planned roadways adjacent to the property, including those identified on previously recorded tentative plans or Future Street Plans. The FSP shall provide for the logical extension, continuation, and interconnection of existing and planned streets, and accomplish the following local transportation objectives:
 - 1. Adequately serve local traffic.
 - 2. Provide multi-directional access and circulation.
 - 3. Balance traffic distribution within an area.
 - 4. Minimize impact on natural resources.
 - 5. Provide access points for autos, pedestrians, and bicycles.
- E. Identify locations for future pedestrian ways and bike-ways in areas zoned for urban levels of residential development (10,000 square foot lots or less).
- F. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed public facilities are aligned with existing and planned public facilities on adjacent properties, including those defined in relevant water, sewer, or stormwater master plans or on any previously recorded tentative plans.
- G. Locations of planned public facilities shown in tentative plans are intended to be conceptual. Locations may be adjusted as tentative plans are implemented at the discretion of the County Planning Director.

Section 18.61 — Statement of Water Rights

- A. Applicants proposing major partitions on Lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Right Statement and a copy of the proposed major partition shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved major partition.
- B. Statement of Water Right forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3, or the

Oregon Water Resources Department.

Section 18.62 Filing Tentative Plan

- A. There shall be filed with the Planning Department six copies of the tentative plan conforming to the requirements of Section 18.59 of this Ordinance.
- B. The partitioners shall at the time of filing a tentative plan, pay the appropriate filing fee as required in Section 18.07 of this Ordinance.
- C. The time of filing a tentative plan shall be the time at which the plan is accepted by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with provisions of law and this Ordinance.
- D. Acceptance of the tentative plan does not insure that the map complies with the law or this Ordinance.

Section 18.63 - Distribution of Tentative Plan, Time Limits

- A. Upon receipt of the map, the Planning Director shall distribute one copy each to the Advisory Review Committee and such other affected local, state, and federal agencies and individuals.
- B. Within 21 days from the receipt of the map by the Planning Department, each member or agency shall prepare a written report to the Planning Director. Such report shall state whether or not the partition conforms to all applicable local, State, Federal regulations which concerns the particular agency or committee and further make such recommendations as is deemed necessary in the public interest.

Section 18.64 — Review by the Planning Director

- A. Following receipt of the written reports as prepared pursuant to Section 18.64, the Planning Director shall review the proposed partition and approve, disapprove or conditionally approve. The Planning Director shall render his decision within 25 days from the receipt of the tentative plan. The Planning Director may continue the decision for not more than 25 days to receive additional information. The partitioner shall be notified of such extension.
- B. Prior to consideration of approval by the Planning Director, property owners within 600 feet of the subject property, and those within 600 feet of the future potential extension of any road proposed in the tentative plan that eventually would cross adjacent or other properties, shall be notified of the review process and provided with an opportunity to comment on the tentative plan.
- C. The Planning Director shall disapprove the tentative plan if any of the following exists:
 - 1. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.
 - 2. The proposed partition is a subdivision as defined in Section 18.04.
 - 3. The proposed partition does not comply with the law or this Ordinance.
- D. If the Planning Director disapproved the plan, the Director shall deliver in writing to the partitioner, a statement of the reasons for disapproval.

- E. If the Planning Director approves the tentative plan, final approval, pursuant to Sections 18.66 – 18.70 of this chapter, will be required before any sale.
- F. Subsequent to approval of the tentative plan, a note will be added to the plat indicating that a Future Street Plan pertaining to the partition is on file with County Planning.

Section 18.65 - Survey May Be Required

Upon recommendations of the Director of Public Works, the Planning Director may require a survey of the exterior boundaries of any or all of the proposed parcels. Monumentation pursuant to Oregon State law may also be required.

CERTIFICATE OF COMPLIANCE

Section 18.66 - Time Limit to Comply With Conditions

Within four (4) years from the approval of the tentative plan, the partitioner shall comply with the tentative plan conditions, and the requirements of ORS 92.010 through ORS 92.160. The partitioner may bond for any or all improvements required by ordinance or conditions pursuant to Section 18.52 of the ordinance. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.²

Section 18.67 — Recordation of Certificates of Compliance

- A. Providing the requirements of Section 18.66 have been met, the Planning Director shall sign a Certificate of Compliance.
- B. If the requirements of Section 18.66 have not been met, the Planning Director shall inform the partitioner in writing that the tentative plan approval has expired.
- C. Within three working days from the signing of the Certificate of Compliance, the Planning Director shall submit the Certificate to the Department of Records and Assessments for recordation. Appropriate recordation fees shall be supplied by the partitioner prior to recordation.

Section 18.68 — Recording Statement of Water Rights

The Statement of Water Rights and the acknowledgement must be recorded along with the County approved major partition.

Section 18.69 — Form and Contents of Certificate of Compliance

- A. The size of sheet or sheets shall be eight and one-half inches by fourteen inches.
- B. The following certificates shall be included on the face of the Certificate of Compliance:
 - 1. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the recordation of the Certificate of Compliance.
 - 2. A certificate for execution acknowledged as above, offering certain parcels of land for dedication for certain specified public use, subject to reservations as may be contained in any such offer.
 - 3. If a survey is required, a certificate by a licensed surveyor responsible for the survey and

² Section 18.66 was amended via Ordinance #372 on June 21, 2021

legal description on the Certificate of Compliance. The signature of such licensed surveyor must be recognized by his seal or stamp.

4. A certificate for execution by the Planning Director.
5. A tax certificate.
6. A certificate for execution by the County Recorder.

Section 18.70 — Official Not to Execute Certificate, etc., If He Has Interest in Subdivision

When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the survey or legal description shall be exempted.

DESIGN REQUIREMENTS FOR MAJOR PARTITION

Section 18.71 — Requirements for Farm Use or Mineral Excavation Partition

If the proposed partition is created for farm use or mineral excavation purposes, the Design Requirements for Major Partition Section shall not apply.

Section 18.72 — Streets

The standards enumerated in Section 18.32 for street standards in subdivisions shall apply to major partitions unless otherwise specified in this section and as required by the Director.

Section 18.73 — Drainage

Where the land in the proposed partition is subject periodically to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Director may require a building setback from these areas or enlargement of lots.

Section 18.74 — Public Utility Easements

The standards enumerated in Section 18.34 for Public Utility Easements in subdivisions, shall apply to major partitions.

Section 18.75 — Lot Standards

- A. Lot standards for major partitions shall be the same as those enumerated for subdivisions found in Section 18.35.
- B. The following provisions are applicable to lands within the City of Hood River's Urban Growth Area:
 1. If applicable, a major partition proposal shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).
 2. The Director shall submit major partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use and service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

Section 18.76 — Water Supply and Distribution Requirements

Water supply and distribution design requirements for major partitions shall be the same as those enumerated for subdivisions found in Section 18.36.

Section 18.77 — Conformance to Comprehensive Plan

No partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

IMPROVEMENTS FOR PARTITIONS

Section 18.78 – Requirements for Farm Use or Mineral Excavation Partition

- A. If the partition is for farm use or mineral excavation, the improvement requirements of this section shall not apply.
- B. In lieu of completing improvements prior to the approval of the Certificate of Compliance, the Planning Director may require that improvements be completed prior to the occupancy of any structure requiring a building permit.

Section 18.79 — Street Improvements

Prior to approval of the Certificate of Compliance, the partitioner shall complete or bond for street improvements, pursuant to the standards established in Section 18.32 and improvements listed in Section 18.46 of this Ordinance; or street improvement plans pursuant to Section 18.41 shall be submitted to the Director of Public Works prior to the commencement of any construction.

Section 18.80 - Drainage and Flood Control

Adequate measures enumerated in Section 18.42 shall be met for any partition prior to the approval of the final plat.

Section 18.81 - Compliance Agreement

Prior to the approval of the Certificate of compliance, the partitioner shall sign a statement that he will install improvements subject to the tentative plan and improvement plan.

SURVEYING AND STAKING, BONDING

Section 18.82 - Survey

If a survey is required for a major partition pursuant to Section 18.64, the requirements of Section 18.47, 18.48, 18.49 and 18.50 will apply.

Section 18.83 - Agreement for Improvements

Before the Certificate of Compliance is approved, the partitioner shall either:

- A. Install the improvements; or
- B. The Director shall require the applicant sign a contract within 30 days after conditional approval is granted, provided, however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no partition application shall be approved until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent

administrative actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare. A bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County. Failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.

- C. Execute and file with the Board of Commissioners an agreement establishing or annexing to a special assessment district or homeowners association, which shall be responsible for all construction and maintenance of improvements.

EXCEPTIONS

Section 18.84 — Exceptions

Whenever land involved in a subdivision or partition is of such size or shape or is subject to such title limitation of record, or is affected by such topographical variation or is subject to such regulation by this Ordinance, that it is impractical to conform to the strict application of the Subdivision Ordinance, the owner or his authorized agent may make application to the Planning Director. The Planning Director may at the time of review of the tentative plan, approve the exception, providing such an exception conforms to the general spirit of this Ordinance. The Board of Commissioners shall be notified in writing within 15 days of the exception permitted by the Planning Director.

MINOR PARTITIONS

GENERAL PURPOSES

Section 18.85 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for minor partitions within the unincorporated territory of Hood River County.

Section 18.86 – Compliance Requirement

- A. No person, firm, corporation, partnership or association shall create a minor partition in the unincorporated territory of Hood River County without first obtaining approval pursuant to this chapter.
- B. No person, firm, corporation, partnership or association shall cause a minor partition to be created and no County Official shall accept or approve a partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.
- C. The provision of this chapter shall not apply to parcels legally established by recorded instrument prior to the effective date of this Ordinance.

APPROVAL REQUIREMENTS

Section 18.87 – Submittal of Legal Descriptions and Site Sketch

- A. Applicants proposing minor partitions on lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Rights Statement and a copy of the proposed minor partition shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved minor partition.
- B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District (3) or the Oregon Water Resources Department.
- C. Prior to the recordation of any sale or creation of a minor partition, the partitioner shall prepare a legal description of the partition and a sketch showing the proposed parcels and their location. The legal description and sketch shall be submitted to the Planning Director.
- D. Within three working days, the Planning Director or his authorized agent shall either:
 - 1. Certify that the proposed minor partition conforms with the Comprehensive Plan and Zoning Ordinance, and that the partition is a minor partition. Said certification shall be recorded by the Planning Director in the Department of Records and Assessments.
 - 2. Notify the partitioner that:

- a. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.
 - b. The proposed partition is a subdivision as defined in Section 18.04.
 - c. The proposed partition is a major partition.
- E. As a condition of approval, additional footage abutting an existing dedicated road or County road may be required.
- F. No sale or recordation of a minor partition or the creation of a minor partition shall be made without complying with this section.

LOT STANDARDS (UGA/CITY OF HOOD RIVER)

Section 18.88 – Lot Standards

The following provisions are applicable to lands within the City of Hood River's Urban Growth Area.

- A. If applicable, minor partition proposals shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).
- B. The Director shall submit minor partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments based upon adopted service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

AGREEMENT FOR IMPROVEMENTS

Section 18.89 – Agreement for Improvements

Compliance, if applicable, with requirements in Section 18.83 - Agreement for Improvements.

APPROVAL TIMELINES

Section 18.90 – Time Limit to Comply with Conditions (Minor Partitions)

Within four (4) years from the approval of the tentative plan, the partitioner shall comply with the tentative plan conditions, and the requirements of ORS 92.010 through ORS 92.160. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.³

³ Section 18.90 was added via Ordinance #372 on June 21, 2021

PROPERTY LINE ADJUSTMENTS

(Adopted: July 15, 2002) HRC Ordinance #241

(Effective: August 14, 2002)

A property line adjustment is a ministerial action to relocate a common property line(s) between at least two lawfully established lots or parcels, where no new lots or parcels are created. The submission requirements and approval process and criteria are as follows:

Section 18.90 – Definitions. The following definitions shall be used in implementing this and other portions of the County Zoning Ordinance:

- A. Lot: A single unit of land that is created by a subdivision of land.
- B. Parcel: A single unit of land that is created:
 - 1. By partitioning, as defined in ORS 92.010;
 - 2. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or
 - 3. By deed or land sales contract, if recorded prior to January 1, 1976.
- C. Ministerial Action: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.
- D. Non-Ministerial Action: A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an “administrative action” or “land use decision,” as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (Director’s Review Procedures).
- E. Nonconforming Lot or Parcel: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.
- F. Original Lot or Parcel: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

Section 18.91 – Submission Requirements. An applicant for a property line adjustment shall

submit:

- A. A completed application, signed by all property owners, on a form provided by the County Planning Department;
- B. Proof of fee ownership in the subject parcel. (When one or more of the property owners is a contract purchaser, they must obtain written consent from the legal property owner(s) prior to making application for property line adjustment.)
- C. A preliminary site plan that is drawn to scale and that contains, at minimum, the following information: all existing and proposed property lines and dimensions; footprints and dimensions of existing structures (including accessory structures); distance from existing buildings to proposed property lines; location and dimensions of driveways and public and private streets within or abutting the subject parcels; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with the County Zoning Ordinance;
- D. A signed statement explaining the purpose of the proposed property line adjustment; and
- E. Payment of application fee. (Per Planning Department approved fee schedule)

Section 18.92 – Approval Process.

- A. Except as otherwise allowed in Section 18.93(C)(1) and 18.93(D) below, property line adjustments shall be reviewed by means of a ministerial action using approval criteria contained in Section 18.93, below.
- B. The approval for a property line adjustment shall be effective for a period of four (4) years. An extension of time may be allowed subject to the provisions of Section 1.130(B) of the Ordinance. Within this time frame, all required conditions of the decision shall be completed.⁴
- C. The property line adjustment approval shall become void if one of following occurs:

⁴ Section 18.92 was amended via Ordinance #372 on June 21, 2021

1. The property line adjustment is not recorded within the time limit in Section 18.92(B) above;
2. The property line adjustment has been improperly recorded with the County without the satisfactory completion of all requirements associated with the approval; or
3. The final property line adjustment configuration is not the same configuration that was approved, unless the change was approved by the Planning Director as a minor amendment in accordance with Section 18.96, below.

Section 18.93 – Approval Criteria. A request for a property line adjustment shall be approved by the Planning Director if the following applicable criteria are met:

- A. The proposed property line adjustment will not result in the creation of any new lot(s) or parcel(s).
- B. A lot or parcel that currently conforms to the minimum lot size and dimensional requirements of the zone in which the lot or parcel is located shall not become nonconforming as a result of the property line adjustment.
- C. Except in zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved if the following exist:
 1. The existing nonconforming lot(s) or parcel(s) is reduced by no more than 10 percent of the size of the original lot or parcel, as defined in Section 18.90(F), above. A request to reduce an existing nonconforming lot(s) or parcel(s) by more than 10 percent may be allowed by the Planning Director as a non-ministerial property line adjustment if deemed consistent with applicable requirements of Article 72 (Planning Director’s Review Procedure) and the other applicable criteria from Section 18.93; and
 2. If the nonconforming lot(s) or parcel(s) contains an existing dwelling, evidence shall be provided that at least one of the following exists:
 - a. The lot(s) or parcel(s) is located within the boundaries of a public sewer system;
 - b. Evidence is provided from the County Environmental Health Department

or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system; or

c. The size of the proposed lot(s) or parcel(s) is greater than 5 acres.

D. In zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved as a non-ministerial property line adjustment, if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure), the other applicable criteria from Section 18.93, and the following:

1. The lot(s) or parcel(s) is located within the boundaries of a public sewer system; or
2. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system.

E. A property line adjustment or series of property line adjustments that would enlarge an existing nonconforming lot(s) or parcel(s) in the Exclusive Farm Use, Forest, or Primary Forest zones is not allowed unless one of the following conditions exist:

1. The parcel to be enlarged is currently enrolled in a farm or forest deferral program and the reason for the adjustment is to accommodate the expansion of their existing farm or forest operation;
2. The property to be acquired comes from a lot or parcel that is not enrolled in a farm or forest deferral program and is able to comply with the requirements of Section 18.93(C)(2), above;
3. The purpose of the adjustment is to allow the expansion of an existing farm related business, such as a cold storage facility, when demonstrated that the adjustment is the minimum necessary to accommodate the expansion;
4. The purpose of the adjustment is to correct a minor property discrepancy;

5. Limitations exist, such as setbacks, buffers, roads, rivers, canals, steep terrain, etc., that would restrict the reasonable access and/or use of the adjusted property by the current property owner; or
 6. The enlargement would cause the nonconforming parcel to increase to 20 acres or more.
- F. On land zoned Exclusive Farm Use, Forest, or Primary Forest, a property line adjustment may not be used to:
1. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
 2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
 3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard; or
 4. Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:
 - a. Two acres if the lawfully established unit of land is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland or within a ground water restricted area; or
 - b. Five acres if the lawfully established unit of land is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland or within a ground water restricted area.
- G. Adjusted property lines may cross zone boundaries unless the adjustment will increase the number of lots or parcels which could potentially be created by the density requirements

of the base zones. Furthermore, a property line adjustment shall not be used in combination with a zone boundary adjustment as a mechanism to enlarge existing zone boundaries.

- H. The proposal shall not cause any existing development to be placed in violation of the property development standards (setbacks, buffer requirements, etc.) of the zone or force a violation of the County Zoning Ordinance.
- I. The property line adjustment or series of property line adjustments shall not have the net result of physically relocating a lot or parcel to a completely new location beyond an existing common boundary line.
- J. The property line adjustment shall not cause a lot or parcel to lose its required frontage along a dedicated road right-of-way or other legal access route, unless a new form of legal access is created in its place. The creation of new or replacement legal access will require compliance with the minimum right-of-way width and improvement requirements of the County Road Standards, Transportation System Plan or those regulated by the local Fire District, whichever are greater.

Section 18.94 – Recording Property Line Adjustments. Final property line adjustment approval shall occur when the following actions are successfully completed, as determined by the County Planning Director. The recording process shall occur in the following sequence:

- A. Prior to final property line adjustment approval:
 - 1. The applicant shall have the common boundary line(s) surveyed and monumented, in accordance with ORS 92.060(3), and a survey map filed, in accordance with ORS 209.250, with the County Surveyor. Pursuant to ORS 92.060(8), if all property affected by the property line adjustment is greater or becomes greater than ten (10) acres, the requirement of a survey, monumentation, and map shall be waived.
 - 2. The applicant shall record metes and bounds descriptions of the property line adjustment, deeds, and other information (as further described below) with the County Department of Records and Assessment.
 - a. If the proposed property line adjustment involves two or more parcels in the same legal ownership, the applicant/owner shall record with the County Department of Records and Assessment a new metes and bounds legal description for each adjusted parcel, the original PLA application form

(available at the Planning Department), and the original Planning Department approval letter; or

- b. If the proposed property line adjustment involves two or more parcels in different legal ownership, the applicant/owner shall record a deed with the County Department of Records and Assessment with a metes and bounds description of those portions of property being transferred between the affected property owners. In this instance, the deed is the mechanism to transfer property between owners.

- B. Upon recording the information required as part of Section 18.94(A) above, the applicant/owner shall file a “cancel and combine” statement with the County Department of Records and Assessment to combine the transferred property with the new parent parcel.

Should the County Department of Records and Assessment be unable to combine the affected properties due to mapping constraints, the owner shall record a “Deed Declaration” statement (forms available at the Planning Department). Recording of this statement will require an additional metes and bounds description to be prepared, that describes the transferred property and the new parent parcel together as a single unit of land. The purpose of recording a Deed Declaration statement is to ensure that future owners understand that portions of their property may not be sold separately (regardless of their tax lot status), unless in compliance with applicable requirements of the Hood River County Zoning Ordinance and Oregon Revised Statute, Chapter 92.

Section 18.95 – Extensions.

See Section 18.92(B) above.⁵

Section 18.96 – Minor Amendments.

- A. A minor amendment may be approved as a ministerial action by the County Planning Director if it involves the minor adjustment of one or more of the property lines previously approved for adjustment and if it conforms with the approval criteria from Section 18.93, above.

⁵ Section 18.95 was amended via Ordinance #372 on June 21, 2021