

Flood Plain Variance

Applicant Handbook



This packet will guide an applicant through the City's Flood Plain Variance process. While this packet is comprehensive, an applicant should read the applicable Code Sections.

This Packet includes:

- 1) Process Steps
- 2) Public Hearings Procedures
- 3) Variance Approval Criteria
- 4) Flood Plain Variance Approval Criteria
- 5) Application Form
- 6) Fee Agreement
- 7) Fee Schedule

Please use the following as a check list to guide you through the process. **The Steps in Bold are those that the applicant has a significant role in completing.** The other steps are those taken by the City the applicant should track through the process. The Process Steps section gives a more detailed description of these steps.

- Step 1: Request a Pre-Application Conference**
- Step 2: Attend the Pre-Application Conference**
- Step 3: Submit the Application**
- Step 4: Application Acceptance
- Step 5: Notice of Public Hearing
- Step 6: Staff Report
- Step 7: Participate in the Public Hearing**
- Step 8: Decision
- Step 9: Notice of Decision
- Step 10: Appeal of a Planning Commission Decision**
(If applicable)

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Process Steps



NOTE: These steps are extracted from the Cascade Locks Community Development Code. Items that are the applicant's responsibility are in bold.

Step 1: Requesting the Pre-Application Conference **(8-6.24.020)**

Before submitting a land use application a potential applicant must attend a pre-application conference. Such a conference can be requested at City Hall and will be scheduled by the City Administrator at the earliest reasonable time

Step 2: Attending the Pre-Application Conference (8-6.24.020)

The purpose of the pre-application conference is to acquaint the applicant with the requirements of the application, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant and should answer many questions the applicant may have about the process. It will also be a time at which issues can be identified and discussed.

Step 3: Submitting the Application

Applications include the application form and additional required information described Section 8-6.24.030 of the City's Municipal Code. The applicant shall also submit any evidence needed to show how the variance meets the variance approval criteria and the guidelines specified in Section 60.6 of the National Flood Insurance Program (Regulations for Floodplain Management and Flood Hazard Identification), October 1, 1990, published by the Federal Emergency Management Agency (8-6.120.100). It is the applications responsibility to prove the need for the variance.

Applications are submitted to the City Administrator in the number specified on the application form. (8-6.24.040)

Step 4: Application Acceptance (8-6.24.040)

Within 14 calendar days of receiving an application the City shall determine whether the application is complete. The City shall notify the applicant when the application is accepted as complete or rejected as incomplete if deficiencies are found. The applicant may resubmit but shall be subject to another 14 calendar day completeness check. All documents or evidence relied upon by the applicant shall be submitted to

the City and made available to the public at least 20 calendar days before a Planning Commission hearing.



Step 5: Notice of Public Hearing (8-6.24.050)

Notice of public hearing shall be sent by mail at least 20 calendar days before the hearing. The notice of public hearing shall be mailed to:

In addition, at least 10 calendar days before a Planning Commission public hearing, notice shall be provided in a newspaper of general circulation in the City.

Step 6: Staff Report (8-6.24.060)

Staff reports are mailed approximately 7 calendar days prior to the public hearings to the applicant and interested parties who request them.

Step 7: Participate in the Public Hearing (8-6.28)

Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this chapter.

Step 8: Decision (8-6.24.070)

After review of all evidence is submitted to the record, the Planning Commission may:

1. Approve or deny all or part of the application;
2. Approve all or part with modifications or conditions of approval as described in Section 8-6.24.070;
3. Defer a decision; and
4. Dismiss without prejudice due to procedural error or remand to correct a procedural error.

The Planning Commission may announce a tentative decision at the close of the public hearing but no decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Planning Commission's designee.

Step 9: Notice of Decision (8-6.24.050)

The City shall mail notice of the decision to all persons who submitted written comments or testified during the hearing.



Step 10: Appeal of a Planning Commission Decision (8-6.36)

A decision of the Planning Commission may be appealed to the City Council by filing a petition for review within 14 calendar days after written notice of the decision is provided. An appeal can be initiated by any anyone who files a petition for review or at the direction of the City Council. On appeal the party who files the appeal has the burden of proof.



Public Hearings Procedures

Planning Commission and City Council

General Guidelines

- a. All those who wish to testify must write their name and address on a sign up sheet that will be available before and during the hearing.
- b. The order of testimony will follow the steps below and then will be based on the order individuals signed up.
- c. All those wishing to testify must do so from the podium and will refrain from making comments while in the audience.
- d. Testimony shall begin with a statement of one's name and address for the record.
- e. Testimony and evidence must be directed toward the decision criteria or other standards in the land use regulation the person believes to apply to the decision.
- f. Except as otherwise provided, the applicant, or the appealing party on appeal, bears the burden of proof that the proposal is in compliance with the applicable criteria and standards.

Public Hearing Steps

1. Open public hearing – The hearing is opened with a statement of rules.
2. Members of the Commission or Council declare any and all significant pre-hearing ex-parte contacts with regard to the matter and potential conflicts of interest. Members will recuse themselves if there are any potential conflicts of interest that will not allow them to make a fair and impartial decision.
3. Presentation of the Staff Report
4. Applicant presentation
5. Testimony from those in favor of the proposed action
6. Testimony from those opposed to the proposed action
7. Questions from members of the public
8. Applicant's rebuttal
9. Final comments from Staff
10. Close of public hearing

NOTE: Once the hearing is closed, no additional testimony, comments, or questions may be taken from the audience.

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Approval Criteria

8-6.160.050

A variance application shall only be approved or approved with conditions when the approval authority finds that of all of the following criteria have been satisfied:

- A. The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan;
- B. There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- C. The use proposed is a permitted or conditional use as allowed in the applicable zoning district, and the standards of this title will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- D. Existing physical and natural systems, such as but not limited to transportation facilities, utilities and sensitive lands, will not be adversely affected any more than would occur if the use or structure were developed in accordance with the provisions of this title; and
- E. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

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Approval Criteria

8-6.120.100

The variance request shall be evaluated using the guidelines specified in Section 60.6 of the National Flood Insurance Program (Regulations for Floodplain Management and Flood Hazard Identification), October 1, 1990, published by the Federal Emergency Management Agency (available at City Hall).

City Hall
P.O. Box 308
Cascade Locks, Oregon 97014
Phone: 541-374-8484
Fax: 541-374-8752



FLOOD PLAIN VARIENCE APPLICATION

I. BACKGROUND INFORMATION

Applicant

Applicant Name: _____ Phone: _____

Address: _____

Applicant Standing (Fee Owner, Contract Purchaser, etc.): _____

Property Owner (if different)

Name: _____ Phone: _____

Address: _____

Property Information

Property Address: _____

Township; Range; Section; Tax Lot: _____

Zone: _____ Property Size: _____

Existing Use/Structures: _____

Application Proposal: _____

FOR OFFICE USE ONLY

File Number: _____

Submittal Date: _____ Fee: _____ Received by: _____

Application Type: _____ Completeness: _____ 120th Day: _____

II. APPLICATION REQUIREMENTS



- (A) _____ Completed and signed application form.
- (B) _____ Written response to the variance approval criteria and the guidelines in Section 60.6 of the National Flood Insurance Program (Regulations for Floodplain Management and Flood Hazard Identification), October 1, 1990, published by the Federal Emergency Management Agency. It is the applications responsibility to prove the need for the variance.
- (C) _____ TEN copies of the site plan drawn to scale. The site plan must include the material required under Sections 8-6.120.040 of the Community Development Code. City staff will assist the applicant in determining what information is required on the site plan.
- (C) _____ A topographical map meeting the parameters set forth in Sections 8-6.120.040 of the Community Development Code. These maps are available at City Hall and City staff will assist the applicant in obtaining the proper map.
- (D) _____ Names and addresses of all the property owners within 250 feet of the boundaries of the property. This list must be provided by a Title Company or the Hood River County Assessor.
- (E) _____ Copy of the latest deed, sales contract, or title report indicating property ownership.
- (F) _____ A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property
- (G) _____ A signed fee agreement and payment for filing fee.

III. SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

Applicant/Owner _____
Date

Applicant/Owner _____
Date

**NOTICE TO APPLICANT
REIMBURSEMENT TO CITY OF CASCADE LOCKS
FOR ADMINISTRATIVE FEES**



TO: APPLICANT

The City of Cascade Locks, like many other small cities in Oregon, is faced with a severely reduced budget for the administration of the City's Ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process land use applications, the city must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure that applications are processed fairly and promptly. Because of reduced budgets, the City finds it necessary to transfer some administrative costs to you, the applicant, as part of the land use planning process. Therefore, you are asked to read and sign the agreement below indicating that you understand and agree to this requirement.

**AGREEMENT TO REIMBURSE CITY
FOR ADMINISTRATIVE COSTS**

I/We, the applicant(s), _____
hereby agree to reimburse the City of Cascade Locks for administrative costs over and above the costs covered by the Basic Fee, which we have paid. We have been advised that an estimated cost is \$_____, but that actual costs could exceed this amount. In the event the City is required to commence litigation to recover these costs, the prevailing party shall be awarded costs and reasonable attorney's fees, including any costs and fees on appeal.

The amount not paid shall also become a lien against the property on which the land use action is sought, in favor of the City of Cascade Locks, and shall be docketed in the City Lien Docket.

DATED this _____ day of _____, 20____.

LAND USE APPLICANT(S): _____

PROPERTY OWNER(S): _____
(If Different Than Above)

RESOLUTION NO. 1120

A RESOLUTION SETTING A FEE SCHEDULE FOR VARIOUS LAND USE AND DEVELOPMENT PERMIT APPLICATIONS; AND REPEALING RESOLUTION NO. 1110.

WHEREAS, the City receives requests from property owners and developers for approval of various land use actions; and

WHEREAS, the City processes development permits for construction of public facilities which includes permit handling, plan review, and inspections;

WHEREAS, the City processes permits for performing work within the public right-of-way;

WHEREAS, it is important that the City recover the costs associated with processing these;

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Application Fee Schedule. The following fees shall be paid with the application:

Type of Application:

<u>Administrative Review</u> (8-6.20.020)	\$75.00 Non-refundable Fee Basic Fee includes all staff time and One (1) hour Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer Over costs covered by Basic Fee
<u>Variance</u>	\$450.00 Non-refundable Fee Basic Fee includes all staff time and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Partitions</u>		
Minor	\$500.00 Non-refundable Fee	PLUS Actual Costs for
Major	\$500.00 Non-refundable Fee Basic charges includes all Staff time, four (4) hours Planning Consultant, and one (1) hour Engineer.	Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Wetland/Riparian Permits</u>	\$400.00 Non-refundable Fee Basic charges include all Staff time, and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered By Basic Fee
<u>Planned Unit Development</u>	\$1,400.00 Non-refundable Fee Basic charges includes all Staff time and eight (8) hours Planning Consultant and one hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Subdivision</u>	\$1,200.00 Non-refundable Fee Basic charges includes all Staff time, eight (8) hours Planning Consultant, and three (3) hours Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Lot Line Adjustment</u>	\$125.00	
<u>Signs</u>	\$75.00 + \$2.00 per square foot	

<u>Conditional Use</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Site Plan Review</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Zone Change</u>	\$625.00 Non-refundable Fee Basic charges include all Staff time, five (5) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Comprehensive Plan Amendment</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff time, eight (8) hours Planning Consultant, and one (1) hour Engineer.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Vacations</u>	\$600.00 Non-refundable Fee Basic charges include all Staff time and four (4) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Temporary Permit</u> A temporary permit will not be allowed until a building permit is purchased through Hood River County	\$300.00 Non-refundable Fee Basic charges include all Staff time and two (2) hours Planning Consultant.	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Annexation</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff, eight (8) hours Planning Consultant, and one (1) hour Engineer	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Amendment to Urban Growth Boundary</u>	\$1,000.00 Non-refundable Fee Basic charges include all Staff time, eight (8) hours Planning Consultant, and one (1) hour Engineer	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Pre-application Conference Costs</u>	\$ 225.00	
<u>Zoning/Building Review Plan</u>		
A. Accessory Structure, minor review	\$ 50.00	
B. House or Mobile Home	\$ 100.00	
C. Multi-family dwellings	\$ 100.00 + \$25.00 per unit	
D. Commercial, Industrial, Other Projects	\$ 200.00	

SECTION 2. Multiple Applications. If multiple land use applications are necessary on a single project and a single applicant, the applicant shall pay the highest basic fee of the applications necessary, plus 20% of the other basic fees involved.

SECTION 3. Appeal Fee Schedule. Fees for Appeal of Decision will be \$450.00. This base charge include Staff, eight (8) hours Planning Consultant, and one (1) hour Engineer; plus any extra costs for the Planner, Attorney or Engineer over costs covered by Basic Fee.

SECTION 4 – Public Works Permit Fees. The following fees will be paid with the application: (Note that these fees do not include any hookup charges or systems development charges.)

<u>Type A Construction Permit</u>	\$250.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Type B Construction Permit</u>	\$500.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee
<u>Right of Way Permit</u>	\$50.00 Non-refundable Fee Basic Fee includes plan review and inspection by Public Works Staff	PLUS Actual Costs for Planner, Attorney or Engineer over costs covered by Basic Fee

SECTION 5. Payment Agreement Required. Each applicant shall be required to sign an agreement developed by the City Attorney that requires the Applicant to pay any and all costs determined by the City Staff to be above the costs covered by the Non-Refundable Basic Fees.

SECTION 6. Annual Review. The Planning Commission shall review these fees each year and make a report to the Council as to whether any change should be made to them.

SECTION 7. Resolution No. 1110 Repealed. Resolution No. 1110 is hereby repealed.

ADOPTED by the City Council this 27th day of August, 2007.

APPROVED by the Mayor this 27th day of August, 2007.

Mayor

ATTEST:

City Recorder