

Wetland/Riparian Variance

Applicant Handbook

This packet will guide an applicant through the City's Wetland/Riparian 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) Approval Criteria
- 4) Application Form
- 5) Fee Agreement
- 6) 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)

Wetland/Riparian Variance Step by Step

1. Pre-Application conference scheduled.
 - a. The fee for a Pre-Application Conference is \$225 and needs to be paid at time of scheduling.
2. Pre-Application conference held.
 - a. Please have any pertinent partners attend this meeting, i.e. your architect or engineer
3. Wetland/Riparian Variance Application submitted by applicant.
 - a. Applications include the application form and additional required information described in section 8-6.24.030 and Section 8-6.128.080 of the CDC.
 - b. The fee for a Variance is \$450 and needs to be paid at the time of submittal.
4. Application is reviewed for completeness.
 - a. The date of submission shall be recorded and the responsible party (City) has 14 calendar days to determine whether the application is complete.
 - b. Once the application is determined to be complete, the applicant will be notified via a letter.
 - c. If the application is denied, resubmitted applications will be subject to another 14 calendar day completeness check.
5. Notice of Public Hearing
 - a. Notice of a Public Hearing shall be mailed and posted at least 20 calendar days before a Planning Commission Hearing by City Staff.
 - b. In addition to all other notice, at least 10 calendar days before a Planning Commission public hearing, notice shall be provided in a newspaper of general circulation in the City, by City staff.
6. Staff Report is written and mailed.
 - a. A copy will be mailed to the applicant approximately 7 calendar days prior to the public hearing.
7. Public Hearing is held in accordance with rules of procedure as written in 8-6.28.
 - a. The Planning Commission will review all evidence submitted to the record, including the staff report recommendation and Architectural Review Committee comments, and may:
 1. Approve or deny all or part of the application.
 2. Approve all or part with modifications or conditions of approval
 3. Defer a decision; or
 4. Dismiss without prejudice due to procedural error or remand to correct a procedural error.
8. Minutes produced
 - a. Minutes of the Planning Commission public hearing will be produced and reflect the matters discussed and the views of the participants shall be noted.

Wetland/Riparian Variance Step by Step

9. Notice of Decision

- a. Notice of Decision in the form of a final order will be provided to the applicant and any parties who testified during the hearing or submitted written comments.

10. Appeal Period

- a. There will be a 14 calendar day period after written notice of the decision is provided. An appeal can be initiated by anyone who files a petition or at the direction of the City Council.
- b. If there is an appeal, it will be subject to a 20 calendar day Public Hearing notice and then go to a City Council Public Hearing.
- c. The City Council will then make a decision.
- d. Notice of decision shall be provided to the applicant and all persons who submitted written comments or testified during the hearing.



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 reque 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

8-6.128.080

A variance may be requested to reduce or eliminate the requirements of this chapter for the following reasons:

1. A mapping error occurred, and the proposed development is not located within a wetland or riparian area; or
2. The requirements of this chapter have created a hardship by rendering the subject property unbuildable.

Mapping Error

In the case of a mapping error, the applicant shall provide expert testimony, site plan information, photographs, and/or other relevant information to demonstrate that the proposed development is not within a wetland or riparian area.

Hardship

In the case of a hardship, the applicant shall address the following approval criteria

- 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.

In lieu of demonstrating no adverse impact to natural systems and sensitive areas under letter D., the applicant shall provide a report from a professional biologist or other professional competent in biology which demonstrates how adverse impacts caused by the proposed development will be minimized.

WETLAND/RIPARIAN VARIANCE APPLICATION

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

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: _____ Property Size: _____

Zone: _____ Approx. Size of Wetland/Riparian Area Affected: _____

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 approval criteria. It is the applications responsibility to prove the need for the variance.
- (C) ___ ONE copy and ONE PDF version copies of the site plan drawn to scale. The site plan should include information necessary show how the variance conforms to the approval standards including all the information described in 8-6.128.080. The site plan should be in the following format:
1. The site plans and required drawings shall be drawn on sheets preferably not exceeding 18 inches by 24 inches;
 2. The site plan shall be drawn using an engineering scale; and
 3. All drawings of structure elevations or floor plans shall be drawn using a standard architectural scale of 1/4 inch or 1/8 inch equals one foot.
 4. Include 2 foot contour lines if necessary to adequately explain the proposal
- City staff will assist the applicant in determining what information is required on the site plan,
- (D) ___ A report from a professional biologist or other professional competent in biology which demonstrates how adverse impacts caused by the proposed development will be minimized. (Only required in cases where a hardship is claimed)
- (E) *N/A* 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.
- (F) ___ Copy of the latest deed, sales contract, or title report indicating property ownership.
- (G) *N/A* A current Hood River County tax map(s) showing the subject property(ies) and all properties within 250 feet of the subject property
- (H) ___ A signed fee agreement and payment for filing fee.

III. SIGNATURES

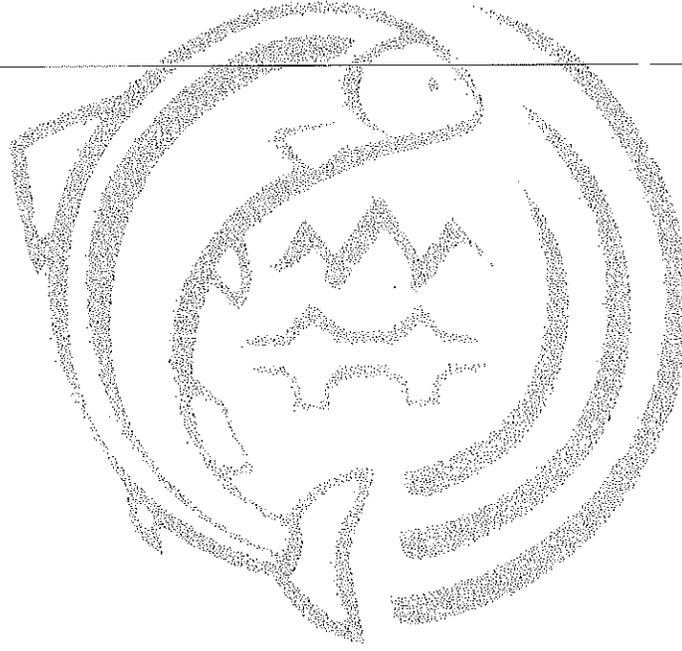
NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION WILL DELAY THE REVIEW PROCESS.

Applicant/Owner

Date

Applicant/Owner

Date



CASCADE
LOCKS

**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 additional deposit required is \$ 1,000.00, but those 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____.

APPLICANT(S): _____

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

Fee Schedule

8/27/07

Each applicant shall be required to sign an agreement that requires the applicant to pay any and all costs above and beyond the basic fees.

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 application necessary, plus 20% of the other basic fees involved.

For All Developments:

Pre-Application Conference	\$225	
<i>Staff time, 5 hours planning consultant & 1 hour engineer</i>		
Site Plan Review	\$625	
<i>Staff time, 5 hours planning consultant & 1 hour engineer</i>		
Public Work Type A Permit	\$250	
<i>Plan review & inspection by Public Works</i>		
Zoning/Building Review Plan		
A. Accessory Structure, minor review	\$50	
B. House or Mobile Home	\$100	
C. Multi-Family Dwellings	\$100 + \$25 per unit	
D. Commercial, Industrial, Other Projects	\$200	

Additional Fees for Multi-Family Developments:

Planned Unit Development	\$1,400	
<i>Staff time, 8 hours planning consultant & 3 hours engineer</i>		
Subdivision	\$1,200	
<i>Staff time, 8 hours planning consultant & 3 hours engineer</i>		
Public Work Type B Permit	\$500	
<i>Plan review & inspection by Public Works</i>		

Other Possible Charges:

Conditional Use	\$625	
<i>Staff time, 5 hours planning consultant & 1 hour engineer</i>		
Lot Line Adjustment	\$125	
Variance	\$450	
<i>Staff time & 4 hours planning consultant</i>		
Partitions	\$500	
<i>Staff time, 4 hours planning consultant & 1 hour engineer</i>		
Signs	\$75 + \$2 per sq foot	
Temporary Permit	\$300	
<i>A temporary permit will not be allowed until a building permit is purchased through the County</i>		

Appeal Process:

Appeal	\$450	
Administrative Review	\$75	
<i>Staff time & 1 hour planning consultant</i>		

Miscellaneous Fees:

Amendment to Urban Growth Boundary	\$1,000	
<i>Staff time, 8 hours planning consultant & 1 hour engineer</i>		
Comprehensive Plan Amendment	\$1,000	
<i>Staff time, 8 hours planning consultant & 1 hour engineer</i>		
Wetland/Riparian Permit	\$400	
<i>Staff time & 4 hours planning consultant</i>		
Right of Way Permit	\$50	
<i>Plan review & inspection by Public Works</i>		
Vacations	\$600	
<i>Staff time & 4 hours planning consultant</i>		
Annexation	\$1,000	
<i>Staff, 8 hours planning consultant & 1 hour engineer</i>		
Zone Change	\$625	
<i>Staff time, 8 hours planning consultant & 1 hour engineer</i>		

Waiver of pre-application conference

I, _____, hereby waive the step of a pre-
{name of applicant}

application conference for _____
{application type, case number}

pursuant to requirements under 8-6.24.020 (A) (2) of the

Community Development Code, which states that:

No application for a City Administrator, Planning Commission or City Council action shall be received by the Administrator unless the applicant or the applicant's representative has:

1. Attended a pre-application conference with the City Administrator*; or
2. Signed a waiver, on a written statement prepared by the City Administrator*, waiving the pre-application conference requirement.

Applicant Signature _____ Date _____

* According to Community Development Code, Chapter 8-6.08 Definitions

City Administrator or Administrator. The administrative head of the city or such other City employee or consultant who may be designated by the City Administrator to perform the functions delegated to the City Administrator.