

Chapter 17.150

LAND DIVISION--SUBDIVISION

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17.150.010 Purpose. The purpose of this chapter is to provide rules, regulations and standards governing the approval of plats of subdivisions; to carry out the development pattern and plan of the city; to promote the public health, safety and general welfare; to lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; to provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and to encourage the conservation of energy resources. (Ord. 727 §1, 2002; Ord. 634 §1 Exh. A (part), 1995)

17.150.020 General provisions. A. An application for a subdivision shall be processed through a two-step process, the tentative plan and the final plat:

1. The tentative plan shall be approved by the planning commission before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the tentative plan.

B. All subdivision proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. When subdividing tracts into large lots, the planning commission shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

D. Where landfill and/or development is allowed within and adjacent to the one hundred-year floodplain, the city may require the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain.

E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located to minimize flood damage and constructed according to public works design standards and specifications.

F. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

G. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated by the developer.

H. All subdivision proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points and must meet the criteria in 17.120(Q). A circulation plan is conceptual in that its adoption does not establish a precise alignment. (Ord. 857, 2016; Ord. 828, 2013; Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

17.150.030 Administration and approval process. A. Subdivision proposals shall be processed according to the procedures in Chapter 17.164.

B. Final action, including the resolution of all appeals and review on the land division application, shall be taken within one hundred twenty days after the application is deemed complete.

C. The planner shall:

1. Schedule a limited land use decision pursuant to Chapter 17.164 to be held by the planning commission within sixty days from the time the complete application is filed and shall provide a notice of the hearing;

2. Furnish copies of the proposed tentative plan to affected city staff;

3. Furnish copies of the tentative plan and supplemental material to affected government agencies or utilities in accordance with Chapter 17.164; and

4. Incorporate staff recommendations into a report to the planning commission.

D. The planner shall mail notice of the tentative plan proposal to persons who are entitled to notice.

E. The planning commission shall approve, approve with conditions, or deny any application for tentative plan. The planning commission shall apply the standards set forth in Section 17.150.060 when reviewing an application for a subdivision.

F. An applicant may request approval of a modification to an approved tentative plan prior to final plat approval by:

1. Submitting an application for modification of approval and providing the planner with a reproducible copy of a revised tentative plan or illustration of the proposed modification accompanied by a written narrative detailing the rationale for the proposed modification;

2. The planner shall determine whether the proposed change is a major or minor modification. Generally, any modification that alters the tentative plan by more than ten percent in regard to the proposed number of lots, or makes significant language changes within conditions of approval, shall be considered a major modification, and is subject to the administration and approval process detailed within this section; the approval authority shall be the planning commission. A minor modification shall be approved, approved with conditions or denied following the planner's review based on findings that:

a. No title provisions will be violated; and

b. The modification is not a major modification. (Ord. 828, 2013; Ord. 828, 2013; Ord. 727 §1, 2002; Ord. 711 §1 Ext. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

17.150.040 Expiration of approval--Standards for extension of time. A. The tentative plan approval by the planning commission shall lapse if:

1. A final plat has not been submitted within a one-year period; or

2. The final plat does not conform to the tentative plan as approved or approved with conditions.

B. The planner may, upon written request by the applicant, grant one extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original tentative plan as approved by the planning commission;

2. The applicant has expressed written intent of submitting a final plat within the one-year extension period;

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based; and

4. An extension of time will not preclude the development of abutting properties.

C. Notice of the decision regarding the extension shall be provided to the applicant. The planner's decision may be appealed by the applicant. (Ord. 634 §1 Exh. A (part), 1995)

17.150.050 Phased development. A. The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without submitting a final plat for each completed phase. In no case shall the total time for construction of the development exceed five years. The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

B. The following criteria shall be satisfied in order to approve a phased subdivision proposal:

1. All underground utilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is an interim facility not constructed to the applicable city or district standard; and

3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the tentative plan.

C. The application for phased development approval shall be heard concurrently with the tentative plan application and the decision may be appealed in the same manner as the tentative plan. (Ord. 828, 2013; Ord. 727 §1, 2002; Ord. 634 §1 Exh. A (part), 1995)

17.150.060 Approval standards--Tentative plan. A. The planning commission may approve, approve with conditions or deny a tentative plan based on the following approval criteria:

1. The proposed tentative plan shall comply with the city's comprehensive plan, the applicable chapters of this title, the public works design standards, and other applicable ordinances and regulations;

2. The proposed plat name is not duplicative and otherwise satisfies the provisions of ORS Chapter 92.090(1);

3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern; and

4. An explanation has been provided for all public improvements.

B. The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties. (Ord. 727 §1, 2002; Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

17.150.070 Application submission requirements-- Tentative plan.

A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. Seven copies of the tentative plan map and required data or narrative. A reproducible copy of the tentative plan and required data or narrative may be substituted for the seven required copies; and

2. The required fee.

B. The tentative plan map and data or narrative shall include the following:

1. Sheet size for the tentative plan shall preferably not exceed eighteen inches by twenty-four inches;

2. The scale shall be an engineering scale, and limited to one phase per sheet;

3. Vicinity map showing the general location of the subject property in relationship to arterial and collector streets;

4. Names, addresses and telephone numbers of the owner, developer, engineer, surveyor and designer, as applicable;

5. The date of application;

6. The assessor's map and tax lot number and a legal description sufficient to define the location and boundaries of the proposed subdivision;

7. The boundary lines of the tract to be subdivided;

8. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land;

9. Contour lines related to a city established benchmark at two-foot intervals for grades zero to ten percent and five-foot intervals for grades over ten percent;

10. The purpose, location, type and size of all the following (within and adjacent to the proposed subdivision) existing and proposed:

a. Public and private rights-of-way and easements,

b. Public and private sanitary and storm sewer lines, domestic water mains including fire hydrants, gas mains, major power (fifty thousand volts or better), telephone transmission lines, and watercourses, and

c. Deed reservations for parks, open spaces, path ways and any other land encumbrances;

11. Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plans of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

12. Approximate centerline profiles showing the finished grade of all streets including street extensions for a reasonable distance beyond the limits of the proposed subdivision;

13. Scaled cross-sections of proposed street rights-of-way;

14. The location of all areas subject to inundation or stormwater overflow, and the location, width and direction of flow of all watercourses and drainageways;

15. The proposed lot configurations, approximate lot dimensions and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots. Each lot shall abut upon a public street;

16. The location of all trees with a diameter six inches or greater measured at four feet above ground level (if any), and the location of proposed tree plantings, and a designation of trees to be removed and those that will remain;

17. The existing use of the property, including location of all structures and present use of the structures, and a statement of which structures are to remain after platting;

18. Supplemental information including proposed deed restrictions, if any, proof of property ownership, and a proposed plan for provision of subdivision improvements;

19. Existing natural features including rock outcroppings, wetlands and marsh areas;

20. Unless specifically exempted by the planner, a neighborhood circulation plan that conceptualizes future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points.

C. If any of the foregoing information cannot practicably be shown on the tentative plan, it shall be incorporated into a narrative and submitted with the application. (Ord. 828, 2013; Ord. 711 §1 Exh. A (part), 2001; Ord. 635 §1 (part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.150.140 Application submission requirements--Final plat.

Unless otherwise provided in Section 17.150.020, the applicant shall submit final plat and two copies to the planner within one year which complies with the approved tentative plan. (Ord. 634 §1 Exh. A (part), 1995)

17.150.150 City review of final plat--Approval criteria. A.

The planner and the city engineer shall review the final plat and shall approve or deny the final plat approval based on findings that:

1. The final plat complies with the plat approved by the planning commission and all conditions of approval have been satisfied;
2. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
3. The streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the city;
4. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, storm drainage, sewage disposal, and water supply systems;
5. An explanation is included which explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat;
6. The plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
7. A certificate has been provided by the city engineer that municipal water system will be available to the property line of each and every lot depicted in the proposed plat;
8. A certificate has been provided by the city engineer that a public sewer system will be available to the property line of each and every lot depicted in the proposed plat;
9. Copies of signed deeds have been submitted granting the city a reserve strip as provided by Section 17.150.060(B);
10. The final plat has been made in black India ink or silver halide and is eighteen inches by twenty-four inches in size on four mil double matted mylar or in such format as is approved and accepted by the county surveyor;
11. The lettering of the entire plat is of such size and type as approved by the county surveyor and the plat is at such a scale as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch;
12. If there are three or more sheets, a face sheet and index have been provided;
13. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapters 92.050 and 92.060 and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Surveyor, a lot corner of recorded subdivision or partition;
14. The plat contains an affidavit for signature by the city manager accepting street rights-of-way and street improvements for jurisdiction and maintenance by the city and accepting dedications of property to the city;

15. The plat contains an affidavit for signature by the city engineer certifying that the final plat meets the requirements of the public works design standards for all improvements to be maintained by the city;

16. The final plat shall not contain any information or be subject to any requirements that is or may be subject to administrative change or variance (ORS 92.050 (11)).

B. The acceptance by the city for maintenance and jurisdiction shall follow approval of the completed improvements. (Ord. 727 §1, 2002; Ord. 636 §1 (part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.150.160 Centerline monumentation--Monument box requirements.

A. The centerlines of all street and roadway rights-of-way shall be monumented and recorded before city acceptance of street improvements; and the following centerline monuments shall be set:

1. All centerline-centerline intersection points;
2. All cul-de-sac center points;
3. Curve points, beginning and ending points (point of curvature (P.C.) and point of tangency (P.T.)); and
4. The beginning and end of each new sheet.

B. Monument boxes conforming to city standards shall be required around all centerline intersection points and cul-de-sac center points; and the tops of all monument boxes will be set to finished pavement grade. (Ord. 727 §1, 2002; Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.150.170 Improvement agreement. A. If the applicant seeks approval of the final plat prior to completion of the required infrastructure improvements, before city approval is certified on the final plat, and before approved construction plans are issued by the city, the applicant shall:

1. Execute and file an agreement with the city engineer specifying the period within which all required improvements and repairs shall be completed; and

2. Include in the agreement provisions that if such work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the declarant.

B. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract. (Ord. 727 §1, 2002; Ord. 634 §1 Exh. A (part), 1995)

17.150.180 Bond--Cash deposit. A. As required by Section 17.150.170, the declarant shall file with the agreement an assurance of performance supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or

3. Cash.

B. The assurance of performance shall be one hundred ten percent of the cost of the improvements and repairs, and shall include the cost of engineering, construction, administration, inspection and incidental expenses.

C. The declarant shall furnish to the public works director an itemized improvement estimate, certified by a registered civil engineer, to assist the public works director in calculating the amount of the performance assurance.

D. In the event the declarant fails to carry out all provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.

E. The declarant shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the city. (Ord. 727 §1, 2002; Ord. 634 §1 Exh. A (part), 1995)

17.150.190 Filing and recording. A. Within ten days of the city review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 17.150.150.

B. Within fifteen days of final recording with the county, the applicant shall submit to the city a plain paper copy of the recorded final plat. (Ord. 636 §1(part), 1996; Ord 634 §1 Exh. A (part), 1995)

17.150.200 Prerequisites to recording the plat. A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS 92.095.

B. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS 92. (Ord. 634 §1 Exh. A (part), 1995)

17.150.210 Vacation of plats. A. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.

B. All applications for a plat or street vacation shall be made in accordance with Sections 17.150.020, 17.150.030 and 17.150.160(A).

C. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.

D. All approved plat vacations shall be recorded in accordance with Section 17.150.190:

1. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area. (Ord. 634 §1 Exh. A (part), 1995)

17.150.220 Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and any applicable city ordinance or regulation. (Ord. 634 §1 Exh. A (part), 1995)