

ORDINANCE NO. 727

An Ordinance relating to land use and amending Sections 17.150.010, 17.150.030, 17.150.050, 17.150.060, 17.150.150, 17.150.160, 17.150.070 and 17.150.180 of Title 17 of the Scappoose Municipal Code.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. That Scappoose Municipal Code Title 17 be amended as follows:

(Language to be omitted is ~~strikethrough~~, language additions are in **bold italics**)

Chapter 17.150

LAND DIVISION--SUBDIVISION

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;~~;~~**;** and 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~~.~~**;**

[...]

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 one copy of the proposed tentative plan to the ~~public works director~~ **community development director, the city engineer,** and the police chief;

3. Furnish one copy of the tentative plan and supplemental material to:
 - a. The Columbia County land development services, if the proposed subdivision is adjacent to a county road and access to the county road is desired by the applicant (this agency will be given at least five days to review the plan, suggest revisions, and return the plans to the city),
 - b. The Oregon Department of Transportation (ODOT), if the proposed subdivision is adjacent to a state highway and access to the state highway is desired by the applicant (this agency will be given at least five days to review the plan, suggest revisions, and return the plans to the city),
 - c. Scappoose rural fire district,
 - d. The Port of St. Helens, if applicable,
 - e. The Scappoose school district,
 - f. The Columbia County soil conservation district, if applicable,
 - g. Scappoose drainage district; **[and, if applicable]** Burlington-Northern Railroad if applicable,
 - h. **[Portland & Western Railroad],**
 - [i. ODOT Rail Division]**
 - [j]** Any other affected agencies as identified by the planner.
4. Incorporate all staff recommendations into a report to the planning commission.

[...]

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 will the total time for construction of the development exceed 7 years.]** The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

[...]

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**[y]** 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 or **[and]** otherwise satisfies the provisions of ORS Chapter 92.090(1);

[...]

17.150.050 City review of final plat—Approval criteria.

A. The planner and the ~~public works director~~ **[city engineer]** shall review the final plat and shall approve or deny the final plat approval based on findings that:

[...]

7. A certificate has been provided by the ~~public works director~~ **[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 ~~public works director~~ **[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 has 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 ~~public works director~~ **[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;

[...]

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 ~~will~~ **[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.

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 ~~public works director~~ **[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.

17.150.180 Bond--Cash deposit.

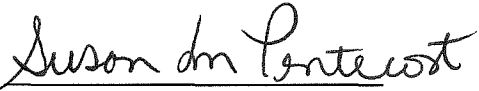
A. As required by Section 17.150.170, the declarant shall file with the agreement an assurance of performance supported by one of the following:

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.
- ~~E. B.~~ The assurance of performance shall be ~~for a sum determined by the public works director~~ **[110 percent of]** ~~as required to cover the cost of the improvements and repairs,~~ **[and shall include the cost of]** ~~engineering,~~ **construction, administration, inspection]** and incidental expenses.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: September 16, 2002
Second Reading: October 7, 2002

Attest: 
Susan Pentecost, City Recorder