

ORDINANCE BILL NO. 8 for 1993

ORDINANCE NO. 1061

AN ORDINANCE AMENDING THE SWEET HOME MUNICIPAL CODE TO BRING THE CITY'S LAND DIVISION STANDARDS IN COMPLIANCE WITH OREGON REVISED STATUTES; TO ESTABLISH DESIGN AND PLACEMENT STANDARDS FOR DRIVEWAYS AND PARKING LOTS; TO ALLOW MINI-STORAGE UNITS IN THE C-1 ZONE AS A CONDITIONAL USE; ESTABLISH CLEAR AND OBJECTIVE CRITERIA FOR REVIEWING ZONING AND COMPREHENSIVE PLAN MAP AMENDMENT REQUESTS; AMEND THE MH AND MI OVERLAY ZONES TO REQUIRE MOBILE HOMES PLACED WITHIN THESE ZONES BE A 1976 OR NEWER; TO CLARIFY PORTIONS OF, AND ELIMINATE INCONSISTENCIES WITHIN, THE ZONING ORDINANCE; AND, TO ELIMINATE INCONSISTENCIES BETWEEN THE ZONING ORDINANCE AND THE CITY'S COMPREHENSIVE PLAN.

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. The first sentence of SHMC 16.04.020 shall be amended to read as follows:

Subdivision and partition plats shall be reviewed and acted upon by the approving authority in accordance with these regulations.

Section 2. SHMC 16.04.030 shall be amended by adding the following definition:

"Replat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Section 3. SHMC 16.04.030 shall be amended by deleting the definition of "partition."

Section 4. That the first sentence of SHMC 16.08.010 be amended to read as follows:

A person may appeal to the city council from a decision or requirement made by the approving authority.

Section 5. SHMC 16.08.040 shall be amended to state the following:

Filing fees. The City Council shall establish application, review, plan check and inspection fees and fee policies by separate resolution for the performance of the actions and reviews required by this code.

Section 6. SHMC 16.08.050 shall be deleted.

Section 7. Street Functions and Standards #5 of the Sweet Home Comprehensive Plan and SHMC 16.12.020(A)(2) shall be amended to read as follows:

Minimum street widths. Street right-of-way and roadway (curb-to-curb) widths shall be adequate to fulfill city specifications as provided for in Section 16.24.040 and, unless otherwise indicated on the comprehensive plan or a neighborhood plan adopted by the planning commission, shall not be less than the minimum widths shown in the following table:

<u>Type of Street</u>	<u>Minimum ROW</u>	<u>Improvement Type</u>
Highways- two-way	100 feet	-Four 12 foot moving lanes -One 16 foot median strip -Two 4 foot bikelanes -Two 5 foot sidewalks -Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb -Two curbs and gutters
Local Arterial	80-100 feet	-Two to four 12 foot moving lanes -Two 4 foot bikelanes -Two 5 foot sidewalks -Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb -Two curbs and gutters
Collector	60 feet	-Two 12 foot moving lanes -Two 4 foot bikelanes -Two 8 foot parking lanes -Two 5 foot sidewalks -Two curbs and gutters
Minor Street	50 feet	-Two 10 foot moving lanes -One 8 foot parking lane -Two 5 foot sidewalks -Two curb and gutters

Short and cannot
be extended over
1,800 feet

40 feet

- Two 10 foot moving lanes
- One 8 foot parking lane
- Two 5 foot sidewalks
- Two curb and gutters

Section 8. SHMC 16.12.020 shall be amended by adding the following:

16. Access to subdivision. All major means of access to a subdivision or partition should be from existing streets fully improved to city standards where available, and which, in judgment of the city engineer, have the capacity to carry all anticipated traffic from the development.

Section 9. SHMC 16.12 shall be amended by adding the following:

"16.12.025 Underground Utilities. All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision or partition shall be permitted, except that in the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

Section 10. SHMC 16.12.060 shall be amended to read as follows:

Building Lines. If special building setback lines are to be established in the land division, they shall be shown on the subdivision or partition plat, or, if temporary in nature, they shall be included in the deed restrictions.

Section 11. SHMC 16.12.070 shall be amended to read as follows:

Large Lot Land Division. In subdividing or partitioning tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the blocks be of such size and shape, be so divided into lots or parcels, and contain such building site restrictions as will provide for and opening of streets at intervals which will permit a subsequent division of any lot or parcel into lots or parcels of smaller size.

Section 12. Chapter 16.16 shall be amended to read as follows:

Chapter 16.16

TENTATIVE PLAN

Sections:

- 16.16.010 Background information
- 16.16.020 Preapplication review
- 16.16.030 Procedure
- 16.16.040 Tentative plan review criteria
- 16.16.050 Tentative plan conditions of approval
- 16.16.060 Tentative plan submittal
- 16.16.070 Development phasing
- 16.16.080 Duration of tentative plan approval
- 16.16.090 Extension to tentative plan approval

16.16.010 Background information. The city shall make available to a land divider (or his agent) such background information as may be on city file relating to the general area of a proposed plat and to the relationship of the comprehensive plan, the zoning title and other city plans, policies or regulations to this area. The land divider shall also be advised of the design and improvement standards and other requirements established by the city in connection with the review and approval of plats.

16.16.020 Preapplication review. The land divider shall submit a sketch to the city planner of a tentative scheme for the layout of property to be subdivided. The city planner shall forward a copy of the proposal to the city engineer for review and may schedule a preapplication conference. Following preliminary review, the land divider may proceed to prepare a tentative plan for submission to the approving authority.

16.16.025 Procedure. A. TENTATIVE SUBDIVISION PLANS.

1. Referral. Upon receipt of a completed application for tentative subdivision approval, the city planner shall furnish one copy of the tentative plan to each of the following agencies: Pacific Power and Light, PTI, Northwest Natural Gas, TCI Cable, School District, U.S. Postal Service, county surveyor, and the State Highway Department (if the proposed division is within two hundred feet from a state highway). The city planner shall also forward one copy of the tentative plan to the city engineer, fire chief, and police chief for review and comment. These agencies shall be given at least 14 working days to review the tentative plan, suggest revisions and return the recommendations to the city. All other interested parties requesting notice shall be given an opportunity to review and comment on the plan in a similar manner. No response from an agency shall be considered to be approval by the agency of the tentative plan as approved by the planning commission.

2. Approval Authority. The planning commission shall have the authority to take action on a tentative subdivision plan after holding a public hearing in accordance with the procedures set forth in Section 17.12.130 of this code.

3. Notice and Procedures. Notification of the hearing shall be by posting the property to be divided with at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and owners of property within 100 feet of the entire contiguous site for which the application is made; and publication of notice in a newspaper of general circulation in the city. All notices of hearing shall be posted, mailed and published at least fourteen days prior to the date of the scheduled hearing. The notice and procedures used by the city shall:

- a. Provide a 14 day period for submission of written comments prior to the decision;
- b. State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period;
- c. List, by commonly used citation, the applicable criteria for the decision;
- d. Set forth the street address or other easily understood geographical reference to the subject property;
- e. State the place, date and time that comments are due; state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost;
- f. Include the name and phone number of a local government contact person;
- g. Provide notice of the decision to the applicant and any person who submits testimony verbally or in writing, including an explanation of appeal rights; and
- h. Briefly summarize the local decision making process.

4. Decision. Within thirty days following the public hearing, the planning commission shall take action on the tentative plan as submitted, or as it may be modified. If the planning commission does not approve the plan, it shall express its disapproval and its reasons therefor.

Approval of the tentative plan shall indicate approval of the final plat if there is no substantial change in the plan of the subdivision as approved by the planning commission and if the land divider complies with the requirements of this chapter and of the provisions of ORS 92.010.160.

The action of the planning commission shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, one copy shall be retained by the city engineer, and the other shall be retained by the planning commission.

B. TENTATIVE PARTITION PLANS.

1. Referral. Upon receipt of a completed application for tentative partition approval, the city planner shall furnish one copy of the tentative plan to each of the

following agencies: Pacific Power and Light, PTI, Northwest Natural Gas, TCI Cable, county surveyor, and the State Highway Department (if the proposed partition is within two hundred feet from a state highway). The city planner shall also forward one copy of the tentative plan to the city engineer, fire chief, and police chief. The planning commission will be notified of the tentative plan submittal at their next regularly scheduled meeting. These agencies shall be given at least 14 working days to review the tentative plan, suggest revisions and return the recommendations to the city. (All other parties requesting notice shall be given an opportunity to review and comment on the plan in a similar manner.) No response from an agency shall be considered to be approval by the agency of the tentative plan as approved by the city manager.

2. Approval Authority. The city manager shall have the authority to take action on tentative partition plans after notice has been given in accordance with this section. At the city manager's discretion a tentative partition plan may be referred to the planning commission for review.

3. Notice and Procedures. Notification of the hearing shall be by posting the property to be divided with at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and owners of property within 100 feet of the entire contiguous site for which the application is made; and publication of notice in a newspaper of general circulation in the city. All notices of hearing shall be posted, mailed and published at least fourteen days prior to the date of the scheduled hearing. The notice and procedures used by the city shall:

- a. Provide a 14 day period for submission of written comments prior to the decision;
- b. State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period;
- c. List, by commonly used citation, the applicable criteria for the decision;
- d. Set forth the street address or other easily understood geographical reference to the subject property;
- e. State the place, date and time that comments are due; state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost;
- f. Include the name and phone number of a local government contact person;
- g. Provide notice of the decision to the applicant and any person who submits testimony verbally or in writing, including an explanation of appeal rights; and
- h. Briefly summarize the local decision making process.

4. Decision. The city manager shall take action on the tentative plan as submitted, or as it may be modified. If the city manager does not approve the plan, he/she shall express its disapproval and its reasons therefor.

The action of the city manager shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the applicant, one shall be retained by the city engineer, and the other shall be retained by the planning commission.

16.16.030 Tentative Subdivision or Partition Plan Review Criteria. Approval of a tentative subdivision or partition plan will be granted if the approving authority finds that the proposal substantially conforms to the applicable provisions of this title, the zoning ordinance and the Comprehensive Plan, and that the applicant has met all of the following criteria which apply to the development:

A. The information required by this Chapter has been provided;

B. The design and development standards of the City of Sweet Home, and this Chapter have been met where applicable;

C. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code;

D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances;

F. The location and design allows development to be conveniently served by various public utilities;

G. Any special features of the site (such as topography, floodplain, wetlands, vegetation, historic sites and/or lands within the Development Limitations Combining zone) have been adequately considered, utilized, and/or protected.

H. If the preliminary plan provides for development in more than one phase, the approving authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

16.16.040 Tentative Subdivision or Partition Plan Conditions of Approval. The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria.

16.16.050 Tentative Subdivision or Partition Plan Submittal. All applications for a tentative partition or subdivision approval must include a complete application form and 15 copies of a plan showing the following details. The tentative plan need not be a finished drawing but it shall show all pertinent information to scale.

A. Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

B. If the detailed map does not show the following information, a vicinity map at a scale of 400 feet to the inch shall be prepared showing:

1. All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial or collector streets.

2. Name of the record owners of all contiguous land parcels.

3. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

C. The tentative plan shall be drawn to a standard engineer's scale where 1 inch equals 20-100 feet.

D. The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county and shall be subject to approval by the county surveyor.

E. Date, northpoint, and scale of drawing.

F. Names and addresses of owner or owners, subdivider, surveyor, and design engineer if applicable.

G. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; railroad right-of-way and other important features, such as city boundary lines.

H. The location on the site and in the adjoining streets or property of existing and proposed sewers and water mains and services, culverts, ditches and drain pipes, electric, gas and telephone conduits with invert elevations of sewers at points of proposed connections.

I. Contour lines having the following minimum intervals: One foot contour intervals for ground slopes less than five percent. Two feet contour intervals for ground slopes between five and ten percent. Five feet contour levels for ground slopes exceeding ten percent. The elevations of all control points which are used to determine the contours.

J. Approximate location of areas subject to inundation or storm water overflow with approximate high water elevation.

K. Location, width, direction and flow of all water courses.

L. Location of properties within the 100-year flood plain and other areas subject to flooding or ponding.

M. Location of any wetlands identified on the State of Oregon Wetlands Inventory Map.

N. Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees over 12" in diameter measured at 4-1/2 feet from the ground.

O. Existing uses of the property and adjacent property within 100 feet including location of all existing structures to remain on the property.

P. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.

Q. Zoning on and adjacent to the tract.

R. Any proposed streets: location, widths, names, grade, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the city.

S. Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of the easements.

T. The location, approximate dimensions and square footage of lots and the proposed lot and block numbers.

U. Sites, if any, allocated for purposes other than single-family dwellings.

V. Land to be deeded to the city or other public agency for parks or other public purposes.

W. Statement indicating whether a water right or permit is appurtenant to the subject property. Certificate or permit number must be listed if appurtenant.

X. The following additional information must be submitted with the tentative plan:

1. The names and addresses of all owners within 100 feet of the proposed land division. The mailing list must be certified by the applicant as accurate and complete as found from current county assessor records.

2. Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.

3. All public improvements proposed to be installed and the approximate time of installation including the method of financing.

4. Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berm, etc.). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances,. If, however, the nature of the improvement is such that it its impractical to prepare all necessary details prior to approval of the tentative plan, the additional details shall be submitted at least 30 days prior to approval of the final plat.

16.16.060 Development Phasing. A tentative subdivision plan may provide for platting in as many as three phases. The tentative plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for

each phase. Time limitations for the various phases must meet the following requirements:

A. Phase 1 final plat shall be approved within twelve months of preliminary approval.

B. Phase 2 final plat shall be approved within twenty-four months of preliminary approval.

C. Phase 3 final plat shall be approved within thirty-six months of preliminary approval.

16.16.080 Duration of Tentative Plan Approval. Approval of a tentative plan shall be valid for twelve months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 16.16.070 of this Chapter.

If any time limitation is exceeded, approval of the tentative subdivision plan, or of the phase of the tentative subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new administrative action.

16.16.090 Extensions to Tentative Plat Approval. An applicant may request an extension of a tentative plan approval, or, if the preliminary plan provides for phased development, and extension of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an administrative action, and shall be submitted to the approving authority in writing, stating the reason why an extension should be granted.

The approving authority may grant an extension of up to 12 months of a preliminary subdivision plan approval, or if the tentative plan provides for phased development, an extension of up to 12 months of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one year each may be granted by the approving authority if extraordinary circumstances are shown by the applicant.

Section 13. Chapter 16.20 shall be amended to read as follows:

Chapter 16.20

FINAL PLAT

Sections:

- 16.20.010 Procedure
- 16.20.020 Final Plat Review Criteria
- 16.20.030 Final Plat Submittal
- 16.20.040 Filing of Final Plat

16.20.010 Procedure. A. FINAL SUBDIVISION PLAT. Within six months after approval of the tentative plat, the subdivider shall prepare a final plat in conformance with the approved tentative plan, the provisions of this chapter and the provisions of ORS 92.010 to 92.160. If the subdivider wishes to proceed with the subdivision after the expiration of the six month period following approval of the tentative plan by the planning commission, the applicant must resubmit the tentative plan to the city planner and make any revisions considered necessary to meet changed conditions.

Upon receipt of the final plat and accompanying data by the city planner, the plat shall be forwarded for review by the city engineer and county surveyor. The city engineer and city planner shall review the plat in accordance with subsection 16.20.020. The county surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The city engineer and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

If it is determined that there has not been full conformity, the city engineer and city planner shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.

If it is determined that full conformity has been made, the city engineer and city planner shall advise the chairperson of the planning commission. The city engineer and the chairperson of the planning commission may then sign the plat without further action by the planning commission. However, the planning commission chairperson may elect to submit the plat to the planning commission for further review. When submitted to the planning commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the planning commission, the action shall be reported to the planning commission at the next regular meeting.

In the absence of the chairperson, his/her duties and powers with respect to action on the final plat shall be vested in the vice-chairperson.

Approval of a final plat shall not constitute or effect an acceptance by the city of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat for the purpose of maintenance or construction by the city.

Prior to recording of the final plat, the subdivider must apply for approval of all public officials, as specified in ORS 92 as amended. Signatures on the final plat by a majority of the board of county commissioners shall constitute approval of the plat by them. The subdivider shall then immediately take the approved final plat to the office of the county clerk and have it recorded.

An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy may be a photocopy or a tracing with black india ink upon a good quality of mylar or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copies shall be identified as an exact copy of the plat by the engineer or surveyor who caused the plat to be made.

B. FINAL PARTITION PLAT. Submission. Within six months after approval of the tentative plat, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this chapter and the provisions of ORS 92.010 to 92.160. If the applicant wishes to proceed with the partition after the expiration of the six month period following approval of the tentative plan by the city manager, the applicant must resubmit the tentative plan to the city planner and make any revisions considered necessary to meet changed conditions.

Upon receipt of the final plat and accompanying data by the city planner, the plat shall be forwarded for review by the city engineer and county surveyor. The city engineer and city planner shall review the plat in accordance with subsection 16.20.020. The county surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The city engineer and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

If it is determined that there has not been full conformity, the city engineer and city planner shall advise the land divider of the changes or additions that must be made and afford the land divider an opportunity to make such changes or additions.

If it is determined that full conformity has been made, the city engineer and city planner shall advise the city manager. The city engineer and the city manager may then sign the plat without further action. If the plat is signed

without further review by the planning commission, the action shall be reported to the planning commission at the next regular meeting.

In the absence of the city manager, his/her duties and powers with respect to action on the final plat shall be vested in the city engineer.

Approval of a final plat shall not constitute or effect an acceptance by the city of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat for the purpose of maintenance or construction by the city.

16.20.020 Final Plat Review Criteria. Approval of a final subdivision or partition plat will be granted if the review body finds that the applicant has met the following criteria:

- A. The final plat is in substantial conformance with the tentative plat.
- B. Conditions of approval attached to the tentative plat have been satisfied.
- C. All required improvements have been constructed and accepted by the city engineer.

16.20.030 Final Plat Submittal. A partition or subdivision final plat must include the following information:

- A. The date, scale, north point, legend, and controlling topography such as creeks, ditches, highways, and railroad right-of-way.
- B. Legal description of the tract boundaries.
- C. Name and address of the owner(s), subdivider, and surveyor.
- D. Reference points of existing surveys identified, related to the plat by distances and bearings and referenced to a field book or map as follows:
 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
 2. Adjoining corners of adjoining subdivisions or existing surveys.
 3. City boundary lines when crossing or adjacent to the subdivision.
 4. All permanent monuments within the subdivision.
- E. National Geodetic Survey Control points as recorded in the county surveyor's office; description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- F. The location and width of streets and easements intercepting the boundaries of the tract.
- G. The 100 year flood plain for any body of water or natural drainage way together with the method or source of such determination.

H. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one hundredth foot.

I. The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the center line. For streets on curvature, curve data shall be based on the street center line and, in addition to the center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.

J. Public utility and private easements, clearly identified and, if already on record, their recorded reference. Where possible, the bearing, and sufficient ties to locate the easement with respect to the land division, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified.

K. Lot numbers beginning with the number "1" and continuing consecutively through the subdivision. No block numbers or letters will be used unless the subdivision is a continued phase of a previously recorded subdivision of the same name that has previously used block numbers or letters.

L. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale. The following phrasing shall be used when identifying open space dedications:

1. Common Open Space - shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowners association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.

2. Public Open Space - shall be used when identifying those parcels of land dedicated to the City for open space purposes.

3. Open Space Easement - shall be used to identify that portion of a lot, or lots that have established an open space easement agreement with the city.

M. Special building setback lines and solar easements, if any, which are to be made a part of the subdivisions deed restrictions. These must be shown in writing on the face of the plat, not graphically shown.

N. The following certificates, which may be combined where appropriate:

1. A certificate signed by the city engineer and city planner certifying city approval.

2. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.

3. A certificate signed and acknowledged as above, dedicating to the public all land shown on the final plat intended for public access, use, or benefit.

4. A certificate signed by the surveyor responsible for the survey and final map, the signature accompanied by seal, attesting that applicable requirements of city, state and county requirements have been met.

5. A certificate signed by the county surveyor.

6. Other certifications as appropriate.

All signatures on the original subdivision or partition plat must be in permanent black india type ink.

O. Filing of separate legal documents to achieve any of the above requirements (A through N) may be permitted by the city planner when it can be shown that placing such information on the final plat is not required to achieve the purposes of this code. When a separate legal document is filed describing a geographically based restriction (such as an easement), the described area shall be marked with colored ink (other than black) on the city copy. A description of or reference to any other restrictions attached to the subdivision approval shall also be noted on the city copy.

P. Supplementary Information.

1. A copy of any deed restrictions.

2. A copy of any dedication requiring separate documents.

3. Legal documents conveying property to the city.

4. Assurance satisfactory to the city engineer that improvements installed by the applicant will be in conformity with the standards of the city and that streets, utilities and pedestrian ways will be improved.

5. Financial assurances for all required improvements per Chapter 16.24 of this Title.

6. Boundary and lot closure computations and total area of each lot, parcel and open space dedication, in square feet or acres.

7. Title Report.

Q. For subdivisions, all monumentation shall comply with the standards established in ORS 92.060. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number. Unless waived by the city engineer, the intersection of all street centerlines shall be monumented according to County specifications.

16.20.040 Filing of Final Subdivision or Partition Plat.

A. The land divider shall, without delay submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within sixty days after the date of the last required signature has been obtained. The final plat must also be submitted to the State of Oregon Water Resources Department if water right or permit is appurtenant.

Prior to recording of the final plat, the applicant must apply for approval of all public officials, as specified in ORS 92 as amended. Signatures on the final plat by a majority of the board of county commissioners shall constitute approval of the plat by them. The applicant shall then immediately take the approved final plat to the office of the county clerk and have it recorded.

Approval of the final plat shall be null and void if the plat is not recorded within ninety days after the date of signature by the city manager. However, the subdivider may submit a request for a time extension from the city manager.

An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy may be a photocopy or a tracing with black india ink upon a good quality of mylar or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copies shall be identified as an exact copy of the plat by the engineer or surveyor who caused the plat to be made.

Section 14. That the first sentence of SHMC 16.24.020 be amended by replacing "16.20.020" with "16.20.010".

Section 15. SHMC 16.24.050 shall be amended to read as follows:

Improvements in Land Divisions. The following improvements shall be installed at the expense of the land divider:

A. WATER SUPPLY SYSTEM. Water lines and fire hydrants serving each lot in the land division and connecting the land division to city mains shall be installed. The design shall be to city standards, shall be approved by the city engineer, and shall take into account provisions for extension beyond the land division and to adequately grid the city system.

B. SANITARY SEWER SYSTEM. Sanitary sewers shall be installed to serve the land division and to connect it to existing mains. In the event it is impractical to connect the land division to the city trunk system, the approving authority may authorize the use of septic tanks approved by the county health department if lot areas are adequate considering soil and water conditions and other physical characteristics of the area. In this event, sewer laterals designed for future connection to a sewage disposal system shall be installed and sealed. Design shall be to city standards, shall be approved by the city engineer, and shall take into account the capacity and grade to allow for desirable extension beyond the land division. If required, sewer facilities will, without further sewer construction; directly serve property outside the land division, the following arrangements will be made to equitably distribute the costs. If the area outside the land division to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the

planning commission may recommend to the city council construction as an assessment project with such arrangement with the land divider as is desirable to assure financing his share of the construction.

C. SURFACE DRAINAGE AND STORM SEWER FACILITIES. Grading shall be performed and drainage facilities shall be provided within the land division and to connect the area drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall be to city standards, shall be approved by the city engineer, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draping through the subdivision and to allow extension of the system to serve such areas. If necessary, provision shall be made for retention storage areas designed and constructed to standards as provided by the city engineer.

D. STREETS. Public streets, including alleys, within the land division, and public streets adjacent but only partially with the land division shall be improved. Improvements shall be made to the paving line of existing streets which intersect with streets in the land division. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments on all property corners shall be installed at each street intersection. Street centerlines, crosswalks, bikeways, and other traffic control symbols shall be marked.

E. SIDEWALKS AND BICYCLE ROUTES. Sidewalks and bicycle routes shall be installed as required in Section 16.12.020.(A)(2) except that for highways or arterials or for special type industrial areas, the approving authority may approve a land division without sidewalks if alternative pedestrian routes are available. If appropriate to the extension of a system of bicycle routes, existing or planned, the approving authority may require the installation of separate bicycle lanes within streets and separate bicycle paths.

F. STREET NAME SIGNS. Traffic control devices and street name signs, designed to city specifications, shall be installed at all street intersections and elsewhere as required by the city.

Section 16. SHMC 16.24.060 shall be deleted.

Section 17. Chapter 16.32 shall be amended to read as follows:

Chapter 16.32

PROPERTY LINE ADJUSTMENTS

Sections:

- 16.32.010 Procedure
- 16.32.020 Review Criteria
- 16.32.030 Submittal Requirements
- 16.32.040 Recording Requirements

16.32.010 Procedure. A. REFERRAL. Upon receipt of a completed application for a property line adjustment, the city planner shall furnish one copy of the application for review by the city manager and city engineer for review and comment.

B. APPROVAL AUTHORITY. The city planner shall have the authority to take action on a request for a property line adjustment after it has been reviewed by the city manager and city engineer.

16.32.020 Review Criteria. The City Planner will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

1. The property line adjustment does not create a new lot or a land-locked parcel.
2. The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code or the Structural Specialty Code.
3. The adjusted properties comply with applicable portions of the Comprehensive Plan.
4. The adjusted properties comply with any previous requirements or conditions imposed by a review body.
5. Lot line adjustments shall be surveyed and monumented except when the adjusted line is a distance of even width along the common boundary.

16.32.030 Submittal Requirements. An application for a property line adjustment consists of a completed application form, signed by all property owners involved in the proposed adjustment, and a map showing the following details:

1. The scale, north point and date of the map.
2. The tax map and lot number identifying each parcel involved in the adjustment.
3. The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed.
4. The area, before and after the property line adjustment, of each parcel.
5. The proposed property lines and dimensions of each parcel.

6. Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone.

7. Adjacent rights-of-way with width shown.

8. The legal description for each parcel involved in the adjustment describing their new boundaries.

16.32.040 Recording Requirements. Property line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

Section 18. SHMC 17.04.030 shall be amended to include the following definition:

"Hard surfaced" means asphaltic concrete, portland cement or an equivalent substance approved by the city engineer but shall not include gravel.

Section 19. SHMC 17.32.030(D) shall be deleted.

Section 20. SHMC 17.32.020 shall be amended by adding the following subsection:

I. Antique shop or secondhand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

Section 21. SHMC 17.44.030(E) which requires a conditional use permit for a caretaker's residence and conflicts with SHMC 17.08.030(G) shall be deleted.

Section 22. SHMC 17.08.140(A)(1)-(2) shall be amended to read as follows:

1. All parking areas and driveway approaches shall have surfacing which is durable and dust free. All parking areas, except those in conjunction with a single-family dwelling, two-family dwelling, or residential facility, shall be designed or graded so as not to drain storm water over the sidewalk or onto any abutting public or private property.

2. In the C-1 and C-2 zones, service drives and parking spaces shall be hard surfaced and shall be clearly and permanently marked.

Section 23. SHMC 17.08.140 shall be amended by adding the following subsection:

J. All areas located within the C-1 zone are exempt from the off-street parking space requirements of this section, but where parking is provided, it shall meet all other requirements of this section.

Section 24. SHMC 17.08.140(A) shall be amended by adding the following subsections:

7. Where parking or loading areas abut a public right-of-way there shall be provided a minimum five foot wide landscaped buffer.

Section 25. SHMC 17.08.140(B) shall be amended by adding the following subsection:

3. Parking areas with access to arterial or collector streets shall be so designed as to connect with existing or future parking areas on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

Section 26. SHMC 17.08.140(A)(5) shall be amended to state the following:

All off-street parking lots must be designed in accordance with city standards for stalls and aisles as set forth in the following table:

Parking Angle (Degree)	Stall Width	Stall to curb	Aisle Width	Curb Length
0	8'0"	8.0	12.0	22.0
45	9'6"	20.1	13.0	13.4
60	9'6"	21.2	18.0	11.0
90	9'6"	19.0	24.0	9.5

For two-way circulation the minimum aisle width shall be 20 feet, adequate ingress, egress and turnaround space shall be provided.

No portion of a parking space or aisle shall be located in a required landscaped yard.

Section 27. SHMC 17.08 shall be amended by adding the following section:

17.08.145 Accesses and Driveways. Proposed accessways onto a public street shall be subject to issuance of a public works permit and review by the city planner. In addition the following specific requirements shall apply to all accessways, approaches, curb cuts, and driveways:

A. APPROACHES. Approaches to improved city streets and alleys, and those scheduled for improvement within three years, shall be hard surfaced and constructed in accordance with city design standards. Approaches shall be at least 20 feet deep, measured from the existing roadway.

B. CONSTRUCTION SPECIFICATIONS. A driveway and sidewalk area used as a part thereof shall be designed and constructed in accordance with plans and specifications on file in the office of the city engineer. Such designs, plans and specifications are by reference incorporated in and made a part of this code.

C. DRIVEWAY WIDTH AND PLACEMENT. (1) If only one driveway is desired, the maximum width of the driveway at the edge of the roadway or curblin is 20 feet for property with less than 50 feet of frontage, 25 feet for property with between 50 and 75 feet of frontage, and 30 feet for properties with more than 75 feet of frontage.

(2) If more than one driveway is desired for properties with 50-100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted.

(3) There shall be a minimum separation of 22 feet between all driveways except for single and two-family dwellings.

(4) For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.

(5) One-way driveway approaches, except for those used in conjunction with a single-family dwelling, shall be clearly marked or signed as approved by the city engineer and shall not be less than 10 feet in width. Two-way driveways shall not be less than 20 feet in width.

D. DISTANCE FROM INTERSECTION. All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius:

Local Street	20
Collector Street	30
Arterial Street	40

Where streets of different functional classification intersect, the distance required shall be that of the higher classification.

E. NUMBER OF ACCESSES PERMITTED. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.

F. DOUBLE FRONTAGE PROPERTIES. Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.

G. JOINT ACCESS ENCOURAGED. Common accessways at a property line shall be encouraged and in some instances may be required in order to reduce the number of access points to streets construction of common accessways shall be preceded by recording of joint access and maintenance easements.

H. MAXIMUM SLOPE. Access and approach grades shall not exceed 10% slope except as otherwise approved by the city engineer.

I. ACCESS TO STATE HIGHWAYS. Access to designated state highways shall be subject to the provisions of this Chapter in addition to requirements of the Highway Division, State Department of Transportation. Where regulations of the city and state may conflict, the more restrictive requirements shall apply.

Section 28. SHMC 17.56.060(C)(1) and SHMC 17.80.080(I)(3) shall be amended to state the following:

Be a 1976 or later model with an Oregon Department of Commerce "Insignia of Compliance" which indicates conformance with Housing and Urban Development (HUD) standards.

Section 29. SHMC 17.12.010 shall be amended to read as follows:

An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the city manager, the city planning commission or the city council. A quasi-judicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the city manager, the planning commission or the city council. A request for a quasi-judicial zone map amendment by a property owner shall be accomplished by filing an application with the city planner at least 25 days prior to the planning commission meeting and using forms prescribed pursuant to Section 17.12.100.

Section 30. That SHMC 17.12 be amended by adding the following section:

17.12.025 Review Criteria For Map Amendments. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

(A) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

(B) The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

(C) Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Section 31. SHMC 17.12.110 shall be amended to read as follows:

Filing Fees. The city council shall establish application fees and fee policies by separate resolution for the performance of the actions and reviews required by this title.

Section 32. Subsection 17.24.030(E) shall be deleted.

Section 33. Subsection 17.12.070(B) shall be amended to state the following:

Notice of the application shall be provided to all adjacent property owners within 300 feet of the subject property, unless the applicant submits a signed petition indicating approval of all legal property owners within the 300 foot region. Unless such a petition is presented, the permit will not be issued until 10 days after the required notices are mailed to adjacent properties. If the city receives any written objections during this 10 day period, a public hearing will be held before the planning commission to consider the objections.

PASSED by the Council and approved by the Mayor this 13th day of July, 1993.


Mayor

ATTEST:


City Manager - Ex Officio City Recorder