

Ordinance # 5 for 1978

Amendment to Proposed Ordinance No. 716
Subdivision Standards

Item 1 (p.16)

Strike existing Section 6.030, paragraph 1, subsection "a".

Replace the stricken language with:

"A map which shall include the following information:
The northpoint; scale of drawing; and the location,
dimensions and boundaries of the tract to be partitioned."

Item 2 (p. 17)

Add a new requirement to Section 6.030, paragraph 2, subsection "e":

"After approval of the minor land partition the applicant shall submit a survey map of the approved partition to the City. The survey map shall meet the requirements of the Linn County Surveyor and shall include the information specified in Section 6.030, paragraph 1."

2-28-78

ORDINANCE PROVIDING SUBDIVISION STANDARDS AND PROCEDURES, REPEALING ORDINANCE NO. 384, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Purpose. The purpose of this ordinance is to establish standards and procedures for the subdivision and partitioning of land within the City of Sweet Home. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land; to provide for the proper width and location of streets; to coordinate proposed development with the comprehensive plan for the city; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation, drainage and water supply; to provide for the protection, conservation and proper use of land; and in general, to protect the public health, safety and welfare. Standards and procedures for the subdivision of land are intended to comply with the provisions of ORS 92.

Section 1.020. Scope of Regulations. Subdivision plats and partition maps shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide or partition land shall submit tentative plans and final documents for approval as provided for in this ordinance. Subdivisions and partitions shall also conform with the provisions of ORS 92 and of the comprehensive plan for the city.

Section 1.030. Definitions. As used in this ordinance the following words and phrases shall mean:

- (1) Building Line. A line on a plat or map indicating the limit beyond which buildings or other structures may not be erected.
- (2) City. The City of Sweet Home, Oregon.
- (3) City Engineer. The City Engineer of the City of Sweet Home, or a fully qualified person designated by the City Manager to fulfill the responsibilities of a City Engineer as specified by this ordinance.
- (4) Comprehensive Plan. A plan adopted by the City Planning Commission and City Council as a guide for the development of the city, including modifications of refinements which may be made from time to time.
- (5) Easement. A grant of the right to use a strip of land for specific purposes.
- (6) Lot. A unit of land that is created by a subdivision of land.
 - (a) Corner lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - (b) Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- 7) Map. A final diagram, drawing or other writing concerning a major partition.

- (8) Parcel. A unit of land that is created by a partitioning of land.
- (9) Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
 - (a) Major partition. A partition which includes the creation of a street.
 - (b) Minor partition. A partition that does not include the creation of a street.
- (10) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (11) Pedestrian way. A right-of-way for pedestrian traffic.
- (12) Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- (13) Planning Commission. The Planning Commission of the City of Sweet Home.
- (14) Plat. The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (15) Right-of-way. The area between boundary lines of a street or other easement.
- (16) Roadway. The portion of portions of a street right-of-way developed for vehicular traffic.
- (17) Sidewalk. A pedestrian walkway with permanent surfacing.
- (18) Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the terms "road," "highway," "lane," "avenue," or similar designations.
 - (a) Alley. A street which affords only a secondary means of access to property.
 - (b) Arterial-Local. A street intended to carry traffic to and from major traffic generators; to carry traffic to and from major residential sections of the community; to carry traffic to and from major outlying rural areas; to supplement the state highway system; to be used primarily for through traffic; and to provide for longer trips at higher speeds than other elements of the local street system.

- (c) Collector. A street intended to carry traffic between minor streets and the arterial system; to function as primary traffic carriers within a neighborhood; and to provide for intermediate trip lengths with moderate to low traffic volume.
 - (d) Cul-de-sac. (dead end street). A short street with one end open to traffic and the other terminated by a vehicle turn-around.
 - (e) Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
 - (f) Marginal access street. A minor street parallel and adjacent to a highway or local arterial which provides access to abutting properties, but which is protected from through traffic.
 - (g) Minor street. A street intended to provide access to abutting properties and which provides for short trip length with very low traffic volume.
- (19) Subdivide land. To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (20) Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

ARTICLE 2. PLAT APPROVAL PROCEDURE

Section 2.010. Background Information. The City Engineer shall make available to a subdivider (or his agent) such background information as may be on file relating to the general area of a proposed plat and to the relationship of the comprehensive plan, the zoning ordinance, and other city plans, policies or regulations to this area. The subdivider 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.

Section 2.020. Tentative Subdivision Sketch. The subdivider shall submit a sketch to the City Engineer of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation, the subdivider may proceed to prepare a tentative plan for submission to the Planning Commission.

Section 2.030. Submission of Tentative Plan for Proposed Subdivision. The subdivider shall prepare a tentative plan of the proposed subdivision and other supplementary material as may be required in Sections 3.010 to 3.050 of these regulations to indicate the general program and objectives of the project. He shall submit at least 15 copies of the tentative plan at least 20 working days prior to the Planning Commission meeting at which consideration of the plan is desired. The city shall not accept the tentative plan for review or hearing until it has been determined that all data required under Sections 3.010 to 3.050 has been made available.

Section 2.040. Filing Fees. At the time of the submission of the tentative plan, the City Recorder shall collect fees for subdivision review and inspection. The fees shall be set in accordance with a fee schedule set by ordinance of the City Council, after recommendation by the Planning Commission. All fees which are paid shall be non-refundable.

Section 2.050. Preliminary Review of Proposal. Upon receipt, the City Engineer shall furnish one copy of the tentative plan to each of the following agencies; Pacific Power and Light, Northwestern Telephone System, Northwest Natural Gas, Sweet Home TV Cable, Sweet Home School District, U.S. Post Office, Linn County Surveyor, Linn County Public Works Department, Linn County Planning Department, and the State Highway Department (if the proposed subdivision is within 200 feet from a state highway). These agencies shall be given at least 10 working days to review the tentative plan, suggest revisions and return the recommendations to the city. An extension of time shall be granted for review when requested by the agency. All other affected state, federal, local and private utility agencies also 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.

Section 2.060. Approval of the Tentative Plan for the Proposed Subdivision.

(1) Hearing. Before the Planning Commission may take action on a tentative plan, it shall hold a public hearing. Notification of the hearing shall be by posting the date and place of at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and the abutting property owners which are listed as owners of record by the Linn County Assessor; 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 10 days prior to the date of the scheduled hearing. The subdivider shall provide to the City the list of names and addresses of all property owners who are to receive the notice of hearing by mail.

(2) Within 60 days following the public hearing, the Planning Commission shall take action on the tentative plan and the reports of appropriate officials and agencies.

(3) The Planning Commission may approve 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 therefore.

(4) Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision as approved by the Planning Commission and if the subdivider complies with the requirements of the ordinance and of the provisions of ORS 92.010 to 92.160.

(5) The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider and the other shall be retained by the Planning Commission.

Section 2.070. Submission of Final Plat.

(1) Within 6 months after approval of the tentative plan, the subdivider shall prepare a final plat in conformance with the approved tentative plan, the provisions of this ordinance and the provisions of ORS 92.010 to 92.160

(2) The subdivider shall submit the original drawing as required by ORS 92.080, and any supplementary information to the City Engineer for review and approval.

(3) If the subdivider wishes to proceed with the subdivision after the expiration of the 6-month period following approval of the tentative plan by the Planning Commission, he must resubmit his tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

Section 2.080. Review and Approval of Final Plat.

- (1) Upon receipt of the final plat and accompanying data, it shall be reviewed by the City Engineer and the County Surveyor. The City Engineer shall review the plat and documents to determine that it conforms with the approved tentative plan and with the provisions of ORS 92 and this ordinance. 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.
- (2) If it is determined that there has not been full conformity, the City Engineer 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 shall so certify.
- (3) If it is determined that the final plat conforms fully with the approved tentative plan and all applicable regulations and standards, the City Engineer shall advise the chairman of the Planning Commission. The City Engineer and the chairman of the Planning Commission may then sign the plat without further action by the Planning Commission. However, the Planning Commission chairman 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 the Planning Commission, the action shall be reported to the Planning Commission at the next regular meeting.
- (4) In the absence of the chairman, his duties and powers with respect to action on final plats shall be vested in the vice chairman.
- (5) Approval of a final plat shall not constitute or effect an acceptance by the city of ~~the dedication 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.
- (6) 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.
- (7) Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the Planning Commission chairman. However, the subdivider may submit a request for a time extension from the Planning Commission.
- (8) 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.

ARTICLE 3. INFORMATION ON TENTATIVE PLAN FOR PROPOSED SUBDIVISION

Section 3.010. Scale. The tentative plan of the proposed subdivision shall be drawn on a sheet which is a minimum of 18 x 24 inches in size at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary but in all cases the scale to be used shall be a multiple of 10 feet.

Section 3.020. General Information. The following general information shall be shown on the tentative plan of the proposed subdivision:

- (1) Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
- (2) Date, northpoint and scale of drawing.
- (3) Appropriate identification clearly stating the proposal is a tentative plan.
- (4) A vicinity map showing the relationship of the proposed subdivision to surrounding development. This map shall include streets within 500 feet of the exterior boundaries of the proposed development.
- (5) Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 3.030. Existing Conditions. The following existing conditions shall be shown on the tentative plan of the proposed subdivision:

- (1) The location, widths, and names of both opened and unopened, dedicated or nondedicated, streets within or adjacent to the tract, together with easements, dedications and other important features, such as section lines, corners, city boundary lines and monuments.
- (2) Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:
 - (a) For slopes of less than 5 per cent: Two (2) foot contour intervals.
 - (b) For slopes of five (5) to 15 per cent: five (5) foot contour intervals.
 - (c) For slopes of 15 to 20 per cent: ten (10) foot contour intervals.
 - (d) For slopes of over 20 per cent: twenty (20) foot contour intervals.
- (3) The location and direction of drainage channels and the location of areas subject to flooding.
- (4) Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

- (5) Existing uses of the property, including location of all structures on the property.

Section 3.040. Proposed Plan of Land to be Subdivided. The following information shall be included on the tentative plan of the proposed subdivisions.

- (1) The location, width, names, approximate grades and radii of curves of streets. The relationship of streets to any projected streets as shown on any comprehensive plan and as may be suggested by the Planning Commission in order to assure adequate traffic circulation.
- (2) The location, width and purpose of easements.
- (3) The location, approximate dimensions and square footage of lots and the proposed lot and block numbers.
- (4) Sites, if any, allocated for purposes other than single-family dwellings.
- (5) Land to be deeded to the city, school district or other public agency for parks or other public purpose.

Section 3.050. Supplemental Information. The following plans or information shall supplement the tentative plan of the proposed subdivision:

- (1) If the subdivision pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets and lots in the unsubdivided portion.
- (2) Proposed deed restrictions, if any, in outline form.
- (3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.
- (4) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
- (5) General utility plans for domestic water supply, sewage disposal, storm water drainage and street lighting, indicating how these utilities shall be provided.
- (6) Any proposals to phase development of the subdivision.

ARTICLE 4. INFORMATION ON FINAL PLAT

Section 4.010. Form and Scale of Final Plat.

- (1) The final plat shall be submitted in the form as required by ORS 92.080. The plat shall be drawn on a good quality white cold-pressed double-mounted drawing paper 18 inches by 24 inches in size, with the muslin extended three (3) inches at one end for binding purposes
- (2) The scale of the final plat shall be one (1) inch equals 100 feet, except that the scale may be increased or decreased to fit the legal size of 18 by 24 inches. If the scale is changed, it shall be to multiples of 10 feet. In no case shall the scale be decreased to less than one (1) inches equals 200 feet.

Section 4.020. General Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- (1) The date, scale, northpoint, legend, and existing features such as highways and railroads.
- (2) Legal description of the subdivision boundaries.
- (3) Name of the owner(s), developer and engineer or surveyor.
- (4) The location by distance and bearings to the following. Distances shall be to the nearest one one-hundredth (0.01) of a foot and bearings shall be to the nearest 30 seconds, with basis of bearings.
 - (a) Monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of adjoining subdivisions or existing surveys.
 - (c) City boundary lines when crossing or adjacent to the subdivision.
 - (d) All permanent monuments within the subdivision.
- (5) The exact location and width of streets and easements intersecting the boundary of the subdivision.
- (6) Subdivision, block and lot boundary lines and street right-of-way with dimensions and tangent bearings. Normal high water lines for any creek or other body of water. Subdivision boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest one one-hundredth (0.01) of a foot. No ditto marks may be used.
- (7) The width of the portion of streets being dedicated and the width of any existing right-of-way. For streets on curvature, curve data shall be used on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated.

- (8) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.
- (9) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a written statement of the easement shall be included. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
- (10) Lot numbers beginning with the number "1" and continuing consecutively in each block.
- (11) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (12) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
- (13) Notations indicating any limitations on rights of access to or from streets, lots, or other parcels of land, if any are to be made a part of the subdivision restriction.
- (14) Building setback lines, if any are to be made a part of the subdivision restriction.

Section 4.030. Certificates on Final Plat. The following certificates, acknowledgements and other requirements established by state law or this ordinance shall appear on the final plat. Such certificates may be combined where appropriate.

- (1) A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided, consenting to the preparation and recording of the plat.
- (2) A certificate signed and acknowledged as above, dedicating all parcels of land, streets, alleys, pedestrian ways, drainage channels, other dedications, easements and other rights-of-way intended for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.
- (3) A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat.
- (4) A certificate for execution by the Chairman of the Planning Commission on behalf of the Planning Commission.

- (5) Other certifications now or hereafter required by law,
- (6) Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract.

Section 4.040. Supplementary Information with Final Plat. The following data shall accompany the final plat:

- (1) Addresses of the owner(s), subdivider, and engineer or surveyor.
- (2) Survey requirement:
 - (a) A complete and accurate survey of the land to be subdivided shall be made by a registered engineer or surveyor licensed to practice in the State of Oregon, in accordance with standard practices and principles of land surveying.
 - (b) Traverse of the exterior boundaries of the proposed subdivision and of each block and lot shall close within a limit of error as specified by ORS 92.050.
- (3) A copy of any deed restrictions applicable to the subdivision.
- (4) A copy of any dedication requiring separate documents.
- (5) Certifications pertaining to the availability of domestic water supply and sewage disposal systems to serve each lot as outlined in ORS 92.090.
- (6) A certificate by the City Recorder that the subdivider has complied with one of the following alternatives:
 - (a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
 - (b) An agreement has been executed as provided in Sections 5.010 and 5.020 to assure completion of required improvements.

- (5) Other certifications now or hereafter required by law,
- (6) Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract,

Section 4.040. Supplementary Information with Final Plat. The following data shall accompany the final plat:

- (1) Addresses of the owner(s), subdivider, and engineer or surveyor.
- (2) Survey requirement:
 - (a) A complete and accurate survey of the land to be subdivided shall be made by a registered engineer or surveyor licensed to practice in the State of Oregon, in accordance with standard practices and principles of land surveying.
 - (b) Traverse of the exterior boundaries of the proposed subdivision and of each block and lot shall close within a limit of error as specified by ORS 92. 050.
- (3) A copy of any deed restrictions applicable to the subdivision.
- (4) A copy of any dedication requiring separate documents.
- (5) Certifications pertaining to the availability of domestic water supply and sewage disposal systems to serve each lot as outlined in ORS 92.090.
- (6) A certificate by the City Recorder that the subdivider has complied with one of the following alternatives:
 - (a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
 - (b) An agreement has been executed as provided in Sections 5.010 and 5.020 to assure completion of required improvements.

ARTICLE 5. IMPROVEMENT GUARANTEE

Section 5.010. Agreement for Improvements. Before Planning Commission approval is certified on the final plan, the land divider shall either install required improvements, enter into an agreement with the city regarding improvements, or have all or part of the improvements constructed under an assessment district procedure. Repair of existing streets and other public facilities damaged in the development of the subdivision shall be a part of any improvement agreement. The agreement shall provide for a reasonable amount of time for the repair of streets. The three optional procedures are more fully described as follows:

- (1) The land divider may elect to install the required improvements and make the needed repairs.
- (2) The land divider may elect to execute and file with the City Manager an agreement between himself and the city, specifying the period within which the required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense thereof from the land divider. A performance guarantee as provided for in Section 5.020 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.
- (3) The land divider may elect to have all or part of the improvements constructed under an assessment district procedure. Under this procedure the land divider shall enter into an agreement with the city proposing the establishment of the district for the improvements to be constructed, a schedule when improvements are to be installed, and the extent of the plat or partition to be improved. The city reserves the right, under the assessment district procedure, to limit the extent of the improvements in a subdivision or partition during a construction year and may limit the area of the final plat to the area that is to be improved. A performance guarantee may be required under the assessment district procedure.

Section 5.020. Developers Performance Guarantee

- (1) When required under provisions of Section 2.080, the land divider shall file with the agreement, a performance guarantee to assure his full and faithful performance thereof, one of the following:
 - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - (b) In lieu of said bonds the land divider may (1) deposit with the City cash money in an amount fixed by the City Engineer; (2) certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses, said money to be released only upon authorization of the City Engineer as in the case with cash; or (3) bonds, in an amount fixed by the City Engineer and in a form approved by the City Attorney.

- (2) Such assurance of full and faithful performance shall be for a sum determined by the City Manager as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- (3) If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the city for the difference.
- (4) A performance guarantee shall remain in effect for one (1) year after improvements are installed in order to correct any defects which may have taken place.

ARTICLE 6. PARTITIONING

Section 6.010. Purpose. This article prescribes procedures and standards governing the partitioning of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. This provision is established to insure that adequate public access and related utilities and facilities will be provided to parcels created by a division of land into three parcels or less.

Section 6.020. Major Partition.

- (1) Any division of land that is within the definition of a major partition shall be submitted to the Planning Commission for review and approval. There shall be submitted to the City Engineer an application for approval of a plan map for a major partition. The application shall include the following:
 - (a) A map of the land area from which the parcels are to be partitioned. This shall include the date, northpoint, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.
 - (b) Name and address of the owner or owners of record, and of the person who prepared the major partition.
 - (c) The parcel layout, showing dimensions and size of parcels.
 - (d) Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
 - (e) Identification of the street area and its relation to existing streets serving the property. Identification shall include location, widths and names of streets.
 - (f) Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.
 - (g) Vicinity map showing the street and lot pattern in the general vicinity.
- (2) Seven (7) copies of the tentative application map shall be submitted to the City Engineer at least 10 days prior to the Planning Commission meeting at which the major partition request shall be heard. All affected state, federal and local agencies shall be notified of the application and shall be requested to review the partition and submit their recommendations to the Planning Commission. In all cases, notifications shall be forwarded to the Northwestern Telephone Systems, Pacific Power and Light, Northwest Natural Gas, the Linn County Public Works Department, and the Linn County Surveyor.

Notifications shall be forwarded to the Oregon State Highway Department if the proposed partitioning is within 200 feet of a state highway.

- (3) Upon approval by the Planning Commission, three (3) copies of the map shall be signed, dated and conditions of approval noted. One map shall be returned to the applicant, one retained by the City Engineer, and one retained for the Planning Commission files.
- (4) Major Partition Plan Map. The final plan shall be the survey map that is submitted for recording in the office of the Linn County Surveyor. It shall include one (1) exact transparent copy and two (2) prints for filing with the City of Sweet Home. The final plan shall include the following:
 - (a) The survey map of the parcels being offered for sale prepared by a Registered Land Surveyor or Engineer. The survey map shall indicate the location of all interior and exterior monuments.
 - (b) A legal description of the parcels being offered for sale.
 - (c) A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcels.
 - (d) A notarized signature of the owner or owners declaring the ownership and consenting to recording of the map.
 - (e) A designated space for approval signatures of the Chairman of the Planning Commission, the City Engineer and County Surveyor.
- (5) Standards. The design standards for a subdivision in Sections 7.010 to 7.080 shall apply to major partitions. Applications for a variance shall be in accord with the procedures established in Sections 9.020 to 9.040.
- (6) Procedures for Approving Final Map. The final map shall be filed with the City Engineer who shall coordinate the process of final map review and approval.
 - (a) All final maps shall include the information and the signatures required in subsection 4 of this section.
 - (b) Prints of the final map for review and approval shall be forwarded to the City Engineer and the County Surveyor.
 - (c) The final map may be approved by the Chairman of the Planning Commission upon approval of the City Engineer without further Planning Commission review if he finds that the map is consistent with the approved tentative map and meets all the conditions of approval set by the Planning Commission. If he finds inconsistencies in the final map, he may place the question of approval on the agenda of the next regular Planning Commission meeting.

- (d) The signed final map and the signed exact copy shall be forwarded to the County Surveyor for approval and signature.
- (e) Within 10 days of the final approval, the applicant shall record the final map with the Linn County Surveyor.

Section 6.030. Minor Partition. A division of land that is within the definition of a minor partition shall be submitted to the city for review and approval.

- (1) Minor Partition Map. The minor partition map shall include the following information:
 - (a) A map that meets the requirements of the Linn County Surveyor which includes the northpoint; scale of drawing; and the location, dimensions and boundaries of the tract to be partitioned.
 - (b) The location, dimensions and area of the parcels proposed for approval; together with a copy of the legal description of the parcels and of the area to be partitioned.
 - (c) The name of the owner(s) of the property and of the person who prepared the minor partition.
 - (d) The location, width and names of streets which will directly serve the area to be partitioned.
 - (e) Existing and proposed utilities to serve the area, including location and size of sewer and water lines and of drainage ways; location of power and telephone lines; and location, width and purpose of existing and proposed easements.
 - (f) Location of existing buildings to remain in place, and any other features of land important to its development.
- (2) Approval of Minor Partitions.
 - (a) The application for approval of a minor partition shall include the original map and five (5) copies which shall be filed with the City Engineer. The map shall be reviewed by the City Engineer who shall determine that the proposed parcels are consistent with the zoning ordinance, the comprehensive plan and this ordinance; that the parcels have adequate city services; and that building permits could be issued for construction on the property.
 - (b) If the above conditions are met, three (3) copies and the original map shall be signed by the City Engineer. The original shall be maintained by the City Engineer; a signed copy shall be returned to the applicant; a signed copy shall be retained for the Planning Commission files; and a signed copy shall be retained for use by the Building Official.

- (c) If the above conditions are not met, the map shall not be signed and the original map shall be returned to the applicant by the City Engineer with a letter stating the reasons for refusal.
- (d) The applicant may then either modify the map for resubmittal; or he may, within 10 days, request review of the proposal by the Planning Commission at its next regular meeting. The Planning Commission may either uphold the decision of the City Engineer, approve the application with special conditions, or approve the application as proposed.

Section 6.040. Filing Fees. At the time of application for a major or minor partition, the City Recorder shall collect the following fees:

- (1) For a minor partition -- \$10.00.
- (2) For a major partition -- \$25.00.

ARTICLE 7. DESIGN STANDARDS

Section 7.010. Principles of Acceptability. Subdivisions and partitions shall conform with the comprehensive plan, the zoning ordinance, applicable provisions of other city ordinances, state law, and the standards established by this ordinance. Locations and standards related to transportation and community facilities shall be based on the provisions of the comprehensive plan.

Section 7.020. Streets.

- (1) General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets and full land utilization which will not result in tracts of vacant inaccessible land. Where location is not shown on the comprehensive plan, the location of streets shall either:
- (a) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood adopted by the Planning Commission to meet a particular situation where physical conditions make continuance or conformance to existing streets impractical.
- (2) 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 8.020 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 Right-of-Way Width</u>	<u>Minimum Roadway (Pavement) Width</u>
Arterials - Local	80 feet	44 feet
Collector Streets	60 feet	44 feet
Minor Streets over 1,800 feet in length or which can be extended to that distance	50 feet	36 feet
Minor streets under 1,800 feet in length and cannot be extended to that distance	40 feet	32 feet
Alleys or private streets	20 feet	20 feet

Additional side slope easements may be required for cuts and fills in areas with rough terrain. When existing conditions such as the size or shape of land parcels make it otherwise impractical to provide buildable lots, a narrower right-of-way may be accepted, but ordinarily not less than 50 feet.

- (3) Reserve Strips. Reserve strips or street plugs controlling access to streets shall be required when necessary to insure street extensions and the widening of half streets. The reserve strip shall normally be one (1) foot in width and under the ownership of the city.

- (4) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet.
- (5) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- (6) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case, less than 60 degrees unless there is a special intersection design. The intersection of arterial or collector streets with other arterial or collector streets shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.
- (7) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- (8) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
- (9) Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 600 feet, and shall serve no more than 18 dwelling units. A cul-de-sac shall terminate with a turn-around radius of 45 feet or greater.
- (10) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to the established pattern in the city and surrounding area and shall be subject to the approval of the Planning Commission.

- (11) Grades and curves. Grades shall not exceed six per cent on arterials, ten per cent on collector streets, or 12 per cent on other streets. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors and continuing residential streets, or 100 feet on other streets and alleys. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- (12) Access Streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (13) Streets Adjacent to Railroad Right-of-Way. Wherever the proposed subdivision or partition contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad.
- (14) Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.
- (15) Private Streets. Private streets shall be prohibited unless the following conditions exist:
- (a) The proposed partitioning could not be further divided at a later date.
 - (b) The parcel(s) created by the partition could not be served by a proposed or potential public street system.
 - (c) No private street shall be longer than 300 feet and shall serve no more than three (3) parcels.

Section 7.030. Blocks.

- (1) General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- (2) Size. No block shall be more than 1,200 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. A block shall have a minimum length of 600 feet and shall have sufficient width to provide for two tiers or building sites unless topography or the location of adjoining streets justifies an exception.
- (3) Easements.
 - (a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on rear or side lot lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

- (b) Water courses. If a subdivision or partition is traversed by a water course, such as a drainage way, channel, or stream there shall be provided a storm water easement or dedicated drainage right-of-way. The drainage easement or dedication shall conform substantially with the lines of the water course, with such additional width as is necessary to assure ease of channel maintenance, to provide for any possible flooding, to assure that the channel will not be encroached upon by fences and other improvements, and where feasible, to encourage multiple use of the drainage channel and related area for purposes such as utility strips, transportation corridors for bicycle or pedestrian use, or as natural greenways. Specifications for widths and improvements for water courses shall be provided by the City Engineer as outlined in Section 8.020.
- (c) Pedestrian or bicycle ways. When desirable for public convenience, a pedestrian or bicycle way not less than 20 feet in width may be required to connect to a cul-de-sac, to pass through unusually long or oddly shaped blocks, or to improve traffic circulation to schools, parks, shopping areas or other community facilities.

Section 7.040. Lots.

- (1) Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain a part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the residential lot size and width standards of the zoning ordinance. Lot depth shall not exceed two and one-half ($2\frac{1}{2}$) times the average width. Following are exceptions to the above:
- (a) In areas that will not be served by a public sewer, minimum lot sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of topography and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank. Where public sewers are not available, larger lots and building site locations shall be required so that the area is capable of being resubdivided when sewers are provided.
- (b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Access. Each lot, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet.
- (3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

- (4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- (5) Flag lots shall be prohibited unless there is no other way of providing access to property. The thin strip of land which provides access to the major portion of the lot from the street shall not be used in determining lot size, lot width or yard requirements.

Section 7.050. Lot Grading. Lot grading shall conform to Chapter 70 of the Sweet Home Building Code.

Section 7.060. Building Lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or partition map, or, if temporary in nature, they shall be included in the deed restrictions.

Section 7.070. Large Lot Subdivision. In subdividing or partitioning tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission 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 extension 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 7.080. Land for Public Purposes. If the city has an interest in acquiring any portion of the proposed subdivision or partition for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed two (2) years, at a cost not to exceed the value of the land prior to subdivision.

ARTICLE 8. IMPROVEMENTS

Section 8.010. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications adopted by the city, and shall be installed in accordance with the following procedure.

- (1) Improvement work shall not be commenced until plans have been reviewed for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the final plat. All plans shall be prepared on materials in accordance with requirements of the city.
- (2) Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- (4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- (5) A map showing public improvements as built shall be filed with the city upon completion of the improvements.

Section 8.020. Specifications for Improvements. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

- (1) Streets including related improvements such as curbs, shoulders and sidewalks.
- (2) Surface drainage and storm sewer facilities.
- (3) Sidewalks and related facilities in pedestrian or bicycle ways.
- (4) Sewers and sewage disposal facilities.
- (5) Public water supplies and water distribution systems.
- (6) Tests of streets and utilities after completion of the improvements to determine the quality of work performed.

Section 8.030. Improvements in Subdivisions or Partitions. The following improvements shall be installed at the expense of the land divider.

- (1) Water supply system. Water lines and fire hydrants serving each lot in the subdivision and connecting the subdivision 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 subdivision and to adequately grid the city system.
- (2) Sanitary sewer system. Sanitary sewers shall be installed to serve the subdivision and to connect it to existing mains. In the event it is impractical to connect the subdivision to the city trunk system, the Planning Commission 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 subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following arrangements will be made to equitable distribute the costs. If the area outside the subdivision 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.

- (3) Surface drainage and storm sewer facilities. Grading shall be performed and drainage facilities shall be provided within the subdivision 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 draining 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.
- (4) Streets. Public streets, including alleys, within the subdivision, and public streets adjacent but only partially within the subdivision shall be improved.

Improvements shall be made to the paving line of existing streets which intersect with streets in the subdivision. 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 established or reestablished by the subdivider. Bench marks shall be installed at each street intersection. Street center lines, crosswalks, bikeways and other traffic control symbols shall be marked.

- (5) Sidewalks and bicycle routes. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that for highways or arterials

or for special type industrial areas, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

- (6) 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.
- (7) Other. The land divider shall make necessary arrangements with the city, utility companies or other persons or corporations affected for the installation of street lights and for underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

ARTICLE 9. EXCEPTIONS AND VARIANCES

Section 9.010. Exceptions in Case of Planned Unit Development. A subdivision or partition which constitutes all or part of a Planned Unit Development shall conform to the standards of the Sweet Home Zoning Ordinance. The standards of this ordinance may be modified to conform to the Planned Unit Development section of the zoning ordinance. However, subdivisions or partitions shall be required to meet the standards of state law and the provisions for final plats or maps and for improvements as specified by this ordinance.

Section 9.020. Variance Application. When necessary, the Planning Commission may authorize variances to the requirements of this ordinance. Application for a variance shall be made by petition of the land divider, stating fully the grounds for the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan and shall be considered by the Planning Commission along with the tentative plan.

Section 9.030. Conditions for Granting a Variance. Before a variance may be granted, the Planning Commission shall first determine that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control. Project costs shall not be considered as an exceptional or extraordinary circumstance.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

Section 9.040. Planning Commission Action on Variances. In acting to grant, modify, or deny a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The secretary of the Planning Commission shall keep the findings on file as a matter of public record. Within five (5) days of the date of action on the variance by the Planning Commission, the Commission shall transmit a copy of the action on the variance to the land divider.

ARTICLE 10. GENERAL PROVISIONS

Section 10.010. Appeal.

- (1) A person may appeal to the city council from a decision or requirement made by the Planning Commission. Written notice of the appeal must be filed with the City Recorder within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- (2) The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the Planning Commission if the decision of the Council complies with the spirit and intent of the ordinance. The disposition of the appeal shall be final.

Section 10.020. Amendment. The provisions of this ordinance may be amended after public hearings by the Planning Commission and City Council. The Planning Commission shall first hold a hearing and shall transmit its recommendations and findings to the City Council. The City Council shall hold the final hearing and shall consider the recommendations of the Planning Commission in making its decision.

Section 10.030. Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.040. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 10.050. Penalty. In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Section 10.060. Repeal. Ordinance No. 384 is hereby repealed.

Section 10.070. Emergency. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the public peace, health, and safety, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after it is approved by the mayor.

Passed by the Council and approved by the Mayor this 28 day of February, 1978.

ATTEST:

Robert D. Richardson
City Manager

H. Blair Smith
Mayor