

ORDINANCE NO. 74-36

SUBDIVISION AND LAND PARTITIONING ORDINANCE
SEASIDE, OREGON

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ORDINANCE NO. 74-36

AN ORDINANCE PROVIDING FOR SUBDIVISION AND LAND PARTITIONING STANDARDS AND PROCEDURES CITY OF SEASIDE

The City of Seaside ordains as follows:

GENERAL PROVISIONS

SECTION 1 – TITLE

This ordinance shall be known as the “Subdivision and Land Partitioning Ordinance” of the City of Seaside, Oregon.

SECTION 2 – PURPOSE

The purpose of this ordinance is to enact subdivision and land partitioning regulations for the City which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, and convenience and general welfare of the people of Seaside.

SECTION 3 – COMPLIANCE REQUIRED

No person shall subdivide or partition an area or tract of land without compliance with the provisions of this ordinance.

No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of Clatsop County.

No person shall sell any lot in any subdivision or convey any interest in a parcel or any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for such subdivision or partition.

No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply

or other improvements for public or common use unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this ordinance.

SECTION 4 – DEFINITIONS

As used in this ordinance, unless the context otherwise requires, the following words and phrases shall mean:

BUILDING LINES: A line on a plat map indicating the limit beyond which buildings or structures may not be erected.

CITY: The City of Seaside, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department or agency of the City indicated by the context, or, where the context does not clearly indicate a specific officer, department or agency, then the City Manager of said City.

CITY MANAGER: The duly appointed administrative officer of the City of Seaside or a person designated by him to fulfill his obligations as set forth in this ordinance.

CITY ENGINEER: The duly appointed City Engineer of the City of Seaside,

EASEMENT: A grant of the right to use a strip of land for specific purposes.

LOT: A unit of land that is created by a subdivision of land

a.) **Reversed Corner Lot:** A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

b.) **Through Lot:** A lot having frontage on two parallel or approximately parallel streets other than an alley.

ORS: Oregon Revised Statutes – (State Law)

PARCEL: A unit of land that is created by a partitioning of land.

PARTITION: Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

Major partition: A partition that includes the creation of a street.

Minor partition: A partition that does not include the creation of a street.

PARTITION LAND: To divide land into two or three parcels of land within a calendar year, but does not include:

A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.

An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance requirement; or A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposed provided such road or right of way conforms with the Comprehensive Plan and ORS 215.213(2) (g) to (s) and ORS 215.282(2) (p) to (r).

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PERSON: A 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.

PLANNING COMMISSION: The City Planning and Zoning Commission of the City of Seaside.

PLAT: The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

ROADWAY: The portion of a street right-of-way developed for vehicular traffic.

SIDEWALK: A pedestrian walkway with permanent surfacing.

STREET: A public or private way being the entire width from lot line to lot line that is created to provide ingress for persons to one or more lots, parcels, areas or tracts of land and including the term road, highway, lane, avenue, alley or similar descriptions.

ALLEY: A narrow street through a block which affords only secondary means of access to abutting property at the rear of sides thereof.

ARTERIAL: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

COLLECTOR: A street supplementary to the arterial street system and a means of intercommunication between this system and smaller area; used to some extent for access to abutting properties.

CUL-DE-SAC (Dead end Street): A short street having one end open to traffic and being terminated by a vehicle turn-around.

HALF STREET: The dedication of a portion only of the width of a street, usually along the edge of a subdivision where the remaining portion of a street has been or could later be dedicated in another subdivision.

MARGINAL ACCESS STREET: A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

MINOR STREET: A Street intended primarily for access to abutting properties.

SUBDIVIDE LAND: To divide an area or tract of land into four or more lots within a calendar year.

20. SUBDIVISION: Either an act of subdividing land or an area or tract of land subdivided as defined in this Ordinance.

PARTITION PLAT: A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a recorded subdivision.

REPLAT: A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a recorded subdivision.

SUBDIVISION PLAT: A final map and other writing containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a subdivision.

SUBDIVISION OF LAND TENTATIVE PLAN

SECTION 5 – PROCEDURE TO REVIEW:

Prior to the filing of a tentative plan, a subdivider may submit to the City Manager plans and other information concerning a proposed or contemplated development. The City Manager shall then, within thirty-five (35) days, schedule a conference with the subdivider, City Engineer, and City Planner on such plans and other data, and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and shall recommend consultation by the subdivider with other public or private agencies, as may be disclosed by the plans, to be interested. This subdivision conference is an optional procedure which may be elected by the subdivider and is not required by this ordinance.

The applicant shall submit ten (10) copies of a tentative plan, a completed application form and a fee as required by Section 49.

The City shall review the submitted tentative plan to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of that information, a public hearing will be scheduled.

Public notice shall be mailed to property owners within two hundred feet (200') of the boundary of the proposed subdivision. The content of the public notice shall be in accordance with Section 10.060 of the Zoning Ordinance.

The City Manager shall transmit one copy of the tentative subdivision plan to the City Engineer, all affected special districts and any county, state or federal agency that may have an interest in the proposed subdivision. Written comments will be incorporated in the record of the public hearing.

The City Manager shall notify the subdivider of the requirement to file a statement of water right and if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department must be attached before the county recording officer may accept the plat of the subdivision for recording pursuant to ORS 92.120.

The Planning Commission shall hold a public hearing on the tentative subdivision plan in accordance with Section 10.070 of the Zoning Ordinance.

The Planning Commission shall make a decision on the tentative subdivision plan in accordance with Section 10.070 of the Zoning Ordinance.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 10.070 of the Zoning Ordinance.

The tentative subdivision plan approval shall be binding on the City and the subdivider for the purpose of preparing a final plat provided that there are no changes of the plan of the subdivision and that it complies with all conditions set forth by the city in its tentative subdivision plan approval.

The tentative subdivision shall be valid for one year from the date of its approval. The Planning Commission, upon request by the applicant, may grant an extension of the tentative subdivision plan approval for a period of one year. In granting an extension, the Planning Commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan.

Any final subdivision not submitted prior to the expiration of the tentative subdivision plan approval shall be considered void.

SECTION 6 – TENTATIVE PLAN SCALE

Tentative plans shall be to a scale of one inch (1”) equals 100 feet (100’) or better, except tracts over one hundred (100) acres which may be to a scale of one inch (1”) equals two hundred feet (200’), and shall be clearly and legibly reproduced.

SECTION 7 – INFORMATION ON TENTATIVE PLAN

The tentative plan shall contain the following information:

Proposed name, date, north point and scale of drawing.

Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.

Name and address of the subdivider.

Appropriate identification of the drawing as a tentative plan.

Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.

The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.

Names of the record owners of all contiguous land.

The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.

The location and approximate dimensions of each lot and each to be numbered

Setback lines, if any, proposed by the subdivider.

The outline of any existing buildings and their use, showing those which will remain

Contour lines where the data is made available by the City.

The location of at least one temporary benchmark within the subdivision boundaries.

City boundary lines crossing or bounding the subdivision.

Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.

Any areas proposed to be cut or filled or otherwise graded or protected from flooding.

If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads & water courses.

Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets are fully described.

SECTION 8 – PARTIAL DEVELOPMENT

If the subdivision proposal pertains to only part of the tract owned or controlled by a subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the un-subdivided portion.

SECTION 9 – INFORMATION STATEMENT

The statement to accompany the tentative plan shall contain the following information:

A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.

Deviations from subdivision ordinance, if any.

Public areas proposed, if any.

A preliminary draft of restrictive covenants proposed, if any.

SECTION 10 – SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN

Any of the following may be required by the City to supplement the tentative plan.

A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.

A plan for domestic water supply lines and related water service facilities.

Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.

If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

Proposals for other improvements such as electric utilities and sidewalks.

A Hazard Mitigation Plan is required by the Hazards Overlay Zone provisions of the Zoning Ordinance. Approval of a tentative plat shall be conditioned on the applicants' agreement to provide the safeguards and construction techniques provided in the approved HMP.

The information submitted by the applicant shall demonstrate compliance with Sections 32-46.

SECTION 11 – PROCEDURE FOR REVIEW

Within one year after approval of the tentative plan, or such extension as may have been granted by the City, the subdivider shall cause the proposed subdivision or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. An original reproducible drawing and five blue-line or black-line prints of plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon statutes. The final plat shall conform to the requirements of Section 12 – 15. No subdivider shall submit a plat of a subdivision for record until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

The City Manager shall forward a copy of the plat and other data submitted to the City Engineer who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the tentative plan, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the tentative plan have been complied with; and that the plan is technically correct. The City Engineer may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose. If the City Engineer determines that full conformity has not been made, the City shall advise the subdivider of the changes or additions that must be made for these purposes and shall afford the subdivider an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the City for further review.

The Planning Commission shall review the final plat to determine that it conforms with the tentative plan and with changes permitted and all requirements imposed as a condition of its acceptance. If the Planning Commission determines that the plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

Prior to approval of the final subdivision plat, the applicant shall complete the proposed improvements. Improvements shall conform to the approved tentative plan, conditions of approval, Hazard Mitigation Plan and Grading and Erosion Control Plan. Improvements shall not occur until a bond or other assurance has been submitted and approved by the City Engineer. The amount of the bond or other assurance shall be equal to 110% of the cost of the improvements as determined by the City Engineer.

If the final plat conforms to the tentative plan and applicable conditions have been met, the Chairman of the Planning Commission shall sign and date the final plat.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained.

The subdivision is considered complete after the final plat is recorded by the County Clerk.

The County Surveyor shall furnish the City with a copy of the recorded plat.

SUBDIVISION PLAT

SECTION 12 – FORM OF PLAT

The subdivision plat shall be prepared in accordance with the requirements of Sections 45 – 48 and State laws, including but not limited to ORS 92.080 and 92.120.

The format of the plat shall be as follows:

Permanent black India-type ink or silver halide permanent photocopy, upon material that is eighteen inches (18”) by twenty-four inches (24”) in size with an additional three inch (3”) binding edge on the left side, when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch (1”). The subdivision plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for subdivision plat upon three or more sheets.

The plat shall contain the information contained in Sections 13, 14, and 15.

SECTION 13 – INFORMATION ON FINAL PLAT

The following information shall be shown on the Final Plat.

The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.

Legal description of the subdivision boundaries.

Reference and bearings to adjoining surveys.

The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

Exact location and width of streets and easements intersecting the boundary of the subdivision.

Subdivision block and lot boundary lines. Numbering of lots and blocks, as follows:

a.) Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections numbered in a township. 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 not to obliterate any figure, lock and lot numbers, an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

Acreage of each parcel.

Street right-of-way center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds.

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

Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. 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 map, it shall be properly referenced in the owner's certificate of dedication.

Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.

Any conditions specified by the Commission or Council upon granting preliminary approval.

A statement of water rights noted on the subdivision plat.

SECTION 14 – CERTIFICATIONS

The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.

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

A certificate, signed and acknowledged as above, offering for dedication all parcels of land shown on the final plan and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants, and servants.

A certificate, signed and acknowledged by the engineer or surveyor responsible for the survey and plat; the signature of such engineer or surveyor to be accompanied by his seal.

Provisions for additional certificated and acknowledgments required by law.

SECTION 15 – SUPPLEMENTAL DATA

At the time of the submission of the final plat, the subdivider shall also submit the following:

A preliminary title report issued by a recognized title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises.

Sheets and drawings showing the following:

Traverse data including the coordinates of the boundary of the subdivision and ties to section corner, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.

The computation of all distances, angles, and courses shown on the final plat.

Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

Coordinates of all block corners and all street center points.

A copy of any deed restrictions applicable to the subdivision.

A list of all taxes and assessments on the tract which have become a lien on the tract.

A copy of the acknowledgment from the State Water Resources Department under ORS 97.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision.

SECTION 16 – AGREEMENT FOR IMPROVEMENTS

Before Planning Commission approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Manager an agreement between himself and the City specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City of the improvements to be installed. The agreement map may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

SECTION 17 – BOND

The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

A personal bond cosigned by at least one additional person who shall not be related to the subdivider by blood or consanguinity. The subdivider and cosigner shall submit evidence of financial responsibility and the financial resources of those signing the bond shall provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

A surety bond executed by a surety company authorized to transact business in the State of Oregon.

Cash.

The assurance of full and faithful performance shall be for the sum approved by the City Manager sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the City Attorney as to form.

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this ordinance, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. In any such case if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the city, it shall release the remainder of the bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the city for the difference.

MAJOR LAND PARTITIONING

SECTION 18– MINIMUM STANDARDS

The minimum standards for design and improvements in a major land partitioning shall conform to Sections 32-45. The Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

The establishment of the public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street.

The tract in which the street is to be dedicated is a major partition within a solitary ownership situation either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

The street is the only reasonable method by which the rear portion of an extraordinarily deep land parcel of a site to warrant partitioning into not over two parcels may be provided access.

SECTION 19 – PROCEDURE FOR REVIEW

The applicant shall submit ten (10) copies of a tentative partition plan, a completed application form and the fee required by Section 49. The tentative partition plan shall follow the format outlined in Sections 20 & 21.

The City shall review the submitted tentative partition plan to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of the information, a public hearing shall be scheduled.

Public notice shall be mailed to property owners within two hundred feet (200) of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 10.062 of the Zoning Ordinance.

The City Manager may transmit one copy of the tentative partition plan to the City Engineer and affected special district and any county, state or federal agency that may have an interest in the proposed partition. Written comments will be incorporated into the record of the public hearing.

The City Manager shall notify the partitioner of the requirement to file a statement of water right and if a water right is appurtenant, a copy of the acknowledgment from the

Water Resources Department must be attached before the county recording officer may accept the plat of the subdivision for recording pursuant to ORS 92.120.

The Planning Commission shall hold a public hearing on the tentative partition in accordance with Section 10.070 of the Zoning Ordinance.

The Planning Commission shall make a decision on the tentative partition in accordance with Section 10.076 of the Zoning Ordinance.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 10.030 of the Zoning Ordinance.

The tentative partition plan approval shall be binding on the City and the partitioner for the purpose of preparing a final partition plat provided there are no changes of the plan of the partition and it complies with all conditions set forth by the City in its tentative partition plan approval.

Any final partition not submitted prior to the expiration of the tentative plan approval shall be considered void.

The applicant shall submit a final partition plat prior to the expiration of the tentative partition plan approval.

The final partition plat shall conform to the information requirements of Section 25. The Planning Commission shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. The Planning Commission may request the City Engineer to review the final partition plat in conformance with Section 11 (2).

Prior to approval of the final subdivision plat, the applicant shall complete the proposed improvements. Improvements shall conform to the approved tentative plan, conditions of approval, Hazard Mitigation Plan and Grading and Erosion Control Plan. Improvements shall not occur until a bond or other assurance has been submitted and approved by the City Engineer. The amount of the bond or other assurance shall be equal to 110% of the cost of the improvements as determined by the City Engineer.

If the final plat conforms to the tentative plan and applicable conditions, the Chair of the Planning Commission shall sign and date the final plat.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92. Approval of the final plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained.

The major partition is considered complete after the final plat is recorded by the County Clerk.

The County Surveyor shall furnish the City with a copy of the recorded plat.

SECTION 20 – SCALE

The tentative map shall be drawn on a tracing eighteen by twenty-four inches (18" x 24") or an even multiple thereof at a scale of one inch (1") equals one hundred feet (100') or, for areas over 100 acres, one inch (1") equals two hundred feet (200').

SECTION 21 – INFORMATION ON TENTATIVE PARTITION PLAN

The tentative partition plan shall include the following information:

The date, northpoint, and scale of the drawing.

Names and addresses of the owner, partitioners, engineer and/or surveyor employed in the preparation of the plan.

The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.

The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.

The existing use or uses of the property, including locations of all structures on the property.

The width and location of all proposed easements for drainage or public purposes.

Approximate location of physical features such as wetlands and streams on the property, when required by the City Manager.

Location, name, width, approximate radius of curves and grade of all proposed streets, the relationship of such streets to any projected or existing streets adjoining the proposed partition.

SECTION 22 --TENTATIVE PARTITION PLAN SUBMISSION REQUIREMENTS, SUPPLEMENTAL DATA

Any of the following may be required by the City to supplement the tentative partition plan of a major partition:

Contour lines at two foot (2') contour intervals.

Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.

A Hazard Mitigation Plan as required by the Hazards Overlay Zone provisions of the Zoning Ordinance. Approval of a tentative plat shall be conditioned on the applicants' agreement to provide the safeguards and construction techniques provided in the approved HMP.

SECTION 23 – PROCEDURES FOR REVIEW OF FINAL PARTITION PLAT

Within one year after approval of the tentative plan or such extension as may have been granted by the City, the subdivider shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon statutes. The final plat shall conform to the requirements of Sections 24, 25, and 26. No partitioner shall submit a plat of a partition for record until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

The City Manager shall forward a copy of the plat and other data submitted to the City Engineer who shall examine it to determine that the partition as shown is substantially the same as it appeared on the tentative plan as approved; that all provisions of the law and this ordinance applicable at the time of approval of the tentative plan have been complied with; and that the plan is technically correct. The City Engineer may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose. If the City Engineer determines that full conformity has not been made, the City shall advise the partitioner of the changes or additions that must be made for these purposes and shall afford the partitioner an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the City for further review.

The Planning Commission shall review the final plat to determine that it conforms with the tentative plan and with changes permitted and all requirements imposed as a condition of its acceptance. If the Planning Commission determines that the plat

submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

Prior to the approval of the final plat by the Planning Commission, the applicant shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 16 and 17.

If the final plat conforms to the tentative plan and applicable conditions have been met, the Chair of the Planning Commission shall sign and date the final plat.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained.

The partition is considered complete after the final plat is recorded by the County Clerk.

The County Surveyor shall furnish the City with a copy of the recorded plat.

SECTION 24 – FORM OF PLAT

The partition plat shall be prepared in accordance with the requirements of Section 46 and State Laws, including but not limited to ORS 92.080 and 92.120

The format of the plat shall be as follows:

Permanent black India-type ink or silver halide permanent photocopy, upon material that is eighteen inches (18") by twenty-four inches (24") in size with an additional three inch (3") binding edge on the left side, when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The partition plat shall be of such a scale as required by the County Surveyor. The plat has such characteristic partition plan. The City Manager may apply only those conditions necessary to bring tentative partition plan in conformance with the requirements of this Ordinance. The City Manager's decision shall meet the requirements of Section 10.077 of the Zoning Ordinance.

A decision of the City Manager may be appealed by the applicant to the Planning Commission in conformance with the provisions of Section 10.010.

The tentative partition plan approval shall be binding on the City and the partitioner for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and it complies with all conditions set forth by the City in its tentative partition plan approval.

The tentative partition plan shall be valid for one year from the date of its approval. The City Manager may, upon written request by the applicant, grant an extension of the tentative plan approval for a period of one year. In granting an extension, the City Manager shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan.

The applicant shall submit a final partition plat prior to the expiration of the tentative partition plan approval. Prior to approval of the final plat, the applicant shall complete the proposed improvements. Improvements shall conform to the approved tentative plan, conditions of approval, Hazard Mitigation Plan and Grading and Erosion Control Plan. Improvements shall not occur until a bond or other assurance has been submitted and approved by the City Engineer. The amount of the bond or other assurance shall be equal to 110% of the cost of the improvements as determined by the City Engineer.

No partitioner shall submit a plat of a partition for record until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

The final partition plat shall conform to the information requirements of Section 31. The City Manager shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions.

If the City Manager determines that the partition plat submitted does not conform to the tentative plan and applicable conditions, the applicant shall be afforded an opportunity to make corrections.

If the final plat conforms to the tentative plan and applicable conditions, the City Manager shall sign and date the final plat.

The applicant shall deliver the final plat to the County Survey for review and recording according to the requirements of ORS 92.

The partition is considered complete after the final plat is recorded by the County Clerk.

The County Surveyor shall furnish the City with a copy of the recorded plat.

SECTION 25 – INFORMATION ON FINAL PARTITION PLAT.

The final map shall show the following:

The name of the partition, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.

Legal description of the partition boundaries.

Reference and bearings to adjoining surveys.

The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the property courses and distances of all boundary lines shall be shown.

Exact location and width of streets and easements intersecting the boundary of the subdivision.

Partition and lot boundary lines; Number of lots as follows: Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.

Acreage of each parcel.

Street right-of-way center lines with dimensions to the nearest 1/100th of a foot, bearing or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearing. Partition boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds.

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

Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the partition.

Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.

Any conditions specified by the Commission or Council upon granting preliminary approval.

A statement of water rights noted on the partition plat.

MINOR LAND PARTITIONING

SECTION 26 – CERTIFICATION AND SUPPLEMENTAL DATA

The certification and supplemental data shall be submitted with the final map as required by Sections 14 and 15.

SECTION 27 – PROCEDURE FOR REVIEW

The applicant shall submit ten (10) copies of a tentative partition plan, a completed application and the fee required by Section 49 to the City. The tentative partition plan shall follow the format outlined in Section 29.

The City Manager shall review the tentative partition plan to determine its conformity with the requirements of this Ordinance. The City Manager shall coordinate his review with county, state, and federal agencies and special districts that may have an interest in the partition.

The City Manager may approve, deny or attach conditions to the approval of a tentative partition plan. The City Manager may apply only those conditions necessary to bring the tentative partition plan in conformance with the requirements of this Ordinance. The City Manager's decision shall meet the requirements of Section 10.077 of the Zoning Ordinance.

A decision of the City Manager may be appealed by the applicant to the Planning Commission in conformance with the provisions of Section 10.010.

The tentative partition plan approval shall be binding on the City and the partitioner for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and it complies with all conditions set for by the City in its tentative plan approval.

The tentative partition plan shall be valid for one year from the date of its approval. The City Manager may, upon written request by the applicant, grant an extension of the tentative plan approval for a period of one year. In granting an extension, the City Manager shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refilling of the tentative plan.

The applicant shall submit a final partition prior to the expiration of the tentative partition plan approval. Prior to approval of the final plat, the applicant shall complete the proposed improvements. Improvements shall conform to the approved tentative plan, conditions of approval, Hazard Mitigation Plan and Grading and Erosion Control Plan. Improvements shall not occur until a bond or other assurance has been submitted and approved the City Engineer. The amount of the bond or other assurance

shall be equal to 110% of the cost of the improvements as determined by the City Engineer.

No partitioner shall submit a plat of a partition for record until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

The final partition plat shall conform to the information requirements of Section 31. The City Manager shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions.

If the City Manager determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

If the final plat conforms to the tentative plan and applicable conditions, the City Manager shall sign and date the final plat.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS 92.

The partition is considered complete after the final plat is recorded by the County Clerk

The County Surveyor shall furnish the City with a copy of the recorded plat.

SECTION 28 – MINIMUM STANDARDS

A Minor Land Partition shall comply with the following: Sections 22 (3), 29-33, 35-46.

SECTION 29 – PROCEDURES FOR SUBMISSION OF MAP

The map shall be drawn with India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch, and shall be so selected as to fit the finished drawing to a sheet 18" x 24".

The map shall contain the following information:

Northpoint, scale and date of application

Names and addresses of the partitioner and of the engineer or surveyor employed to make the survey and map.

Written legal description of the entire property and of the proposed partitions.

Description and location of all permanent and reference monuments found or set within the area.

Names of existing streets and the planned location of any future proposed streets on land retained by partitioner.

Location and outline of existing buildings on the lots being partitioned.

Approximate acreage of the lots and of adjacent property retained by the partitioner.
Location of all existing and proposed utilities, easements, sewer and water lines and power poles.

Zoning districts and restriction in that area.

Vicinity map.

In addition any of the following information may be required.

Drainage plan.

Any unusual topographical or geologic feature.

A statement indicating the number of lots sold from the same tract within the calendar year.

SECTION 30 – FORM OF PLAT

The partition plat shall be prepared in accordance with the requirements of Section 46 and State laws, including but not limited to ORS 92.080 and 92.120.

The format of the plat shall be as follows:

Permanent black India-type ink or silver halide permanent photocopy upon material that is eighteen inches (18") by twenty four inches (24") in size with an additional three inch (3") binding edge on the left side when required by the County Clerk or the County Surveyor that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. The partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch (1"). The partition plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for partition plats upon three or more sheets.

The plat shall contain the information contained in Section 31.

SECTION 31 – INFORMATION ON FINAL PLAT

The following information shall be shown on the final plat:

The date, north point and scale of the partition plat

The partition plat number

Legal description of the partition boundaries.

Reference and bearings of adjoining surveys.

The locations and descriptions of all monuments found and set shall be carefully recorded upon the plat and proper courses and distances of all boundary lines shall be shown.

Exact location and width of streets and easements intersecting the boundary of the partition.

Lot boundary lines and their dimensions.

Acreage of each lot.

Easements denoted by fine dotted lines, clearly identified and if already of record, their recorded reference. If any easements is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

Any conditions specified by the City as a condition of preliminary approval.

A statement of water rights noted on the partition plat.

Certifications as required by the County Surveyor.

A copy of the acknowledgment from State Water Resources Department under ORS 97.122 if the person offering the partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the partition.

GENERAL REGULATIONS AND DESIGN STANDARDS

SECTION 32 – PROPOSED NAME OF SUBDIVISION

No tentative subdivision plat or subdivision plan or sub-division shall be approved which bears a name approved by the County Surveyor or County Assessor, which is the same as or similar to or pronounced the same as the name of any other subdivision in Clatsop County unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name, or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed.

SECTION 33 – PRINCIPLES OF ACCEPTABILITY

A land division whether by a sub-division, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

SECTION 34 – STREETS

General: The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

Street Widths: Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform with city standards except where it can be shown by the land divider, to the satisfaction of the Planning Commission, that existing conditions such as the topography or the small number of lots or parcels served and the probable future traffic development are such as to justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Planning Commission taking into consideration the zoning designation imposed by the zoning

ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trend, and the public safety and welfare.

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 two hundred feet (200') between the center lines of streets having approximately the same direction, and in no case, shall be less than one hundred feet (100').

Future Street Extension: Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition of feasible and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

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 shall the acute angle be less than sixty (60) degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet (100') of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet (50') of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of twenty feet (20') and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

Existing Streets: Whenever existing streets adjacent to or within a tract are of adequate width, additional right-of-way shall be provided at the time of the land division.

Reserved Strips: No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

Half Streets: Half streets shall be prohibited except they may be approved where essential to the reasonable development of the subdivision or partitions 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

divided, the half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.

Cul-de-Sac: A cul-de-sac shall be as short as possible and shall have a maximum length of four hundred feet (400') and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround.

Alley: When any lots or parcels are proposed for commercial or industrial usage, alleys at least twenty feet (20') in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

Grades and Curves: Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets, or twelve percent (12%) on other streets. Center line radii of curves shall not be less than three hundred feet (300') on major arterials, two hundred feet (200') on secondary arterials, or one hundred feet (100') on other streets, and shall be to an even ten feet (10'). Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.

Marginal Access Streets: Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen plating 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.

Street Names: All street names shall be approved by the Planning Commission for conformance with established pattern and to avoid duplication and confusion.

Private Streets: The design and improvement of any private street shall be subject to all requirements prescribed by this ordinance for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or major partition.

Street Name Changes:

A property owner may request a change in the name of a street by filing a petition with the City Planning Department. The petition shall contain the following information: i. Name of street name proposed for change. ii. Reason for request. iii. Suggested names by petitioner (minimum of two). iv. Location of street (includes from and to address numbers as well as names of all cross streets). v. Attach one full scale copy of the County Assessor's Map showing subject area, or one full scale copy of the recorded subdivision plat. vi. List of the names and addresses and zip code of each owner and resident (husband and wife) of all property abutting the street. vii. Signature

of at least seventy-five percent (75%) of the resident and property owners abutting the street proposed to be changed, signifying they agree with the proposed name change. There shall be accompanying said petition, a filing fee in the amount of \$100.00. Criteria for changing the name of the street is as follows: i. The street name is a duplicate of an existing street name, including any name used by the County within the Seaside Urban Growth Boundary. ii. The street name sounds like another street name and causes confusion. iii. Street names must indicate direction and location of the street.

Public Hearing Before Planning Commission: A public hearing shall be held by the City Planning Commission on any proposed street name change. The hearing shall be scheduled within thirty (30) days of the receipt of the petition. Notice of the public hearing shall be given by mail to all property owners and residents abutting the street in question.

Recommendation to City Council after the Public Hearing: The Planning Commission shall submit its recommendation on the street name change for its consideration. Notice of the Planning Commission's recommendation shall be mailed to all property owners and residents abutting said street.

Hearing Before Council: The City Council shall hold a public hearing on a street name change whenever there has been filed with the City an objection to the recommendation of the Planning Commission. Any objection shall be filed with the City Manager's Office within ten (10) days of the date of mailing of the Commission's recommendation to the residents and property owners.

Naming of Street by Ordinance: All street name changes shall be by ordinance of the City Council and a certified copy of the ordinance shall be filed for record by the City Auditor with the County Clerk, County Assessor, county Surveyor and the Seaside Postmaster.

SECTION 35 – UTILITY EASEMENT

Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes, shall be dedicated, reserved or granted by the land divider in widths not less than five feet (5') on each side of rear lot or parcel lines, alongside lot or parcel lines in and in planting strips wherever necessary, provided that easements of lesser width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the City.

SECTION 36 – BUILDING SITES

Size and Shape: The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

In areas that will not be served by a public sewer, minimum lot and parcels shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

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.

Access: Each lot and parcel shall abut upon a street other than an alley for a width of at least twenty-five feet (25').

Through Lots and Parcels: Through lots and parcels 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 or topography orientation. A planting screen easement at least ten feet (10') wide and across, of 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.

Lot and Parcel Side Lines: The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

SECTION 37 – BLOCKS

General: The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

Size: No block shall be more than one thousand feet (1,000') 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. The recommended minimum length of blocks along an arterial street is one thousand, eight hundred feet (1,800'). A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

Walkways: The subdivider may be required to dedicate and improve ten foot (10') walkways across blocks over six hundred feet (600') in length or to provide access to school, park, or other public areas.

SECTION 38 – LARGE BUILDING SITES

In dividing tracts into large or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into parcels of smaller size.

SECTION 39 – WATER COURSES

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

SECTION 40 – LAND FOR PUBLIC PURPOSES

The Planning Commission may require the reservation for public acquisition at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one (1) year providing the City has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for acquisition.

The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

SECTION 41 – UNSUITABLE LAND

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or, if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities.

SECTION 42 – LAND SUBJECT TO INUNDATION

If any portion of any land proposed for development is subject to overflow, inundation or flood hazard by storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

IMPROVEMENTS

SECTION 43 – IMPROVEMENT STANDARDS AND APPROVAL

In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

Improvement work shall not be commenced until plans have been checked 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 tentative plan of a subdivision or partition. All plans shall be prepared in accordance with requirements of the City.

Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the City has been notified.

All required improvements shall be constructed under the inspection, and to the satisfaction of the City. The City may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.

All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

Sewer services will be extended to unserved areas only if they are within the city limits. All subdivisions and partitions within the city limits shall be connected to the sewer system where available and subject to capacity limitations.

A map showing all public improvements as built shall be filed with the City Manager upon completion of the improvements.

SECTION 44 – IMPROVEMENT REQUIREMENTS

Improvements to be installed at the expense of the subdivider or partitioner and at the time of subdivision or partition.

Streets: Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument

boxes at every public street intersection and all points of curvature and points of tangency on their center lines.

Structures: Structures specified as necessary by the City for drainage, access and public safety shall be installed.

Sidewalks: Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.

Sewers: Sanitary sewer facilities connecting with the existing City sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.

Water: Water main and fire hydrants of design, layout and locations approved by the City shall be installed.

Railroad Crossings: Provisions shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision or partition including the preparation of all documents necessary for application to the Oregon state Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or partitioner.

Underground Utilities: This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.

Street Lighting: Street lighting of an approved type shall be installed on all streets at locations approved by the City.

Street Trees: Street trees may be required by the City. The number, kind and location shall be determined by the Planning Commission.

Street Name Signs: All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.

Improvement of Easements: Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.

Off-Site Street Improvements: All off-site street improvements, where required, shall conform to the standards of the City.

SECTION 45 – MONUMENTS

All monuments shall be set according to the provisions of ORS 92.060. In making the survey for the subdivision or partition, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to Oregon Revised Statutes.

Interior boundary and lot monuments for the subdivision or partition shall be marked by a registered land surveyor in accordance with ORS 92.060 and referenced in the plat. If the monuments are in place at the time the subdivision or partition is recorded, no performance bond is necessary. If monumentation is delayed beyond the date on which the subdivision is recorded, a bond must be posted to assure that the monuments will be set by a certain date in accordance with ORS 92.065. The City shall determine the length of time and estimated amount of bond or cash deposit to guarantee payment of the cost of setting the interior monuments in the subdivision or partition.

SECTION 46 – SURVEY REQUIREMENTS

The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

The plat of the subdivision or partition shall be of such scale that all survey and mathematical information and all other details may be clearly and legibly shown thereon.

The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot (1') in ten thousand feet (10,000').

All dimensions to be in feet and decimals of a foot to the nearest 1/100th of a foot.

In addition to showing bearing in degree, minutes, and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

Arch length;

Chord length;

Chord bearing;
Radius; and
Central angle.

The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument that has been approved by the National Geodetic Survey or has been approved by and filed with the County Surveyor, shall be field survey, according to Federal Geodetic Control Committee guidelines for third order Class II, show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a control monument, the bearing shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

Notwithstanding the provisions of Subsection 6. of this section, the County Surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

VARIANCES, FEES AND ENFORCEMENT

SECTION 47 – VARIANCE PROCEDURE

A property owner may initiate a request for a variance from the requirements of this ordinance by filing an application with the City pursuant to Section 10.040 of the Zoning Ordinance. The application shall be submitted at the same time as the application for a tentative plan for a subdivision or major partition.

Public notice shall be mailed to property owners within one hundred feet (100') of the boundary of a proposed subdivision and one hundred feet (100') of the boundary of a proposed partition. The content of the public notice shall be in accordance with Section 10.060 of the Zoning Ordinance.

The Planning Commission shall hold a public hearing on the variance request in accordance with Section 10.070 of the Zoning Ordinance. For subdivisions and major partitions the hearing shall be held in conjunction with the hearing held on the subdivision or partition request.

The Planning Commission shall make a decision on the variance request in accordance with Section 10.076 of the Zoning Ordinance.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 10.030 of the Zoning Ordinance.

SECTION 48 – VARIANCE CRITERIA

Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.

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.

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 other conflict with the objectives of any City plan or policy.

The variance requested is the minimum variance which would alleviate the hardship.

SECTION 49 – FILING FEES

It shall be the responsibility of the applicant to pay for the full cost of processing permit applications. The following minimum permit fees shall be paid to the City upon filing of

an application. Such fees shall not be refundable. The applicant shall be billed for costs incurred over and above the minimum permit fee at the conclusion of the City action on the permit request. However, in no case shall the actual cost of the amendment, appeal, or permit exceed the cost to the City. Such fees shall not include the cost of preparing transcripts for appeals. Fees for preparation of written transcripts shall not exceed the actual cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

Minimum Filing Fees:

| | |
|------------------------|----------|
| Subdivision | \$150.00 |
| Major Partition | \$100.00 |
| Street Name Changes | \$100.00 |
| Minor Partition | \$100.00 |
| Appeal to City Council | \$100.00 |

(No appeal fee is required for an appeal of the City Manager's decision on a Minor Partition to the Planning Commission).

SECTION 50 – SEVERABILITY

The provisions of this ordinance are severable. Should any Section, Clause, or Provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 51 – PENALTIES FOR VIOLATION

In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for not more than one hundred (100) days or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

