

Title 16

LAND DIVISIONS

LAND DIVISIONS GENERALLY

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DESIGN AND IMPROVEMENT STANDARDS

Sections:

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16.12.020	Transportation standards.
16.12.030	Vehicular access and circulation.
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16.12.090	Utilities.
16.12.100	Fire protection.
16.12.110	Streetlights.

16.12.101 Public Works Standards and Improvements – Generally.

- A. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities, utilities, and other public improvements required and development.

Important cross-reference to the standards. All public improvements shall be in conformance with the City of Metolius Public Works Standards.

- B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the city shall occur in accordance with the standards of this Chapter. No development may occur unless the public works related to development comply with the public works requirements established in this Chapter.
- C. Standard Specifications. The City established written standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference to Public Works Standards and Specifications.

D. Conditions of Development Approval. No development may occur unless required public works are in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Written findings in the development approval shall indicate how the required improvements are roughly proportional to their impact.

16.12.020 Transportation Standards.

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Section 16.12.030 - Access and Circulation, and the following standards are met.

1. Streets within or adjacent to a development shall be improved in accordance with Public Works Standards and Specifications and the provisions of this Section.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with the Public Works Standards and Specifications, and public streets shall be dedicated to the applicable city, county or state jurisdiction.
3. New streets, driveways, and aprons shall be paved with hard surface according to Metolius' Public Works Standards and Specifications.
4. The City may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:
 - a) A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future, and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation.
 - c) The improvement would be in conflict with an adopted capital improvement plan.
 - d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets. In this case, sidewalk improvements may be required prior to issuance of building permits.

- B. Variances. Variances of the Public Works Standards and Specifications may be granted in accordance with Section 17.52.050 – Variances.
- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or major partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council, and the deeded right-of-way conforms to the standards of this section. All deeds of dedication shall be in a form prescribed by the city engineer and shall name “the city” as grantee.
- D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with section 16.12.030 – Vehicular Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
- E. Street Location and Width. Except as noted below, the location and width of all streets shall conform to the Public Works Standards and Specifications, as applicable, and approved street plan or subdivision/major partition plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of land to be served by such streets. Where the location of a street is not shown in an existing street plan or specific area plan, the location of streets in a development shall provide for the continuance and connection of existing streets in the surrounding areas, in conformance with subsection “H”, below.
- F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in the Public Works Standards and Specifications. A variance shall be required to vary the standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
1. Street classification in accordance to Public Works Standards and Specifications.
 2. Anticipated traffic generation.
 3. On-street parking needs.
 4. Sidewalk and bikeway requirements based on anticipated level of use.
 5. Requirements for placement of utilities.
 6. Street lighting.

7. Minimize drainage, slope, and sensitive lands impacts, as identified by the Public Works Standard and Specifications.
8. Street tree location, as provided for in Public Works Standards and Specifications – Street Trees.
9. Protection of significant trees.
10. Safety and comfort for motorists, bicyclists and pedestrians.
11. Need for street furnishings (e.g., benches, lighting, bus shelters, etc.), when applicable.
12. Access needs for emergency vehicles.

Table 16.12.020 – City of Metolius Right of Way and Street Design Standards

Type of Street See notes at bottom of this page	Ave. Daily Trips (ADT)	Right of Way Width	Pavement Width	Within Roadway Area			Curb	Planting Strip/ Drainage Swale (on both sides)	Side-walks (on both sides)
				Motor Vehicle Travel Lanes	Meridian and/or Center Turn Lane	On-Street Parking (When Allowed)			
ARTERIAL STREETS i.e. Jefferson Ave.	3,000 to 1,000 ADT	60'	28'	12'	Per ODOT Standard	Per ODOT Standard	16" Standard	7' - 8'	5' - 10'
COLLECTOR STREETS Residential: Butte Avenue Washington Ave. New Collector Streets	1,500 to 5,000 ADT	60' 60' 60'-64'	28'-36' 28'-36' 38'	12' 12' 12'	N/A	Parallel Parallel Parallel	12" 12" 12" Standard	7'-8' None 7'-8'	5'-8' 5' - 8'
COMMERCIAL STREETS New Commercial Streets	1,500 to 5,000 ADT	60'	26' - 28'	12'		Parallel Parking only	12" Standard	7' - 8'	5' - 10'
LOCAL RESIDENTIAL STREETS Existing Streets (as of year 2006) New Local Residential Streets	Less than 1,500 ADT	60' 60-64'	24' 38'	12' 12'	N/A	Parallel Parallel parking only	optional 12" Standard	none 6'-7'	 5' - 8'
ALLEYS	N/A	16'	Gravel alleys with 3" of 1 1/2" minus and 2" of 3/4" minus rock	N/A	N/A	None	none	none	None

ACCESSWAYS & MULTI-USE PATHS	N/A	10'-18'	6'-10' paved width, 2'-4' strips on both sides	N/A	N/A	None	None	None	None
County Collector Streets	1,500 to 5,000 ADT	60'	22'	11'	N/A	Parallel	None	None	None
9 th Street		60'	25'	12.5'		Parallel			
Dover Lane									
<p>a. Hardscape planting strip with tree wells may be used in commercial and mixed-use development areas where on-street parking is required.</p> <p>b. 5' Sidewalk may be installed in residential areas, 5'-10' sidewalk may be installed in commercial areas.</p> <p>c. Bike lanes are generally not needed on low volume (less than 3,000 ADT) and/or low travel speed (less than 25 mph) streets (bikes can share the travel lanes with motor vehicles).</p> <p>d. Option for residential street with 24 feet of pavement width and 5-foot wide sidewalks or pathways, separated from roadway by drainage swale (no curbs). Sidewalks may not be required on some existing local streets when existing and future traffic volumes are low, e.g. less than 500 ADT or 10 dwellings.</p> <p>e. Multi-use path subject to Conditional Use Permit with Site Plan Approval.</p>									

G. Traffic Signals and Traffic Calming Features. Special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.

H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision or major partition in order to facilitate orderly development of the street system and comply with the Public Works Standard and Specifications. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Commission determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land; and as necessary to continue the city's street grid, in conformance with the block standards in subsection 5, below. The point where these stub streets temporarily end shall conform to all of a-c, below:
 - a) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs (dead-end streets) since they are intended to continue as through streets when the adjoining property is developed.

- b) A temporary barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider/major partitioner and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
- c) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) that meet the requirements of the fire district shall be constructed for stub streets over 150 feet in length.

I. Street Alignment and Connections.

1. Blocks abutting a collector street and having their long side adjacent to the collector street, shall be only one half block in width and lots in such a half block shall face the local residential street, not the collector street. Spacing between street intersections on collector streets and arterial streets shall be at least 660 feet in length and 276 feet in width, as measured from the centerline of the street, except spacing between street intersection of any half block, abutting a collector street shall be at least 660 feet in length and 160 feet in width, as measured from the centerline of the streets.
2. Spacing between local street intersections shall be at least 660 feet in length and 276 feet in width, as measured from centerline of the streets, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar public amenity subject to Site Plan review and approval.
3. All streets and alleys that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and neighborhood facilities, such as schools, shopping areas and parks.
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the maximum block length in new subdivision shall conform to the provisions of 16.12.030(J) – Street Connectivity and Formation of Blocks.

- J. Sidewalks, Planter Strips/Swales, Trails. Sidewalks, planter strips/swales, and multi-use trails shall be installed in new subdivision and major partitions, in conformance with the standards in Public Works Standards and Specifications and adopted street plans. Maintenance of city owned sidewalks, curbs and multi-use trails in the continuing obligation of the City, except the cost of repairs to damage caused by others shall be their responsibility when known, and maintenance of city owned

planter strips/swales and privately-owned sidewalks, planter strips/swales and multi-use trails is the continuing obligation of the adjacent property owner and shall based on standards set by the City.

- K. Intersection Angles. Streets shall be laid out as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply.
1. Streets shall have at least 20 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance.
 2. Local street intersections shall meet requirements of Public Works Standards and Specifications.
 3. Intersections with arterial streets and collector streets shall meet requirements of Public Works Standards and Specifications.
- L. Existing Right-of-Way. Whenever existing rights-of-way adjacent to or within a tract are less than the current standard width, additional rights-of-way shall be provided at the time of subdivision, major partition, or other development, subject to the provisions of Section 16.12.010(D).
- M. Cul-de-sacs. A permanent dead-end street shall be no more than 200 feet long, shall not provide access to more than 5 dwelling units, and shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:
1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or landscaped parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width.

2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the pavement.
- N. Grades and Curves. Grades shall not exceed 10 percent on any street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets.
 2. Streets intersection with a collector or greater functional classification street, or streets intended to be ported with a sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.
- O. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Public Works Standards and Specifications.
- P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, site plan review and approval shall be required. New railroad crossings and modifications to existing crossing are subject to review, and approval by the Oregon Department of Transportation.
- Q. If lot has access to two streets with different classifications, primary access shall be from the lower classification street.
- R. Alleys, Public or Private. Alleys shall be extended within new development and conform to the standards in Public Works Standards and Specifications. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radius of not less than 12 feet.
- S. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design and construction standards for private streets shall be the same as for public streets.
- T. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Jefferson County except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requires by emergency service providers.

- U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected.
- V. Street Signs. The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- W. Mail Boxes. Plans for mailboxes to be used and their location shall be approved by the United States Postal Service.
- X. Street Light Standards. Streetlights shall be installed in accordance with city standards.
- Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 1 year from the commencement of initial construction of the development, whichever is less. The construction standards shall meet the requirements of Public Works Standards and Specifications.

16.12.030. Vehicular access and circulation.

- A. Intent to Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as consistent with the Public Works Standards and Specifications. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all development to construct planned streets and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Public Works Standards and Specifications by function and classified for access purposes based upon their level of importance function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned division of land.

- B. Applicability. This ordinance shall apply to all public and private streets within the City and to all properties that abut these streets.
- C. Access Permit Required. Access to a public street requires an Access Permit in accordance with the following procedures:
 - 1. Permits for access to city streets shall be subject to review and approval by the city based on the standards contained in this Section, and the provisions of Section 16.12.020 – Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice or building permit as a condition of approval.
 - 2. Permits for access to county highways shall be subject to review and approval by Jefferson County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards.
- D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified unbiased professional to determine access, circulation and other transportation requirements.
- E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- F. Access Options. When vehicle access is required for development, access shall be provided by one of the following methods:
 - 1. Option 1. Access is from an existing or proposed alley.

2. Option 2. Access is from public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing driveway access as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G, below.
 3. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back-yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner through appropriate conditions of approval (e.g., recorded covenant, deed restriction, etc.).
- G. Number of Access Points. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section H, below, in order to minimize the number of access points.
- H. Shared Driveways. The City shall require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards.
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily end at the property line but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 3. Exception. Shared driveways and frontage lots are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

- I. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site development shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards (except as otherwise permitted as a result of Site Plan review and approval):
1. Block Length and Width. The minimum block length and width shall not be less than:
 - a. Residential Zone: 600 feet minimum in length and 216 feet minimum in width (including 16-foot-wide alley). Each lot shall be a minimum of 75 feet wide on the street front, and a minimum of 100 feet deep between street and alley. Blocks shall be made up of a minimum total of 16 lots. Larger blocks (increased by multiples of two lots on each long street-side) may be permitted as a result of Site Plan review and approval.
 - b. Main Street Commercial Zone: 300 feet minimum in length and 216 feet minimum in width (including 16-foot-wide alley). Each lot shall be a minimum of 25 feet wide on the street front, and a minimum of 100 feet deep between street and alley. Blocks shall be made up of a minimum total of 24 lots. Larger blocks increased by multiples of four lots on each long street-side) may be permitted as a result of Site Plan review and approval.
 - c. Industrial Zone: 600 feet minimum in length.
 2. Exception. Exceptions to the above standards may be permitted as a result of Site Plan review and approval, or when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040, or when the existence of a railroad right-of-way precludes a street connection from the being made.
- J: Driveway Openings. Driveway openings and curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians.
1. Single family, two-family, and three family uses shall have a minimum driveway opening width of 12 feet, and a maximum width of 36th feet.
 2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway opening width of 24 feet.

3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway opening width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the city determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
 4. Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Section 17.44.030.
 5. Driveway aprons. Driveway aprons are required and shall be constructed of concrete or asphalt and shall be installed from the property line to the edge of the paved (proposed or existing) surface, as shown below in Figure 16.12.030 K. Driveway aprons shall conform to ADA standards for sidewalks and pathways.
- K. Fire Access and Parking Area Turn-Around. A fire equipment access drive shall be provided for any portion of an exterior wall of the first store of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 16.12.020 – Transportation Standards.
- L. Vertical Clearances. Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13'6" for their entire length and width.
- M. Construction. The following development and maintenance standards shall apply to all driveways and private streets:
1. Surface Options. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality.
 2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turnarounds shall drain into roadside swales or other retention areas to eliminate sheet flow of such waters onto streets and abutting property.

16.12.040 Pedestrian access and circulation

All new developments that are subject to site development review shall comply with the following standards to promote non-motorized transportation alternatives and ensure safe and convenient pedestrian access and circulation:

- A. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets.
1. Multi-use pathways (i.e., for pedestrians and bicyclists) shall be designed consistent with the Public Works Standards and Specifications.
 2. If the streets within the subdivision or neighborhood are lighted, the City may also require lighting for pathways.
 3. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.
- B. Design and Construction. Pathways shall conform to all the standards in 1-5 below:
1. Vehicle/Pathway Separation. Where a pathway is along the side of a driveway or street (public or private), it shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped to provide buffering. Pathway/building separation may be required for commercial, industrial, public, or institutional uses.
 3. Crosswalks. Where pathways cross a parking area or street ("crosswalk"), it shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk across an asphalt driveway. If painted striping is used, it shall consist of thermoplastic striping or similar type of durable application.
 4. Pathway/Multi-use Path Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface approved by the City, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths shall be designed consistent with the Public Works Standards and Specifications and constructed of asphalt or concrete.
 5. Accessible routes. Pathways shall comply with the federal Americans with Disabilities Act, which requires accessible routes of travel.

16.12.050 Street trees.

Street trees shall be planted for all developments that are subject to Land Division or Site Plan Review. Planting of trees on unimproved streets shall be deferred until the construction of sidewalks.

- A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
 - 1. Provide a broad canopy where shade is desired.
 - 2. Use low-growing trees for spaces under utility wires.
 - 3. Select trees which can be “limbed-up” where vision clearance is a concern.
 - 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - 5. Use species with similar growth characteristics on the same block for design continuity.
 - 6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.
 - 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
 - 8. Select trees for their seasonal color, as desired.
 - 9. Use deciduous trees for summer shade and winter sun.
- B. Caliper Size. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.
- C. Spacing and Location. Street trees shall be planted within planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, at least one tree shall be planted for each lot, and shall be spaced no more than 30 feet apart (e.g., for species with a 30-foot spread), except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

- D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation. The property owner shall be responsible for tree care (pruning, watering, fertilization, and replacement as necessary).
- E. Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting. Species must be approved by Public Works Department prior to planting.

16.12.060 Open space.

- A. Open Space Standard. Subdivisions and Planned Unit Developments (PUDS) shall set aside and dedicate open space. The Planning Commission shall recommend, with final approval by the City Council, if a subdivision/developer shall:
1. Set aside and dedicate to the public for park and recreation purposes, not less than eight percent (8%) of the gross area of said development if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks; or
 2. In lieu of setting aside land, pay into park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under (1) above. For the purpose of determining the fair market value, the latest value of the land as unplatted and without improvements as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing subdivision.
- B. Recording of Open Space. The open space shall be recorded with the final subdivision plat or separate legal instrument in accordance with following methods:
1. By dedication to the City as publicly owned open space. Open space proposed for dedication to the City must be acceptable to the City Council with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance terms, or
 2. As privately owned open space, by leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City Council.

- C. Expenditure of Funds. Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City Treasurer. Such funds may be expended only on order of the City Council for the purpose of acquiring, developing new parks or maintaining existing parks for recreation purposes.
- D. Additional Open Space. If the developer is required to reserve additional land area in excess of the area in Subsection A for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 12 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.
- E. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any system development charge for parks as may be adopted by City Council.

16.12.070 Sanitary sewer service and water service improvements.

- A. Sewer and Water Systems Required. All subdivisions and major partitions must be provided with a sanitary sewer collection system and water delivery system which are connected to the city municipal systems. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with Public Works Standards and Specifications. Where the city engineer/engineering consultant determines they are applicable, stubs for future extensions shall be provided.
- B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the city engineer/engineering consultant has approved all sanitary sewer and water plans in conformance with Public Works Standards and Specifications and irrigation district standards.
- C. Over-sizing. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The over-sizing shall be eligible for system development charge credits, as may be adopted by City Council.
- D. Permits Denied. The City may deny or approve with conditions development permits (e.g., as to development timing) where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

16.12.080 Surface water management.

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made as determined by the city engineer/engineering consultant. The City may require the applicant to submit a drainage study prepared by a qualified professional to be submitted with a land division application. A study shall be required for developments greater than one (1) acre.
- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area in its current state, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer/engineering consultant.
- C. Effect on Downstream Drainage. Where it is anticipated by the City that the additional runoff resulting from permits will overload an existing drainage facility, the City shall withhold approval of permits until provisions have been made for improvements of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards, and any applicable statutory requirements for development moratoria.
- D. Easements. Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance in its current state.
- E. Street Drainage. Streets shall be designed in such manner as to provide storm water drainage from the center of the street to swales, drainage ditches or other such means as the city shall approve. In no case shall storm water be designated to drain from a development onto a street or adjacent lots, except through an approved drainage way within an approved right-of-way or easement.

16.12.090 Utilities.

- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed aboveground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions and major partitions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Above ground equipment shall not obstruct vision clearance areas for vehicular traffic (Section 16.12.030 – Vehicular Access and Circulation).
 2. The City reserves the right to approve the location of all surface-mounted facilities.
 3. All new underground utilities, including sanitary sewers and water mains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street or alley improvements when service connections are made.
- B. Easements. Easements shall be provided for all underground utility facilities on the recorded plat.
- C. Exception to Underground Utility Requirement. The standard applies only to proposed subdivisions and major partitions. An exception to the underground requirement may be granted when the applicant demonstrates that physical constraints, such as sensitive lands, or existing development conditions, preclude underground utilities.

16.12.100 Fire protection.

Fire hydrants shall be placed in the subdivision as directed by the city.

16.12.110 Streetlights.

All subdivisions or major partitions shall install streetlights as directed by the city.

(Ord. 242, 2007)

PENALTIES AND ENFORCEMENT

Sections;

- 16.16.010 Violation of Title.**
- 16.16.020 Enforcement.**
- 16.16.030 Compliance with Oregon real estate regulations.**
- 16.16.040 Certification conflicts.**

16.16.010 Violation of Title.

An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or major or minor partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded, shall be a civil violation of this title. Any person, firm, partnership or corporation, upon violation of this title, shall be subject to fines, civil proceedings or mediation as determined by City Council.

16.16.020 Enforcement.

It shall be the responsibility of the City Council to notify the city attorney of any violation of this title and to sign any necessary complaints. Alternatively, the council may refer the complaint to the Planning Commission with a request to provide recommended abatement measures to Council.

16.16.030 Compliance with Oregon Real Estate Regulations.

Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider/partitioner shall file a "Notice to Intent" with the Oregon State Real Estate Commission, in conformance with ORS 92.345.

16.16.040 Certification conflicts.

When any provision of Oregon state law or of this chapter requires the execution of any certificate or affidavit on the performance of any act by a person in his official capacity who is also a subdivider, partitioner, or any agent or employee thereof, such certificate or affidavit shall be executed, or such act shall be performed by some other person duly qualified therefore and designated so to act by the commission.

(Ord. 242, 2007)

Title 16

LAND DIVISIONS

LAND DIVISIONS GENERALLY

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- 16.04.010 Adoption
- 16.04.020 Purposes and Objectives
- 16.04.030 Short Title and Revision Policy
- 16.04.040 Advisory Role of the City\ Planning Commission
- 16.04.050 Relationship to the Comprehensive Plan
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- 16.08.015 Application
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- 16.08.030 Tentative Plans for Subdivision and Partitions.
- 16.08.040 Subdivision and Partitions – Final Plat

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- 16.12.010 Public Works Standards and Improvements - Generally
- 16.12.020 Transportation Standards.
- 16.12.030 Vehicular Access and Circulation.
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- 16.12.050 Street Trees.
- 16.12.060 Open Space.
- 16.12.070 Sanitary Sewer Service and Water Service Improvements.
- 16.12.080 Surface Water Management.
- 16.12.090 Utilities.
- 16.12.100 Fire Protection.
- 16.12.110 Streetlights.

PENALTIES AND ENFORCEMENT

Sections:

16.16.010 Violation of Title.

16.16.020 Enforcement

16.16.030 Compliance with Oregon Real Estate Regulations.

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LAND DIVISIONS GENERALLY

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- 16.04.050 Relationship to the Comprehensive Plan.
- 16.04.060 Relationship to the Comprehensive Plan Map.
- 16.04.070 Relationship to Zoning Ordinance.
- 16.04.080 Construction and Definitions.

16.04.010 Adoption.

There is adopted, as provided in this title, a land division ordinance for the city of Metolius, a municipal corporation of the state of Oregon.

16.04.020 Purposes and Objectives.

The land division ordinance is adopted to preserve, protect, and promote the public health, safety, convenience, prosperity and general welfare. More specifically, the land division ordinance is adopted in order to achieve the following objectives:

- A. To aid in the implementation of the comprehensive plan of the city, as adopted by the city council on November 13, 1978 and subsequent revisions.
- B. To accommodate new development in a manner which creates livable neighborhoods, orderly development and coordinated development with public facilities which will preserve and enhance the city's living environment and will create new beauty through skilled subdivision design.
- C. To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which may be required by conditions of an urban environment.
- D. To provide streets of adequate capacity for anticipated traffic which would utilize them, and to insure their design to promote safe vehicular and pedestrian traffic circulation system.
- E. To establish procedures, as provided in this code and ORS Chapter 92, for partitioning and subdividing lands within the city.

16.04.030 Short Title and Revision Policy.

This title shall be known as the land division ordinance of the city and shall be reviewed on a biennial basis, and if necessary revised to keep it consistent with legislative changes or the changing needs and desires of the citizens of the city.

16.04.040 Advisory Role of the City Planning Commission.

The planning commission of the city is charged by this title with the duty of making recommendations and reports to the council on the design and improvements of proposed land divisions. The commission shall have such additional powers and duties with respect to land division, the maps thereof, and the procedure relating thereto, as are prescribed by Chapter 92 of the Oregon Revised Statutes, by this title, or as council may hereafter direct.

16.04.050 Relationship to the Comprehensive Plan.

A subdivision plat shall conform to the policies of the comprehensive plan and elements thereof as adopted by the city council, with respect to the type and intensity of land use, residential densities and distributions, locations and sizes of public areas, rights-of-way and improvement of streets.

16.04.060 Relationship to the Comprehensive Plan Map.

A subdivision plat shall conform with all applicable plans for the location and improvement of transportation facilities, parks, and other public facilities, as shown on the comprehensive plan map, as adopted by the city council.

16.04.070 Relationship to Zoning Ordinance.

A subdivision plat shall conform, in all respects, to applicable regulations of the zoning ordinance, as adopted by the city council.

16.04.080 Construction and Definitions.

The definitions of words in this title, and the construction of the words in provisions thereof, shall be as follows:

- A. Construction. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this title:
1. Tense. Words used in the present tense shall include the future tense.
 2. Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
 3. Shall and May. The word "shall" is mandatory. The word "may" is permissive.
 4. Gender. The masculine shall include the feminine and neuter.
 5. Headings. In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this title and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

B. General terminology. The word "city" means the city of Metolius, Oregon. The word "council" means the city council of the city of Metolius, Oregon. The word "commission" means the planning commission duly appointed by the mayor.

C. Definitions. For the purposes of this title, certain words and terms used in this title are defined as follows:

"Access" or "access way" means any way or means by which pedestrians and/or vehicles shall have safe and adequate and usable ingress and egress to/from a property; the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Alley" means a public way, permanently dedicated or reserved as a secondary means of access to abutting property. An alley is not a street as defined in this section.

"Block" means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way or pedestrian access ways.

"Building line" means a dashed or solid line on a site plan drawing or plot plan drawing indicating the location of buildings or structures on the property and the distance from the property lines as required by this title.

"Comprehensive plan" means the plan adopted by the commission and council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

"Contiguous" means two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

"Curb line" means the line dividing the roadway from a planting strip or footway.

"Design" means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Easement" means a grant of the right to use a parcel of land or portion thereof for specific purposes, where ownership of the land or portion thereof is not transferred.

"Future street" means a proposed right-of-way (i.e. street or alley) as may be designed by the planning commission or other such agency, or authority as provided for herein,

which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

"Legal description" means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

"Lot" means a single unit of land created by a subdivision plat filed in the office of the Jefferson County clerk, in conformance with ORS 92. The term "lot" does not include condominiums as used under ORS 91.505 through 91.675 "Unit Ownership Law."

"Lot area" means the total area of the lot measured in the horizontal plane within the lot boundary lines exclusive of public or private streets, but inclusive of any lawful easement providing access to other properties.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets.

"Lot depth," means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot, Double Frontage. "Double frontage lot" means an interior lot having frontage on and with access on two parallel or approximately parallel streets.

Lot, Flag. "Flag lot," means a lot or parcel which has the buildable area located away from the public right-of-way and is connected to it through a corridor of minimum or less frontage.

Lot, Interior. "Interior lot" means a lot or parcel other than a corner lot or reverse corner lot.

Lot, Key. "Key lot," means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.

"Lot line" means any line bounding a lot as defined in this section.

Lot Line, Front, "Front lot line" means the line on a lot abutting a street, other than an alley. Corner lots have two front lot lines.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot which rears upon the side yard of another lot.

"Lot width," means the horizontal distance between the side lot lines, measured at the widest point of the lot.

"Major partition" means to partition a parcel of land into two or three parcels which includes the creation of a road or street.

"Minimum street standard" means that standard which must be met by a street before it may be used in a subdivision or partition or is accepted for dedication to the city. City street standards shall apply to public and private streets.

"Minor partition" means to partition a unit of land into two or three parcels that does not include the creation of a street.

"Nonconforming structure, lot, parcel or use" means a lawful existing structure, lot, parcel or use at the time this title or any amendment thereto becomes effective which does not conform to the requirements of the land division ordinance or zone in which it is now located.

"Official map" means the comprehensive plan map as adopted by the city council for the city.

"Owner" means the owner of record of real property as shown on tax rolls of Jefferson County or deed records of Jefferson County, or person who is purchasing property under contract. When land is being sold on contract, a development application must be signed by the deed holder/seller as well as the contract buyer, since the contract buyer has no ownership interest in the land until the contract is fully paid and a new deed is recorded.

"Parcel" means a tract of land as created by a partitioning of land.

"Parking space" means a rectangular area not less than twenty (20) feet long and ten (10) feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.

"Partition land" means to divide an area or tract of land into two or three parcels, in conformance with ORS 92, when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include divisions of land resulting from lien foreclosures, division of land resulting from creation of cemetery lots; and "partition" does not include any adjustment of a lot line by 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 or parcel size established by applicable zoning ordinance.

"Pedestrian way" means a right-of way for pedestrian traffic; may include trails and pathways that provide direct and convenient pedestrian connections between long blocks.

"Person," unless context indicates otherwise, means and includes an individual, partnership, corporation, both public and private, association and club.

"Plat" means a map, diagram, drawing or replat containing all descriptions, locations, specifications, dedications, provisions and information concerning a land partition or subdivision as specified by this title.

"Public Works Standards and Specifications" refers to Metolius Public Works Standards.

"Right-of-way" means the area between the boundary lines of an alley, easement, street or highway.

"Roadway" means the portions of the right-of-way of a street or highway developed for vehicular and bicycle traffic. New streets are required to be developed with sidewalks.

"Sidewalk" means a pedestrian walkway with permanent surfacing contained within a public right-of-way.

"Street" means the entire area between the right-of-way lines of any public way, other than an alley, used or intended to be used for vehicular traffic, including public ways designated as roads, highways, lanes, places, circles, avenues, or by other similar designations.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts connected in some manner and which requires location on the ground or which is attached to something having a location on the ground.

"Subdivision and Subdivide lands" means to divide an area or tract of land into four or more lots, in conformance with ORS 92, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of the ordinance codified in this title.

"Subdivider" means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

"Subdivision" means an act of subdividing land or an area or tract of land, in conformance with ORS 92.

PROCEDURAL REQUIREMENTS FOR SUBDIVISIONS

Sections:

- 16.08.010 Powers of the Planning Commission.
- 16.08.015 Application
- 16.08.020 Subdivisions and Partitions.
- 16.08.030 Tentative Plans for Subdivision and Major Partitions.
- 16.08.040 Subdivision and Partition – Final Plat.

16.08.010 Powers of the Planning Commission.

Subject to final review and approval by the Council, the commission shall undertake the initial review of tentative and final subdivision and application, supporting documents and partitioning maps, and make recommendations to the Council as provided herein. The commission shall perform other such duties as the council may from time to time direct or which is otherwise specified by law or ordinance. (Ord. 91 Art. 2 § 201, 1978), (Ord. 242 § 16.08.010, 5/7/2007)

16.08.015 Application

Where required in this Chapter 16, applications shall be submitted on the appropriate form and in the manner required by the City. Before any application shall be considered by the City, the application shall be complete as required by the City. City shall advise applicants(s) of incomplete applications within 30 days of receipt. (Ord. 242 § 16.08.015, 5/7/2007)

16.08.020 Subdivisions and Partitions; Approval Criteria.

All subdivisions and major partitions as defined in this title shall require a public hearing to be conducted by the Planning Commission. Upon reviewing an application for a subdivision or partition, the commission shall recommend in writing to the Council that it either approve, approve with conditions or deny the application based upon the criteria A through H, below, each of which the applicant shall have specifically referenced. Detailed responses will be provided to the Council by the commission with their recommendation. (Ord. 91 Art. 2 § 202, 1978)

- A. Compliance with Zoning and Other Ordinances. The proposed preliminary plat shall comply with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, the provisions of the underlying zoning district and the provisions of the Planned Unit Development ordinance, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 17.52. (Exceptions and Variances)
- B. Plat Name. The proposed plat name is not already recorded for another subdivision, and satisfies the provision of ORS Chapter 92.
- C. Transportation Plan. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities conform to the Capital Improvement Plan and are laid out so as to transition to the plats of subdivisions and maps of major

partitions already approved for adjoining property. All proposed public improvements and dedications are identified on the preliminary plat.

- D. Common Areas. All proposed common areas and improvements (e.g., open space, recreation areas, etc.) are identified as tracts on the preliminary plat.
- E. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
1. All lots and parcels shall comply with the lot area, setback (i.e. existing structures), and dimensional requirements of the applicable zone, except as provided in subsection 2, below.
 2. No lot or parcel shall be less than 7,500 square feet. Every lot shall have a front lot line length of a minimum of 75 feet and lot depth of a minimum of 100 feet. Every block shall have a minimum length, on the longest side, of six hundred (600) feet between streets rights-of-way.
 3. Setbacks (i.e., for existing structures) shall be as required by the applicable land use zone.
 4. Each lot and parcel shall conform to the standards of Section 16.12.030 – Vehicular Access and Circulation.
 5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way.
 6. The minimum right-of-way to be dedicated to the public for a street shall be sixty (60) feet but may be greater as required by the City.
 7. Common drives to serve more than one lot or parcel may be required for traffic safety and access management.
- F. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.
- G. Future Re-division Plan. The purpose of this section is to provide guidelines for future re-division. When subdividing or partitioning tracts into large lots or parcels, the newly created lot(s) and parcel(s) shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:
1. Potential future lot division(s) in conformance with the housing density standards of the underlying zoning district.
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way consistent with Chapter 16.12.020(H).
 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or adjacent property owners, except as

may be required through conditions of land division approval. For example, street improvements within the plan area may be required in the future to provide needed circulation.

- H. Compliance. All submittals shall demonstrate compliance with the following development and design standards: Section 16.12.010 – Public Facilities Standards and Improvements – Generally, Section 16.20.020 – Section 16.12.030 – Vehicular Access and Circulation, Section 16.12.060 – Open Space, Section 16.12.070 – Sanitary Sewer and Water Service Improvements, Section 16.12.080 – Surface Water Management, Section 16.12.090 – Utilities, Section 16.12.100 – Fire Protection, Section 16.12.110 – Street Lights, and Section 16.12.120 – Sensitive Lands. (Ord. 242 § 16.08.020 5/7/2007)

16.08.030 Tentative Plans for Subdivision and Partitions.

- A. Initial Submission. Fifteen (15) copies of a tentative map and a statement of any proposed subdivision and/or partition shall be submitted to the City Recorder together with a fee based on the city's adopted fee schedule.

B. Preliminary Review.

1. The City Recorder, with the City Planner's concurrence, shall determine whether the application is complete within thirty (30) days after receipt. If the application is not complete, the City Recorder shall request the additional information required from the applicant in writing, and the applicant shall have up to 180 days to either provide the same or state in writing his/her refusal to provide the requested information. After 180 days, a new application shall be submitted if the applicant still wishes to divide the property.
2. Once the application is deemed to be complete, the City Recorder shall transmit one copy of the tentative map and application materials to the city departments, Planning Commission members and other public officials as necessary. Each city department, upon receipt of a copy of the tentative map, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within seven (7) days after receipt thereof, shall make a written report to the City Recorder that states whether or not the application conforms to City requirements, and why. The City Planner shall prepare a written report on the plat for submission to the commission. The report shall include information on compliance with city ordinances and standards, including land division and zoning ordinances and city standards for streets, alleys, pedestrian and bicycle ways, sewers, water mains, surface water management, private utilities, parks and open space, and tree protection, together with any other data as appears pertinent to the commission's review of the plat.
3. Copies of the complete land division application shall be submitted to following additional officials, and they will be given thirty (30) days to review the plan and submit comments.

- a. The county surveyor and the county assessor.
 - b. The irrigation district, if the property is within the district.
 - c. The school district, if there is indication of school district interest in property development in the area.
 - d. City's engineering consultant/contractor, as applicable.
 - e. Oregon Department of Transportation.
 - f. Jefferson County Rural Fire Protection District.
- C. Tentative Map Scale. Tentative maps shall be to a scale of one (1) inch equals one hundred (100) feet or less; except tracts over one hundred (100) acres, which may be to a scale of one (1) inch equals two hundred (200) feet, and shall be clearly and legibly reproduced.
- D. Information on Tentative Map. The tentative map shall contain the following information.
- 1. The proposed subdivision's or partition's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision or partition.
 - 2. Name and address of recorded owner or owners (i.e., in the deed records) of the proposed subdivision or partition.
 - 3. Name and address of the subdivider.
 - 4. Name, business address and registration number of the licensed surveyor (licensed in the State of Oregon) who prepared the map of the proposed subdivision or partition.
 - 5. The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets, alleys, pedestrian ways and easements in the proposed subdivision or partition 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 and future extension of the streets, alleys and pedestrian ways therein with the streets and alleys in the proposed subdivision.
 - 6. Names of the recorded owners of all contiguous and adjacent land within two hundred (200) feet.
 - 7. The approximate location and character of all existing and proposed easements and public facilities, and public parks and open spaces in the subdivision, partition or adjacent thereto.
 - 8. Approximate lot layout and approximate dimensions of each lot and each to be numbered.
 - 9. Proposed setback lines.
 - 10. The outline of all existing buildings and their use, showing those which will remain.
 - 11. The location and size of all existing trees that have a diameter of four (4) inches (as measured four (4) feet above grade), showing those which will remain and those that will be removed, consistent with this ordinance.

12. Contour lines shall be provided. If the slope of the ground is less than ten (10) percent, contour lines at two (2) foot intervals shall be required. If the slope is over ten (10) percent, contour lines at five (5) foot intervals shall be provided.
13. City boundary lines crossing or bounding the subdivision or partition.
14. Approximate location of all areas subject to inundation of storm water overflow and the location, width, high water elevation flood flow and direction of flow of watercourses.
15. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
16. If impractical to show on the tentative map, 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 and watercourses.
17. All areas to be reserved as common private or public open space, such as pedestrian ways, recreation facilities, landscaping, entryway monuments, surface water management facilities and other common areas.

E. Information in Statement. A written statement to accompany the map shall contain the following information:

1. A general explanation of the subdivision or partition and proposed public improvements including water and sewer facilities, surface water management facilities, and public parks and open spaces proposed to be installed.
2. An explanation of how the application complies with the applicable provisions of the zoning ordinance and land division ordinance, including applicable provisions of Chapter 16.12 – Design and Improvement Requirements. Where deviations from city ordinances are requested, a statement shall be provided which demonstrates compliance with the applicable provisions of Section 17.52.050, Variations.
3. Public areas and private common areas proposed, if any.
4. A tree protection and/or planting proposed, if any.
5. A preliminary draft of restrictive covenants proposed, if any.
6. Possible future re-division plan, if any.
7. Any other information, plans, or studies deemed necessary by the City to describe the proposal and demonstrate compliance with the applicable approval criteria.

F. Planning Commission Review and Council Approval of Tentative Subdivision Or Partition Map. The Planning Commission shall conduct a public hearing in conformance with Section 17.08.050 to determine the need and whether the tentative map is in conformity with the provisions of law and of this title. Planning Commission recommendation to the Council, to approve, to approve with conditions or modifications, or to disapprove the proposed subdivision plan shall be made within sixty (60) days from the time the application is deemed complete. City Council shall take action so that the final decision on the tentative plat, including any appeals to city council, shall be made not later than one-hundred and twenty (120) days from the time the application is deemed complete. Approval of the tentative map shall require the commission's approval of the final plat, if there is no change in the plan of subdivision or partition as shown on the preliminary plat and there is full compliance with all conditions of tentative plan approval and all requirements of this title. The action of the Planning Commission shall be noted

on three copies of the tentative map. One copy shall be returned to the subdivider, one shall be transmitted to the City Engineer, and the other retained by the City Recorder together with a memorandum setting forth the action of the Planning Commission and all the findings of compliance with the provisions of this ordinance. (Ord. 242 § 16.08.030 5/7/2007)

16.08.040 Subdivision and Partition – Final plat.

- A. Submission of Final Plat (Map). The applicant shall cause the proposed subdivision or partition, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. A tracing and five blue line or black line prints of the final map shall be submitted to the City Recorder, together with a fee in accordance with the city's fee schedule, within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon Statutes. An extension of time for filing of the final map may be granted by the City Council provided written application is made by the applicant within one year after action on the tentative map.
- B. Supplemental Data. At the time of the submission of the final map, the subdivider shall also submit the following:
 - 1. 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.
 - 2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any or triangulation systems, showing the error of closure, if any.
 - b. The computation of all distances, angles and courses shown on the final map.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and State Highway stationing.
 - d. Coordinates of all block corners and all street center points.
 - 3. A copy of any deed restrictions applicable to the subdivision or partition.
 - 4. Electronic copy of the survey with coordinates of all lot corners set at the time, if available.
- C. Form of Final Map. The final subdivision/partition map shall be prepared in accordance with the provisions of this title and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.
- C. Information on Final Map. The final map shall, in addition to other information required by law, show the following:

1. The date, scale, north point (generally pointing up), legend and controlling topography (i.e., creeks, highways, railroads, etc.).
2. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.
 - b. Adjoining corners of all adjoining subdivisions and partitions.
 - c. Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.
 - d. Whenever the City has established the centerline of a street adjacent to or within the proposed subdivision/partition, the location of this line and monuments found or reset.
 - e. All other monuments found or established in making the survey of the subdivision/partition, are required to be installed by the provisions of this title.
3. Tract boundary lines, right-of-way lines, and centerline of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points of curvature, and tangent bearings. Tract boundary and street bearings shall be shown to the nearest ten (10) seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in ten thousand (10,000) feet.
4. The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline, indicating thereon the radius and center angle. Block corner curb data to be shown separately.
5. All easements clearly labeled and identified and, if clearly of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision/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.
6. Lot or parcel numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions or partitions.
7. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision/partition. The numbers shall be solid and have sufficient size and thickness to stand out and shall be 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/partition.

8. Appropriate words, symbols or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case.
- E. Certifications. The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.
1. A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - a. Rights-of-way, easements, or other interest.
 - b. Rights-of-way, easements or reversions which by reason of changed conditions, long disuse or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision/partition map, including land originally patented by the United States or the State of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the State of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided or partitioned.
 2. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those lots or parcels other than streets, which are intended for the exclusive use of the lot or parcel owners in the subdivision/partition, their licensees, visitors, tenants and servants.
 3. A certificate signed and acknowledged by the surveyor responsible for the survey and final map, the signature of such surveyor to be accompanied by his seal.
 4. Provision for additional certificates and acknowledgments required by law.
- F. Approval by City Engineer/Engineering Consultant.
1. Upon receipt of the final plat and accompanying data, the City Engineer or City's Engineering Consultant shall review the final plat and documents to determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title.
 2. The City Engineer/Engineering consultant shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. He or she may make checks in the field to verify that the plat is sufficiently correct on the grounds, and he or she may enter the property for this purpose.
 3. If the City Engineer/Engineering consultant determines that there has not been full conformity, he or she shall advise the subdivider/partitioner of the changes or

additions that must be made and afford the subdivider/partitioner sixty (60) days to make such changes or additions.

4. If the City Engineer/Engineering consultant determines that full conformity has been made, he or she shall so certify. If full conformity has not been made within sixty (60) days, the city may require that the applicant submit a new final plat and application fee.

G. Final Approval of the Commission. Upon return of the final map by the City Engineer/Engineering Consultant, the Planning Commission shall examine the same in detail to determine whether the map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition of its acceptance. If the Planning Commission does not recommend approval of the map, the City shall advise the subdivider/partitioner in writing of the changes or additions that must be made for this purpose and shall afford him or her sixty (60) days to make the same. If The Planning Commission determines that the map conforms to all requirements, the City shall approve the same; but before certifying its approval thereon, it shall require The subdivider/partitioner to file the agreement and bond, or make the deposit, required in subsections H and I of this section; and when the agreement and bond have been filed, and approved as prescribed, the Planning Commission approval shall be endorsed upon the map by execution of the appropriate certificates as prescribed by law. If full conformity has not been made within sixty (60) days, the City shall deny the final plat and require the applicant to submit a new final plat application with the fee.

H. Agreement for Improvements. Before Planning Commission approval is certifies on the final map, the subdivider/partitioner shall either install required improvements or shall execute and file with the City Recorder-Treasurer an agreement between himself/herself and the city, specifying the period within which he or she or agent or contractor shall complete all improvement work required by or pursuant to this title; and providing that if he shall fail to complete the work within the period, the City may complete the same and recover the full cost and expense thereof from the subdivider/partitioner. The agreement shall also provide for reimbursement of the City by the subdivider/partitioner for the cost of inspection by the City Engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements deemed by the City to be at least the equivalent of the improvements specified in the agreement and required to be constructed by the subdivider/partitioner. The agreement shall be recorded in the Jefferson County deed records.

I. Bond.

1. The subdivider/partitioner shall file with the agreement, to assure his full and faithful performance thereof, bonding or other performance guarantee that is determined to be acceptable to the City:

- a. A surety bond executed by a surety company authorized to transact business in the state of Oregon.
 - b. Cash, or line of credit from a bank.
 2. The amount of the bond or other surety shall be a sum determined by City Engineer/Consultant and approved by the City Council. The amount shall be sufficient to cover the City's cost of 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/major partition. The bond or other surety must be approved by the City Attorney as to form.
 3. In the event the subdivider/partitioner fails to complete all improvement work in accordance with the provisions of this title, and the City has to complete same, or if the subdivider/partitioner 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 improvement damages 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, the subdivider/partitioner shall be liable to the City for the difference.
- J. Filing of Final Plat. Approval of the final plat by the City Council, as provided in this chapter, shall be conditioned on its prompt recording with Jefferson County. The Subdivider/partitioner shall without delay submit the final plat for signatures of other Public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty (30) days after the last required approving signature has been obtained. (Ord. 242 § 16.08.040 5/7/2007)