Ordinance No. 102

City of Mitchell, Oregon

SUBDIVISION ORDINANCE

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Ordinance No. 102

CITY OF MITCHELL, OREGON

SECTION 1. GENERAL PROVISIONS

1.1 Title. These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Mitchell, Oregon.

1.2 Purposes. The purpose of this ordinance is to provide for the public health, safety and general welfare of the people of the City by establishing uniform procedures and standards for the partitioning and subdividing of land within the City. These regulations are necessary to:

(1) guide the future development of the City in accordance with the Comprehensive Plan;

(2) insure that public facilities, including but not limited to sanitation systems, water supply systems, streets and fire protection, are adequate to serve the subdivided or partitioned area; and

(3) protect and conserve land throughout the City by providing for its most beneficial use and enhancement of the quality of the environment.

1.3 Authority. By authority of ordinance of the Council of the City adopted pursuant to the powers and jurisdiction vested by Oregon Revised Statutes, Chapter 92, and other applicable laws of the State of Oregon, the City shall review, approve and disapprove plans, plats, and maps for the subdivision and partitioning of land within the corporate limits of the City.

1.4 Jurisdiction.

(1) These subdivision regulations shall apply to all subdivision and partition of lands, as defined herein, located within the corporate limits of the City.

(2) The City shall review and comment on plans, plats, or maps for subdivisions or partitions beyond the corporate limits of the City and within the urban growth boundary.

1.5 Enactment. In order that land may be subdivided and partitioned in accordance with these purposes and policy, these regulations are hereby adopted.

1.6 Severability. Where any word, phrase, clause, sentence, paragraph or section, or other part of these regulations is held invalid by court of competent jurisdiction, this judgment shall affect only that part held invalid, and shall not impair the validity of the remainder of these regulations.

1.7 Amendments. An amendment to this ordinance may be initiated by the City Council, an affected governmental unit, or by application of a property owner or resident in the City. The procedure to be followed for adoption of the proposed amendment shall be that prescribed by ORS 92.048.

1.8 Variances.

(1) The City Council may authorize variances, with conditions, to the requirements of this ordinance. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan or map. A variance may be granted only in the event that all of the following circumstances exist:

(a) 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 have no control;

(b) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same vicinity; and

(c) The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located or otherwise conflict with the Comprehensive Plan.

(2) In granting or denying a variance, the City Council shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

1.9 Exceptions in Case of a Planned Unit Development.

(Reserved for Planned Unit Development)

1.10 Appeal. A person may appeal to the City Council from any decision or requirement made by the City Engineer pursuant to this ordinance. Written notice of the appeal must be filed with the City within thirty

(30) days after the decision or requirement is made in the case of subdivision or major partition and ten (10) days in the case of a minor partition, pursuant to ORS 92.044 (2) and 92.046 (3).

1.11 Violation and Penalties.

(1) Every final subdivision plat and partition map must be approved pursuant to this Ordinance and the provisions of Chapter 92, Oregon Revised Statutes, before title to the subdivided land can be sold contrary to the provisions of this Ordinance, the City Attorney shall commence action to enjoin further sales or transfers and to compel compliance with its provisions. The costs of maintaining this suit shall be imposed against the person transferring or selling the property to be subdivided or partitioned.

(2) In addition to penalties provided by state law, any person violating or failing to comply with a provision of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than $500.00. Every sale or transfer of a parcel of land in violation of this Ordinance shall be deemed a separate and distinct offense. In addition, the City will not give zoning approval on any application for a building permit to be issued by the State of Oregon as to any piece of property owned by a person in violation of the provisions of this Ordinance.

1.12 Schedule of Fees

(1) Any application or submission required by this Ordinance shall be accompanied by a filing fee based on the fee schedule adopted by the City Council.

(2) No application required by this Ordinance shall be accepted unless accompanied by all applicable fees.

1.13 Definitions. As used in this Ordinance, the following words and phrases shall mean:

(1) APPROVAL.

(a) TENTATIVE: The official action taken by the City Council after a public hearing on the proposed subdivision or partition.

(b) FINAL: The final official action taken by the City Council on the proposed subdivision or partition which had previously received tentative approval.

(2) BUILDING LINE. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected subject to setback requirements in the City's Zoning Ordinance.

(3) CITY. The City of Mitchell, Oregon.

(4) CITY ENGINEER. A registered professional engineer as defined by ORS 672.002 (6), who is legally contracted to represent the City.

(5) COMPREHENSIVE PLAN. A generalized, coordinated land use map and policy statement of the City that interrelates all functional and natural systems and activities relating to the use of land, and adopted pursuant to ORS 197.

(6) DEDICATION. A deliberate appropriation of land by its owner for some public use and accepted for such use by or on behalf of the public.

(7) EASEMENT. The right of a person to go onto the land in possession of another for a specific purpose or purposes.

(8) LOT. A unit of land that is created by a subdivision of land.

(a) CORNER LOT. A lot situated at the intersection of two streets, provided the interior angle of such intersections does not exceed 135°.

(b) REVERSED CORNER LOT. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

(c) THROUGH LOT. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(9) LOT LINE.

(a) LOT FRONT LINE. The line abutting a street. For corner lots the front line is that with the narrowest street frontage. For double frontage lots the lot front line is that having frontage on a street which is so designated by the developer and approved as part of a final plat or map as provided for in this Ordinance.

(b) LOT REAR LINE. The lot line that is opposite to and most distant from the front lot line.

(c) LOT SIDE LINE. Any lot line that is not a lot front or rear line.

(10) MAP, PARTITION. A final diagram, drawing or other writing containing all the descriptions, locations, specifications, dedications, provisions and information required by this Ordinance concerning a partition.

(11) PARCEL. A unit of land that is created by a partitioning of land.

(12) PARTITION. An area or tract of land divided into two or three parcels within a calendar year, when this area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year.

(a) MAJOR PARTITION. A partition which includes the creation of a street.

(b) MINOR PARTITION. A partition that does not include the creation of a street, but which is subject to approval of the City under this Ordinance.

(13) PARTITION LAND. To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year. "Partition land" does not include:

(a) divisions of land resulting from lien foreclosures,

(b) divisions of land resulting from the creation of cemetery lots,

(c) divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession, or

(d) any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the Zoning Ordinance.

(14) PEDESTRIAN WAY. A right-of-way for pedestrian traffic.

(15) PERSON. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

(16) PLAT, SUBDIVISION. The final map, diagram, drawing, replat or other writing containing all the descriptions, location, specifications, dedications, provisions and information required by this Ordinance concerning a subdivision.

(17) RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, water main, oil or gas pipeline, sanitary or sewer main, shade trees, or by another special use.

(18) ROADWAY. The portion of a street right-of-way developed for vehicular traffic.

(19) SIDEWALK. A pedestrian walkway with permanent surfacing.

(20) SKETCH PLAN. A sketch preparatory to the preparation of the tentative subdivision plan to enable the subdivider to same time and expense in reaching general agreement with the City as to the form of the plan and the objectives of these regulations.

(21) STREET. A public or private right-of-way for the use of pedestrian or vehicular traffic, including the terms "road", "highway", "lane", "avenue", "alley" or similar designations.

(a) ALLEY. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(b) ARTERIAL. A street of considerable continuity which is primarily a traffic artery for travel between large areas.

(c) COLLECTOR. A street supplementary to the arterial street system and a means of travel between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.

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

(e) HALF STREET. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

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

(g) MINOR STREET. A street intended primarily for access to abutting properties.

(22) SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year when this area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year.

(23) SUBDIVISION. An area or tract of land divided into four or more lots within a calendar year, when this area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year.

(24) TENTATIVE PLAN. A preliminary map, drawing or chart of the subdivision, dedication, or portion thereof, containing the elements and requirements set forth within this Ordinance and which the subdivider submits for tentative approval at a public hearing.

(25) URBAN GROWTH AREA. Land between the corporate limits of the City and the Urban Growth Boundary.

(26) URBAN GROWTH BOUNDARY. The boundary designated in the City's Comprehensive Plan identifying and separating urbanizable land from rural land.

SECTION 2. SUBDIVISION AND PARTITION APPLICATION PROCEDURE AND APPROVAL PROCESS

2.1 Subdivisions. Before any permit for the erection of any structure in a proposed subdivision is granted, and before any contract for sale of any part thereof is made, the subdividing owner or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the following procedure:

(1) DISCUSSION OF REQUIREMENTS: Before preparing the sketch plan as required in Section 2.1 (2) below, the applicant shall discuss with the City Engineer the procedure for adoption of a subdivision plat and the improvement requirements provided for in this Ordinance.

(2) SKETCH PLAN: Prior to subdividing land, an owner of land or his representative shall file an application for approval of a sketch plan.

(a) The application shall:

(1) be made on forms available from the City,

(2) include all contiguous holdings of the owner, with an indication of the portion which is proposed to be subdivided. It shall also be accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Clerk's office. The affidavit shall list the legal owner of the property, the contract owner of the property, the date contract of sale was executed and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than 5% of any class of stock,

(3) be accompanied by a minimum of five (5) copies of the sketch plan as described in Section 5.1 of these regulations and complying in all respects with these regulations,

(4) be accompanied by the appropriate fee, based on the fee schedule adopted by the City Council,

(5) If the applicant is not a resident of Wheeler County, and the application shall include an address and telephone number of an agent located within Wheeler County who shall be authorized to receive all notices required by this Ordinance.

(b) City Council review of sketch plan: At its next regular meeting, the City Council shall study the sketch plan, taking into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particular

attention must be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan.

(c) Approval of sketch plan: Within thirty (30) days after the City Council reviews the sketch plan, it shall advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the tentative subdivision plan. The City Council may require additional changes as a result of further study of the subdivision in final form. This approval authorizes the applicant to submit a tentative plan.

(d) Notice to governmental units: All affected governmental units shall be notified of the approval of the sketch plan and shall be given a reasonable period of time to review the plan and to suggest revisions in the public interest prior to the public hearing on the tentative plan.

(3) TENTATIVE PLAN:

(a) Application procedure and requirements: Based upon the approval of the sketch plan, the applicant shall file in duplicate an application for approval of a tentative plan. The application shall:

(1) be accompanied by a minimum of five (5) copies of the tentative plan, as described in Section 5.2 of this Ordinance, and submitted to the City Recorder at least fifteen (15) days prior to a regular City Council meeting;

(2) be made on forms available from the City, together with the appropriate fee, based on the fee schedule adopted by the City Council;

(3) include all land which the applicant proposes to subdivide, and if the subdivision pertains to only a part of the tract owned or controlled by the subdivider, then the applicant shall also include a sketch of a tentative layout for streets in the unsubdivided portion; and

(4) comply in all respects with the sketch plan, as approved.

(b) Review by City Engineer: Upon receipt of the application for tentative plan approval, the City Recorder shall furnish one copy of the application to the City Engineer. The City Engineer shall review the tentative plan and prepare his report to present to the City Council at the public hearing on the tentative plan.

(c) City Council review: The City Council shall hold a public hearing to review the tentative plan and the City Engineer's report.

(d) Notice and opportunity to be heard:

(1) NOTICE:

(a) Procedure: The City Recorder shall give notice of the public hearing in the following manner:

(1) NEWSPAPER: Notice shall be published in at least two issues of a newspaper of general circulation within the city, the first at least ten (10) days in advance of the public hearing, and the second at least one (1) day in advance of the public hearing.

(2) MAIL: At least ten (10) days prior to the public hearing, notice of the hearing shall be sent by first class mail to:

(a) The applicant and all record owners and contract purchasers of real property within 250 feet of the property which is the subject of the proposed action, and

(b) All affected governmental units which have an interest in the proposed subdivision.

(3) POSTING: At least ten (10) days prior to the public hearing, a notice of such public hearing shall be posted on the closest public streets in visible locations surrounding the proposed subdivision or property to be partitioned.

(b) Content: The public notices shall contain the following:

(1) Date, time and place of public hearing,

(2) General description of the action proposed on the subdivision application,

(3) Address, including lot and block number, if any, of the property to be subdivided,

(4) Notice by mail and posting shall also include an 8 1/2" x 11" diagram of the property to be subdivided, to be provided by the applicant, indicating its location relative to adjacent property owners within 250 feet and at least two clearly marked public streets.

(2) PUBLIC HEARING:

(a) The City Council shall hold a public hearing on the tentative plan within forty-five (45) days following submission of the tentative plan.

(b) The public hearing shall be conducted in accordance with the requirements governing the conduct of quasi-judicial hearings on land use matters pursuant to ORS 215.412 and 227.170.

(c) If necessary, the City Council may resolve to continue the public hearing giving the date, time, and place the hearing will be continued.

(e) Action on tentative plan:

(1) Within fifteen (15) days following the close of the public hearing, the City Council shall give written notice to the applicant of approval, disapproval or conditional approval of the tentative plan. Approval shall be indicated by the signature of the Mayor on the plan.

(2) One copy of the tentative plan shall be returned to the developer with the date of approval, conditional approval or disapproval and the findings and conclusions upon which the City Council's decision was based accompanying the plan.

(f) Effective period of tentative approval:

(1) The approval of a tentative plan for a subdivision shall be effective for one year.

(2) Any plan not receiving final approval within one year shall be null and void, and the developer must submit a new tentative plan for approval, subject to all current zoning restrictions and land division regulations.

(g) Construction on Improvements:

(1) Approval of the tentative plan allows the developer to proceed with construction plans including construction improvements and submission of the final subdivision plat.

(2) If required improvements are not completed within one year of tentative plan approval and prior to application for final plan approval, a guarantee of financial security as required by Section 3 et. seq. shall accompany the application for final plat approval.

(4) FINAL SUBDIVISION PLAT:

(a) Application procedure and requirements: Within one year of the approval of the tentative plan, the applicant, in order to receive final approval of the subdivision plat, shall file with the City Council an application which shall:

(1) Be made on forms supplied by the City together with the appropriate fee, based on the fee schedule adopted by the City Council.

(2) Include the entire subdivision or section thereof, access to which is via an existing state, county or local government highway.

(3) Be accompanied by a minimum of ten (10) copies of the subdivision plat, as described in Section 5.3 of this ordinance.

(4) Comply in all respects with the tentative plan, as approved.

(5) Be presented to the City Recorder, who shall then refer the application to the City Council prior to the next regular meeting of the City Council at which consideration is desired.

(6) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks and easements, without any reservation other than reversionary rights upon vacation of any such street or road and easements for public utilities, pursuant to ORS 92.090 (3).

(7) Be accompanied by a performance bond or other assurance for completion and maintenance of improvements, as specified in Section 3 of this Ordinance, and which includes a provision that the principal of the bond or other guarantee of financial security shall comply with all the terms specified by the City Council as a condition of approval of the final subdivision plat.

(8) Be accompanied by written assurance from public utility companies and improvement districts that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the City Council upon tentative plan approval.

(b) Review of application:

(1) The City Council shall review the application at the next regular City Council meeting following submission of the application for final plat approval. In order to be considered at the next meeting, the application must be submitted at least ten (10) working days before the regularly scheduled meeting of the City Council.

(2) The application for final plat approval and accompanying documents shall be reviewed by the City Engineer and affected governmental units to determine whether it substantially conforms to the tentative plan, the requirements of law and this Ordinance. The City Engineer may make such checks in the field as are desirable to verify that the subdivision plat is sufficiently correct on the ground and he or his representatives may enter the property for this purpose. If the City Engineer determines that the final subdivision plat does not so conform to the tentative plan, the requirements of law and this Ordinance, then he shall advise the applicant of the changes that must be made and shall afford the applicant an opportunity to make the changes or additions.

(3) Upon receipt of the plat with the approval of the City Engineer, the City Council shall consider the application at a regularly scheduled meeting. Within ten (10) days of the meeting, the City Council shall approve, disapprove or conditionally approve the application setting forth in detail any conditions of approval or reasons for disapproval.

(4) The final resolution of the City Council approving the application shall stipulate the period of time when the performance bond or other guarantee of financial security shall be filed or the required improvements installed, whichever is applicable. It shall also contain the written findings of fact and conclusions of law which it relied upon in reaching its decision. One copy of the final subdivision plat or major partition map signed by the Mayor, shall be returned to the developer with the date of approval, conditional approval or disapproval noted thereon, and the reasons therefore accompanying the plat or map.

(5) Filing of Plat: Without delay, the subdivider shall submit the final plat for signatures of other public officials required by the law. 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, or within one year of approval of the final plat or map, whichever is sooner.

2.2 Major Partitions. The procedure for approval by the City of a major partition shall be the same as provided for in Section 2.1 pertaining to subdivision, except that the applicant need not file and obtain approval of a sketch plan, procedures for which are specified in Section 2.1 (2) of this Ordinance.

2.3 Minor Partitions.

(1) Application procedure and requirements. Prior to creating a minor land partition, an owner of land or his representative shall file with the City Recorder an application for approval of a sketch plan. The application shall:

(a) be made on forms available from the City,

(b) include all contiguous holdings of the owner, with an indication of the portion which is proposed to be partitioned. It shall also be accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired together with the book and page of each conveyance to the present owner as recorded in the County Clerk's office. The affidavit shall list the legal owner of the property, the contract owner of the property, the date contract of sale was executed and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than 5% of any class of stock,

(c) be accompanied by a minimum of five (5) copies of the sketch plan, as described in Section 5.1 of this Ordinance, and complying in all respects with this Ordinance, and

(d) be accompanied by the appropriate fee, based on the fee schedule adopted by the City Council.

(2) Review by City Engineer: The City Recorder, within ten (10) days of receipt of the application, shall refer the application to the City Engineer, who shall determine if dedication of land, easements or conditions for approval of the sketch plan are required.

(3) Hearing by City Council: The public hearing shall be conducted in accordance with the requirements governing the conduct of quasi-judicial hearings on land-use matters, and notice shall be given in accordance with the requirements of Section 2.1 (3) (d) of this Ordinance.

(4) Action on application: The City Council shall approve, conditionally approve, or deny the application for creation of a minor land partition and state the reasons thereforewithin fourteen (14) days after close of the hearing.

SECTION 3. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3.1 Improvements and Guarantees of Financial Security

(1) Completion of improvements. Before the final subdivison plat or major partition map is signed by the Mayor, all applicants shall be required to complete, in accordance with the City Council's decision and to the satisfaction of the City Engineer, all the street, sanitary and other improvements, as required in these regulations, specified in the final subdivision plat, and as approved by the City Council and to dedicate same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

(2) The City Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant shall provide assurance of financial security at the time of application for final subdivision approval in an amount estimated by the applicant and determined by the City Engineer as sufficient to secure to the City the satisfactory construction, installation and dedication of the incompleted portion of required improvements. The guarantee of financial security shall also secure all lot improvements on the individual lots of the subdivison as required in these regulations, and may take the form of any of the following:

(a) Escrow Account: The subdivider or land partitioner shall deposit cash, or collateral readily convertible to cash at face value, either with the governing body or in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited are subject to the approval of the City Council. Where an escrow account is to be employed, the subdivider shall file with the City Council his agreement with the bank guaranteeing the following:

(1) that the funds in the escrow account are to be held in trust until released by the governing body and may not be used or pledged by the subdivider as security for any obligation during that period;

(2) that in the event that the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the City for the completion of these improvements.

(b) Property Escrow: The subdivider may offer as a guarantee land or personal property, including corporate stocks or bonds. A qualified real estate appraiser shall establish the value of any real property so used and in so doing, shall take into account the possibility of a decline in the

(2) That if the subdi er or land partitioner fails to complete the spec d improvements within the required period, the creditor will pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter; and

(3) that this letter of credit may not be withdrawn, or reduced in amount, until released by the City Council.

(e) Surety Performance Bond: The bond shall be executed by a surety company authorized to do business in the State of Oregon and acceptable as a surety to the City Council and countersigned by an Oregon agent. The bond shall be payable to the City and shall be in effect until the completed improvements are accepted by the City Council.

(3) Cost of Improvements. All required improvements shall be made by the applicant, at his expense, without reimbursement by the City, except in the case of a creation of a local improvement district, as provided for in Section 3.1 (2) (c) of this Ordinance.

(4) Failure to Complete Improvements: For subdivisions or major partitions for which guarantees of performance have not been made, if the improvements are not completed within the period specified by the City Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a guarantee of financial security has been made and required improvements have not been installed within the stated period of time, the City may declare the subdivider or major land partitioner to be in default and require that all the improvements be installed regardless of the extent of the building development at the time that default is declared.

(5) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council.

3.2 Inspection of Improvements

(1) General Procedure and Fees. The City Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City an inspection fee of two percent (2%) of the amount of the estimated cost of required improvements, and the subdivision plat or major partition map shall not be signed by the Mayor unless this fee has been paid at the time of the application. These fees shall be due and payable upon demand of the City, and the City will not give zoning approval on the developer's application for a building permit issued by the State of Oregon until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance

value of said property during the guarantee period. The City Council reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell or when other factors exist which will inhibit the City Council from exchanging the property for an amount of money sufficient to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:

(1) execute an agreement with the escrow agent when it is not the City, instructing the agent to release the property to the City in case of default, the agreement shall be placed on file with the City Recorder;

(2) file with the City Council an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow; and

(3) execute and file with the City Council an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the governing body.

(c) Special Improvement District: The City Council may enter into an agreement with the subdivider, and the owners of the property proposed for subdivision or partition, if other than the person subdividing or partitioning the land, that the installation of required improvements will be financed through a special improvement district created pursuant to Oregon law. This agreement must provide that no lots within the subdivision or major partition will be sold, rented, or leased, and no contract for the sale of lots executed, before the improvement district has been created. An agreement to finance improvements through the creation of a special improvement district constitutes a waiver by the subdivider or partitioner, or the owners of the property, of the right to protest or petition against the creation of the district.

(d) Letter of Credit: Subject to the approval of the City Council the subdivider or land partitioner shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the governing body and shall certify the following:

(1) that the creditor guarantees funds in amount equal to the cost, as estimated by the subdivider or land partitioner and approved by the City Council, of completing all required improvements;

with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements.

(2) Certificate of Satisfactory Completion: The City Council will not accept dedication of required improvements, nor release or direct the release of property or money held in escrow, or the surety performance bond or letter of credit, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the City, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision or major partition, and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements shall have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure, and shall release all performance guarantees posted by the developer, as provided for in Section 3.1 (2).

3.3 Maintenance of Improvements.

(1) The applicant shall be required to maintain all improvements on the individual subdivided lots until acceptance of said improvements by the City Council.

(2) The applicant shall be required to file a maintenance bond with the City Council, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the City Council and dedication of same to the City.

3.4 Deferral or Waiver of Required Improvements.

(1) The City Council giving its reasons therefore, may defer or waive at the time of tentative plan approval the provision of one or more improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of lack of connecting facilities.

(2) Whenever it is deemed necessary by the City Council to defer the construction of any improvement required hearin because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the City prior to signing of the final subdivision plat, or the applicant may post a bond insuring the completion of said improvements upon demand of the City.

SECTION 4. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

4.1 General Improvements.

(1) CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdivision or major partitions shall comply with the following laws, rules, and regulations:

(a) The City's Comprehensive Plan, Zoning Ordinance, Capital Improvement Program and other applicable city ordinances.

(b) All applicable Oregon Statutes and administrative rules,

(c) The requirements of the State Highway Division if the subdivision or partition or any lot contained therein abuts a state highway or connecting street,

(d) The requirements, guides and standards of the Umatilla County Roadmaster if the subdivision or partition or any lot contained therein abuts or substantially affects the usage of a county road, and

(e) Plat approval may be withheld if a subdivision or partition is not in conformity with the above guides or policy and purposes of these regulations established in Section 1.4 herein.

(2) SELF-IMPOSED RESTRICTIONS. If the owner places restrictions on any of the land contained in the subdivision or partition greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat or partition map, or the City Council may require that restrictive covenants be recorded with the County Clerk in a form to be approved by the City Attorney.

(3) MONUMENTS. The applicant shall have permanent reference monuments placed in the subdivision or partition as required by ORS 92.050 to 92.070.

(4) CHARACTER OF LAND. Land unsuitable for subdivision, partition or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. This land shall be set aside for uses as shall not involve such a danger.

(5) SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivison in the area covered by these regulations. The City Council shall have final authority to designate the name of the subdivision which shall be determined at the time of tentative plan approval.

4.2 Streets.

(1) GENERAL REQUIREMENTS.

(a) Frontage on Improved Streets. No subdivision or major partition shall be approved unless the area to be subdivided shall have frontage on and access from an existing street. This street or highway must be suitably improved as required by appropriate county or state rules, regulations, specification or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations.

(b) Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

(c) Topography and Arrangement.

(1) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

(2) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established by the Comprehensive Plan.

(d) Road Names. The sketch plan as submitted shall not indicate any names upon proposed streets. The City Council shall name all streets at the time of tentative plan approval, in the case of a subdivision, or preliminary map approval, in the case of a major partition. Names shall be sufficiently different in sound and spelling from other street names in the City so as not to cause confusion. A street which is or is planned as a continuation of an existing road shall bear the same name.

(e) Road Regulatory Signs. Road signs shall be purchased and installed by the developer in accordance with design and specification standards approved by the City Engineer.

(f) Street Lights. Street lights shall be installed by the developer in accordance with design and specification standards approved by the City Engineer.

(2) DESIGN STANDARDS

(a) General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required as given in Table I and as follows:

(b) Road Surfacing and Improvements. After sewer, water, and other required utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in these regulations. The surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavements shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains and bridges.

All road pavements, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City Council upon recommendation of the City Engineer, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

(c) Excess Right-of-way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.. Such slope shall not be in excess of three to one.

(d) Intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. . Not more than two (2) streets shall intersect at any one point.

(2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be at least 800 feet apart.

(3) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

(5) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

4.3 Drainage and Storm Sewers.

(1) GENERAL REQUIREMENTS. All subdivision or major partitions shall have adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Council and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(a) Location. The applicant may be required to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision or partition. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications recommended by the City Engineer and adopted by the City Council.

(b) Accessibility to Public Storm Sewers

(1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivision or partitions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision or partition and shall be conducted to an approved fall-out. Inspection of facilities shall be conducted by the City Engineer.

(2) If a connection to a public storm sewer will be provided eventually, the developer shall make arrangements for future storm water disposal at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat or partition map.

(c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or partition. The City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(d) Effect on Downstream Drainage Areas. The City Engineer shall also study the effect of each subdivision or partition on existing downstream drainage facilities outside the area of the subdivision or partition. City drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision or partition will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision or partition until provision has been made for the improvement of said potential condition in such sum as the City Council shall determine. The City Council may require dedication of a storm water easement or drainage right of way where drainage studies indicate it is necessary to protect the subdivision or downstream development.

No subdivision or partition shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(e) Flood Plan Areas. Flood plain and floodway areas shall be administered according to the City's Flood Area Management Ordinanceand federal and state regulations. All subdivisions shall be developed pursuant to such regulations. The City Council, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities may prohibit the subdivision or partition of any portion of the property which lies within the floodway or flood plain of any stream or drainage course.

4.4 Water Facilities.

(1) GENERAL REQUIREMENTS

(a) Necessary action shall be taken by the applicant to provide a water-supply system capable of adequately meeting domestic water use and fire protection requirements.

(b) Where a public water main is accessible, the applicant shall install adequate water facilities subject to the specifications of state law. All water mains shall be at least six (6) inches in diameter.

(c) All water improvements shall conform to the construction standards and specifications adopted by the City Council, upon recommendation of the City Engineer, and shall be incorporated into the construction plans required to be submitted by the developer for plan approval.

(d) The location of all fire hydrants and all water supply improvements shall be shown on the tentative plan, and the cost of installing same shall be included in the performance bond or other appropriate guarantee of financial security furnished by the developer.

(2) FIRE HYDRANTS. Fire hydrants shall be required for all subdivisions and partitions. Fire hydrants shall be located no more than 500 feet apart and within 500 feet of any structure and shall be approved by the City and appropriate fire district. To eliminate future street openings, all underground utilities for fire hydrants together with fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivison plat or partition map.

4.5 Sewerage Facilities.

(1) GENERAL REQUIREMENTS. The applicant shall install sanitary sewer facilities in a manner prescribed by this Ordinance. All plans shall be designed in accordance with the rules, regulations and standards of the City and appropriate state and federal agencies. Plans shall be approved by such agencies. Necessary action shall be taken by the applicant to provide sewerage facilities to the subdivision.

(2) MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(3) INDIVIDUAL DISPOSAL SYSTEM REQUIREMENTS. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and those of the Department of Environmental Quality of the State of Oregon. The individual disposal system, including the size of the septic tanks and the size of the tile fields or other secondary treatment device, shall also be approved by the Department of Environmental Quality.

4.6 Sidewalks.

(1) REQUIRED IMPROVEMENTS

(a) Sidewalks may be required by the City Council within the dedicated non-pavement right-of-way of all roads. When required, sidewalks shall be a minimum of four (4) feet wide.

(b) Concrete curbs are required for all roads where sidewalks are required.

(c) Sidewalks shall be improved as required in Section 4.2 (2) (b) of these regulations.

(2) PEDESTRIAN ACCESS. The City Council may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plan, plat or map.

4.7 Utilities.

(1) LOCATION. All utility facilities, including but not limited to, gas, electric power, telephone and CATV cables, shall be located

underground throughout the subdivision or partition. Whereever existing utility facilities are located aboveground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision or partition shall be shown on the tentative plan or map. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. At the discretion of the City Council the requirements for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) EASEMENTS

(a) Easements centered on rear lot line shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the developer and the appropriate utility companies for the establishment of utility easements established in adjoining properties.

(b) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plan, plat, or map.

4.8 Public Uses.

(1) (RESERVED FOR PARKS, PLAYGROUNDS AND RECREATION AREAS)

(2) OTHER PUBLIC USES

(a) Plat to Provide for Public Uses. Whenever a tract to be subdivided includes a school, recreation uses or other public uses as indicated on the Comprehensive Plan, such space shall be suitably incorporated by the applicant into his sketch plan. After proper determination of its necessity by the City Council and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the tentative plan and final plat.

(b) Referral to Public Body. The City Council shall refer the sketch plan to the public body concerned with acquisition for its consideration and report. The City Council may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(c) Notice to Property Owner. Upon a receipt of an affirmative report the City Council shall notify the property owner and shall designate on the tentative plan and final plat that area proposed to be acquired by the public body.

(d) Duration of Land Reservation. The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4.9 Preservation of Natural Features and Amenities. Existing features which would add value to the development or to the City as a whole, such as trees, watercourses and falls, historic and archeological sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision or partition. No trees shall be removed from any subdivision or partition nor any change of grade of the land effected until approval of the tentative plan or map has been granted. All trees on the plat or map required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plan (or tentative plan in the case of a major partition) shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention.

4.10 Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the City Council may require installation of separate bicycle lanes within streets and separate vehicle paths.

4.11 Nonresidential Subdivisions.

(1) GENERAL. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the City Council may require.

A nonresidential subdivision shall also be subject to all the requirements set forth in the Zoning Ordinance. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Council, and shall conform to the Comprehensive Plan.

(2) STANDARDS. In addition to the principles and standards in these regulations, which are appropriate to the planning of

all subdivisions, the applicant shall demonstrate to the satisfaction of the City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(a) Proposed industrial parcels shall be suitable in area and dimensions to the type of industrial development anticipated.

(b) Street rights-of-way and pavement shall be adequate to accommodate the types and volume of traffic anticipated to be generated thereupon.

(c) Special requirements may be imposed by the local government with respect to street, curb, gutter and sidewalk design and construction.

(d) Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.

(e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

TABLE 1

DESIGN STANDARDS FOR ROADS

Type	Standard
Minimum Right-of-Way Width (in feet)	
Arterial Street	80
Collector Street	60
Local Street	50
Alley Street	20
Minimum Surfaced Width (in feet)	
Arterial Street	44
Collector Street	38
Local Street	30
Alley Street	20
Maximum Grade (Percent)	
Local Street	12
Collector Street	10
Arterial Street	8
Minimum Grade	0.5
Minimum Radius of Curve (in feet)	
Local Street	200
Collector Street	300
Arterial Street	400

TABLE 1 (continued)

DESIGN STANDARDS FOR ROADS

Type	Standard
Minimum Length Between Reserve Curves (in feet)	
Local Street	100
Collector	200
Arterial Street	300
Minimum Sight Distance (in feet)	
Local Street	150
Collector Street	200
Arterial Street	275
Intersection	Across Corners - 75 feet Back
Minimum Cul-De-Sac Diameter (in feet)	70
Design Speed (miles per hour)	
Local Street	25
Collector Street	35
Arterial Street	40
Minimum Length of Vertical Curves	
Local Street	100 feet, but not less than 20 feet for each algebraic difference in grade.
Collector or Arterial Street	200 feet, but not less than 50 feet for each 1 percent.

SECTION 5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5.1 Sketch Plan. The following shall be required:

(1) SCALE. Sketch plans shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch.

(2) NAME. The sketch plan shall show the name of the subdivision if property is within an existing subdivision, and if not, it shall show the proposed name which does not duplicate the name of any plat previously recorded.

(3) OWNERSHIP. The sketch plan shall show:

(a) Name and address, including telephone number of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;

(b) Citation of any existing legal right-of-way or easements affecting the property;

(c) Existing covenants on the property, if any; and

(d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

(4) DESCRIPTION. The sketch plan shall describe the location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.

(5) FEATURES. The following are the required features of the sketch map.

(a) Location of property lines, existing easements, burial grounds, railroad right-of-way, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names and addresses of adjoining property owners from the latest assessment rolls within two hundred and fifty (250) feet of any perimeter boundary of the subdivision.

(b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

(c) Approximate topography, with contour intervals of at least twenty (20) feet.

(d) The approximate location and widths of proposed streets.

(e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal, preliminary provision for collecting and discharging surface water drainage, accompanied by tentative approval by the Department of Environmental Quality and other appropriate agencies.

(f) The approximate location, dimensions, and areas of all proposed or existing lots.

(g) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(h) The location of temporary stakes to enable City officials to find and appraise features of the sketch plan in the field.

(i) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in ink of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street system and drainage system of the remaining portion of the tract.

(j) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

5.2 Tentative Plan.

(1) REQUIRED. The following shall be required of a tentative subdivision plan or major partition map.

(a) Scale. The plan or map shall be drawn on a sheet 18" x 24" in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

(b) Name. The plan or map shall show the name of the subdivision or partition if property is within an existing subdivision, and if not, it shall show the proposed name which does not duplicate the name of any plan or map previously recorded, as provided by ORS 92.09(1).

(c) Ownership.

(1) Name and address, including telephone number, of legal owner or agent of property, and citation last instrument conveying title to each parcel of property involved in the proposed subdivision or major partition, giving grantor, grantee, date and land records reference.

(2) Citation of any existing legal rights-of-way or easements affecting the property.

(3) Existing covenants on the property, if any.

(4) Name and address, including telephone number, of the professional person(s) responsible for subdivision or partition design, for the design of public improvements, and for surveys.

(d) Description. The location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.

(e) Features.

(1) Scale of drawing.

(2) Appropriate identification of the drawing as a tentative plan or map.

(3) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.

(4) Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:

(a) For slopes of less than five percent (5%): show the direction of slope by means of arrows or other suitable symbols together with not less than four spot elevations per acre, evenly distributed;

(b) For slopes of five percent (5%) to fifteen percent (15%): five feet;

(c) For slopes of fifteen percent (15%) to twenty percent (20%): ten feet; and

(d) For slopes of over twenty percent (20%): twenty feet.

(5) The location of at least one temporary bench mark within the subdivision or partition boundaries.

(6) The location and direction of perennial or intermittent water courses and the location of areas subject to flooding, including informational sources relied on.

(7) Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

(8) Existing uses of the property and location of existing structures to remain on the property after platting.

(9) The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on the Comprehensive Plan or as suggested by the City Council to assure adequate traffic circulation.

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

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

(12) Proposals for the improvements, such as electric utilities, natural gas, sidewalks, cable TV, telephone lines, etc.

(13) A donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which shall be a condition of approval of the tentative plan.

(14) The location, width and purpose of proposed easements.

(15) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.

(16) Proposed sites, if any, allocated for purposes other than single-family dwellings.

(2) The following may be required at the discretion of the City Council. If the information cannot be shown practicably on the tentative plan or map, it shall be submitted in separate statements accompanying the plan or map.

(a) A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision or partition and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

(b) Proposed deed restrictions, if any, in outline form.

(c) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

(d) A sketch of a tentative layout for streets in the unsubdivided portion, if the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider.

(e) Approximate center line profiles with extensions for reasonable distance beyond the limits of the proposed subdivision or partition, showing the finished grade of streets and the nature and extent of street construction.

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

5.3 Final Subdivision Plat or Major Partition Map.

(1) INFORMATION REQUIRED ON FINAL PLAT OR MAP. The final subdivision plat or partition map shall be presented in india ink and shall contain all information, except for any changes or additions required by resolution of the City Council showing on the tentative plan or map. In addition, the following information shall also be shown on the final subdivision plat or partition map:

(a) Reference points of existing surveys identified, related to the plat or map by distances and bearings, and referred to a field book or map as follows:

(1) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision or partition;

(2) Adjoining corners of adjoining subdivisions or partitions; and

(3) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

(b) The exact location and width of streets and easements intercepting the boundary of the tract.

(c) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection

angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines and the hundred-year flood plain for any creek or other body of water. Tract boundaries and street bearing shall be shown to the nearest 30 seconds with basis of bearings. Distance shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(d) The width of the portion of streets being dedicated and the width of existing right-of-way. 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.

(e) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(f) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(g) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision pursuant to ORS 92.090 (1).

(h) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

(i) Building setback lines, if required, are to be made a part of the subdivision restrictions.

(j) Explanations of all common improvements required as conditions of approval of the tentative plan, pursuant to Section 5.2(1)(e) (13) of this Ordinance.

(k) The following certificates, which may be combined, where appropriate:

(1) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;

(2) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

(3) A certificate with the seal of and signed by the City Engineer or the surveyor responsible for the survey and final map;

(4) A certificate of approval signed by the City Engineer stating that streets and roads held for private use and indicated on the tentative plan have been approved by the City pursuant to ORS 92.090(3)(b); and

(5) Any other certifications now or hereafter required by law.

(2) Supplemental information required. The following data shall accompany the final plat or map:

(a) A preliminary title report issued by a 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.

(b) Sheets and drawings showing the following:

(1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any;

(2) The computation of distances, angles and courses shown on the plat; and

(3) Ties to existing monuments, proposed monuments, adjacent subdivision.

(c) A copy of any deed restrictions applicable to the subdivision.

(d) A copy of any dedication requiring separate documents.

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

(f) A certificate by the City Engineer that the subdivider or land partitioner has complied with the requirements of this Ordinance.

The City Council declares an emergency and this ordinance will take effect upon the date of adoption.

APPROVED AND ADOPTED by the Mitchell City Council of this 20 day of June, 1980.

Roy Gibbon
Mayor

ATTEST:

George M. Lehne
City Recorder

CITY OF MITCHELL, OREGON

APPLICATION TO AMEND SUBDIVISION ORDINANCE

APPLICANT

Name _____

Address _____

Phone No. _____

TYPE OF APPLICANT (Check one)

Landowner (agent*) within Urban Growth Boundary _____

Resident (renter) within Urban Growth Boundary _____

Governmental Unit: City of Mitchell_____, County_____

Special District _____, State Agency, _____ Federal Agency _____

*Note: If agent, attach written authorization to represent landowner.

TYPE OF AMENDMENT

Applicant shall prepare and attach a copy of proposed text amendment to this application. Section(s) to be amended _____.

JUSTIFICATION FOR AMENDMENT

Applicant shall prepare and attach a presentation of facts and reasons which establish need, appropriateness and purpose of the proposed amendment.

FEE

Refer to fee schedule adopted by City Council. $ _____

I, _____, (Circle one: Landowner, agent, resident, representative of government unit) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

_____ _____

Signature of Applicant Date

I, _____, City Recorder of Mitchell, Oregon, attest that the foregoing application and attachments thereto were received by me on the _____ day of _____, 19 _____, from _____ _____accompanied by a fee of $_____.

_____

City Recorder

SCHEDULE AND CHECKLIST

APPLICATION TO AMEND CITY OF MITCHELL SUBDIVISION ORDINANCE

Date

1. Application submitted by applicant _____
2. City Council hearing date set _____
3. Public notice of City Council hearing
   a) Mailed to affected governmental units _____
   b) Published in local newspaper (two times) _____
4. City Council hearing held _____
5. City Council decision (within 10 days of hearing) _____
6. Applicant notified of decision _____
7. Effective date, if amendment adopted by City Council _____
8. Copy of adopted amendment sent to the County Clerk, pursuant to ORS 92.048(4). _____

CITY RECORDS

APPLICATION TO AMEND CITY OF MITCHELL SUBDIVISION ORDINANCE

1. Application and attachments thereto
2. Schedule and checklist
3. Copies of public notices
4. Analysis of applicable plan goals and policies. Note: All amendments to the Subdivision Ordinance must be consistent with the adopted Comprehenisve Plan.
5. City Council hearing record, findings of fact, conclusions, decision
6. Copy of notice to applicant of decision
7. Copies of notices to County, if amendment is adopted.

CITY OF MITCHELL, OREGON

APPLICATION FOR PARTITION/SUBDIVISION
(SUBDIVISION ORDINANCE)

LANDOWNER

Name _____

Address _____

Phone No. _____

APPLICANT* (if different from above)

Name _____

Address _____

Phone No. _____

*Note: Attach written authorization to represent landowner.

TYPE OF APPLICATION

___ Minor Partition (two-three lots** without street)

___ Sketch Plan

___ Major Partition (two-three lots** with street)

___ Tentative Map

___ Final Map

___ Subdivision (four or more lots**)

___ Sketch Plan

___ Tentative Plan

___ Final Plat

**Note: Refer to Zoning Ordinance for minimum lot size.

ATTACHMENTS

Applicant shall prepare and attach to this application as appropriate:

1. 8 1/2" x 11" location map of proposed partition/subdivision and adjacent property and at least two clearly marked public streets;

2. A list of names and addresses of property owners*** whose property is within 250 feet of the exterior boundary of the proposed partition/subdivision; and

***Note: This information available from County Assessor's office.

3. Either

a) Sketch Plan - five copies (see Ordinance Section 5.1), or

b) Tentative Plan or Map - five copies (see Ordinance Section 5.2), or

c) Final Plat or Map - ten copies (see Ordinance Section 5.3).

FEE AND DEPOSIT

Refer to fee schedule adopted by City Council.

Fee $_____

Deposit _____ (to pay for engineer/legal fees)

Total $_____

I, _____, (Circle one: Landowner, agent) swear that the details and information contained in the above application and attachments thereto are true and correct to the best of my knowledge.

_____ _____
Signature of Applicant Date

I, _____, City Recorder of Mitchell, Oregon, attest that the foregoing application and attachments thereto were received by me on the _____ day of _____, 19 _____, from _____ _____ accompanied by a fee and deposit of $_____.

_____
City Recorder

SCHEDULE AND CHECKLIST

CITY OF MITCHELL APPLICATION FOR SUBDIVISION

Date

A. Sketch Plan

1. Applicant discusses sketch plan requirements with City Engineer _____

2. Application and sketch plan submitted by applicant _____

3. City Council review of sketch plan _____

4. City Council decision (within 30 days of review) _____

5. Notice to applicant of decision _____

6. Notice to affected governmental units (if sketch plan approved) _____

B. Tentative Plan

1. Application and tentative plan submitted by applicant _____

2. Tentative plan referred to City Engineer for review _____

Note: Engineer's fee to be paid for out of applicant's deposit. _____

3. City Council hearing date set _____

4. Public notice of hearing

a) Published in local newspaper (two times) _____

b) Mailed to property owners _____

c) Posted _____

5. City Council hearing _____

Note: At least fifteen (15) days after application submitted to allow for review by City Engineer

6. City Council decision (within 15 days of hearing) _____

7. Notice to applicant of decision _____

C. Final Plat (within one year of tentative plan approval)

1. Application and final plat submitted by applicant _____

2. Final plat referred to City Engineer for review _____

   Note: Engineer's fee to be paid for out of applicant's deposit.

3. Final plat reviewed by City Council _____

   Note: At least ten (10) days after application submitted to allow for review by City Engineer.

4. City Council decision (within 10 days of review) _____

5. Notice to applicant of decision _____

6. If subdivision approved, County Clerk and Assessor notified _____

CITY RECORDS

CITY OF MITCHELL APPLICATION FOR SUBDIVISION

A. Sketch Plan
   1. Application, sketch plan and attachments thereto
   2. City Council meeting record, findings of fact, conclusions and decision
   3. Copy of notice to applicant of decision
   4. Copies of notice to affected governmental units (if sketch plan approved)
   5. Schedule and checklist

B. Tentative Plan
   1. Application, tentative plan and attachments thereto
   2. City Engineer's report
   3. Copies of public notices
   4. City Council hearing record, findings of fact, conclusions and decision
   5. Copy of notice to applicant of decision
   6. Schedule and checklist

C. Final Plat
   1. Application, final plat and attachments thereto
   2. City Engineer's report
   3. City Council meeting record, findings of fact, conclusions and decision
   4. Copy of notice to applicant of decision
   5. Copy of notices to County Clerk and Assessor, if subdivision approved
   6. Documents dedicating streets and other common improvements to City
   7. Schedule and checklist

SCHEDULE AND CHECKLIST

CITY OF MITCHELL APPLICATION FOR MAJOR PARTITION
(SUBDIVISION ORDINANCE)

Date

A. Tentative Map

1. Application and tentative map submitted by applicant _____

2. Tentative map referred to City Engineer for review _____

   Note: Engineer's fee to be paid for out of applicant's deposit

3. City Council hearing date set _____

4. Public notice of hearing _____

   a) Published in local newspaper (two times) _____

   b) Mailed to property owners _____

   c) Posted _____

5. City Council hearing _____

   Note: At least fifteen (15) days after application submitted to allow for review by City Engineer

6. City Council decision (within fifteen (15) days of hearing) _____

7. Notice to applicant of decision _____

B. Final Map (within one year of tentative map approval)

1. Application and final map submitted by applicant _____

2. Final map referred to City Engineer for review _____

   Note: Engineer's fee to be paid for out of applicant's deposit

3. Final map reviewed by City Council _____

   Note: At least ten (10) days after application submitted to allow for review by City Engineer

4. City Council decision (within ten (10) days of review) _____

5. Notice to applicant of decision _____

6. If major partition approved, County Clerk and Assessor notified _____

CITY RECORDS

CITY OF MITCHELL APPLICATION FOR MAJOR PARTITION (SUBDIVISION ORDINANCE)

A. Tentative Map

1. Application, tentative map and attachments thereto
2. City Engineer's report
3. Copies of public notices
4. City Council hearing record, findings of fact, conclusions and decision
5. Copy of notice to applicant of decision
6. Schedule and checklist

B. Final Map

1. Application, final map and attachments thereto
2. City Engineer's report
3. City Council meeting record, findings of fact, conclusions and decision
4. Copy of notice to applicant of decision
5. Copy of notices to County Clerk and Assessor, if major partition approved
6. Documents dedicating street and other common improvements to City
7. Schedule and checklist

SCHEDULE AND CHECKLIST

CITY OF MITCHELL APPLICATION FOR MINOR PARTITION
(SUBDIVISION ORDINANCE)

	Date
1. Application and sketch plan submitted by applicant	_____
2. Sketch plan referred to City Engineer for review	_____
Note: Engineer's fee to be paid for out of applicant's deposit	
3. City Council hearing date set	_____
4. Public notice of hearing	_____
a) Published in local newspaper (two times)	_____
b) Mailed to property owners	_____
c) Posted	_____
5. City Council hearing	_____
6. City Council decision (within 14 days of hearing)	_____
7. Applicant notified of decision	_____
8. If Minor Partition approved, County Clerk and Assessor notified	_____

CITY RECORDS

CITY OF MITCHELL APPLICATION FOR MINOR PARTITION
(SUBDIVISION ORDINANCE)

1. Application, sketch plan and attachments thereto
2. City Engineer's report
3. Copies of public notices
4. City Council hearing record, findings of fact, conclusions and decision
5. Copy of notice to applicant of decision
6. Copies of notices to County Clerk and Assessor (if Minor Partition approved)
7. Schedule and checklist