



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/15/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Lincoln City Plan Amendment
DLCD File Number 008-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 30, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kate Daschel, City of Lincoln City
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	MAR 10 2011
	LAND CONSERVATION AND DEVELOPMENT
	For Office Use Only

Jurisdiction: **City of Lincoln City**Local file number: **ZOA 2010-08**Date of Adoption: **02/14/11 (2nd reading)**Date Mailed: **03/09/11**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 09/17/10☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amended Title 16, Subdivisions. Substantive amendments included deleting the distinction between "major" and "minor" partitions. Added definitions for "property line adjustment", "replat" and "minor replat". Formalized process for review and decision on property line adjustments. Eliminated obsolete references to fees and procedural requirements. Established requirement for planned unit development process on larger subdivisions. Clarified requirements for administration and appeals. Extended expiration date on subdivisions from one year to two years. Adopted by Ordinance # 2011-01.

Does the Adoption differ from proposal?

The adopted ordinance includes a requirement that any subdivision greater than two acres or ten lots be processed as a planned unit development.

Plan Map Changed from: **n/a**to: **n/a**Zone Map Changed from: **n/a**to: **n/a**Location: **city-wide**

Acres Involved:

Specify Density: Previous: **n/a**New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment.
45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 008-10 (18532) [16554]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kate Daschel**

Phone: **(541) 996-1232** Extension:

Address: **PO Box 50**

Fax Number: **541-996-1284**

City: **Lincoln City**

Zip: **97367**

E-mail Address: **kated@lincolncity.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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The City Council finds:

- THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

Section 1. Lincoln City Municipal Code Title 16, Subdivisions is amended to read as follows:

16.04.010	Title.
16.04.020	Purpose.
16.04.030	Authority.
16.04.040	Definitions.

1 **16.04.010 Title.**

2 The regulations set forth in this title shall be referred to as the “city of Lincoln City
3 subdivision ordinance.”

4 **16.04.020 Purpose.**

5 The purpose of this title is to:

6 A. Encourage well planned subdivision development so that good, livable neighborhoods with
7 all needed amenities and community facilities may be created;

8 B. Encourage development in harmony with the natural environment;

9 C. Safeguard both interests of the public and the property owner;

10 D. Improve land records and boundary monumentation;

11 E. Ensure equitable processing of subdivision plats and secure to the extent possible the goals
12 and objectives of the comprehensive plan for the city.

13 **16.04.030 Authority.**

14 Oregon cities and counties are required by law to control the subdivision of land within their
15 jurisdiction by virtue of ORS 92.010 through 93.160.

16 **16.04.040 Definitions.**

17 As used in this title, unless it is apparent from the context that different meanings are intended,
18 the following words and phrases shall have the following meanings:

19 “Bikeway” means a right-of-way for bicycle traffic.

20 “Block length” means the distance measured along all that part of one side of a street which is
21 between two intersecting or intercepting streets, or between an intersecting or intercepting street
22 and a watercourse, body of water or undivided acreage.

23 “Bond or certified check” means a financial commitment by the partitioner or subdivider and
24 executed by an Oregon licensed surety company, in an amount equal to the full cost of
25 construction and improvements as required by LCMC 16.08.300, and conditioned upon the
26 faithful performance thereof.

27 “Boundary survey,” pursuant to ORS 209.250, Section 1, as amended, means and includes a
28 map made in sizes of eight and one-half inches by 13 inches or multiples thereof, and which is a
29 permanent type of reproducible tracing. Maps shall show the following:

30 1. Location of survey by one-fourth section and donation land claim, township and
31 range;

32 2. The date of survey;

33 3. Scale of drawing and north point;

34 4. Basis of bearings, if available;

35 5. Initial point of survey, giving ties to corner or corners of record;

36 6. All bearings or measured angles and distances separately indicated from those of
37 record;

38 7. All monuments set and their relation to older monuments found. A detailed
39 description of monuments found and set shall be included, and all monuments set shall be
40 separately indicated from those found.

1 "Building line" means a line on a plat that coincides with the side of a building and behind
2 which all structures must be located.

3 "Commission" means the city planning commission.

4 "Dedicated open space" means an open space comprising open land area, generally improved
5 or developed to city standards, demonstrated on the comprehensive plan and/or approved by the
6 planning commission and city council and dedicated through deeding or platting for public use,
7 enjoyment and ownership. Improved pedestrian, bicycle and/or equestrian ways may be required.

8 "Development comprehensive plan" means any plan, including amendments adopted by the
9 city, to regulate growth and improvements.

10 "Easement" means a grant of the right to use a strip of land for specific purposes.

11 "Equestrian way" means a right-of-way for equestrian traffic.

12 "Lot" means a unit of land that is created by a subdivision of land.

13 1. "Corner lot" means a lot two or more connecting sides of which abut street(s) other
14 than alleys.

15 2. "Reversed corner lot" means a corner lot the side street line of which is substantially a
16 continuation of the front line of the first lot to its rear.

17 3. "Through lot" means a lot having frontage on two parallel, or approximately parallel,
18 streets other than alleys.

19 "Owner" means an individual, association, partnership or corporation having legal or equitable
20 title to land sought to be divided, other than legal title held for purpose of security only.

21 "Parcel" means a unit of land that is created by a partitioning of land.

22 "Partition" means either an act of partitioning land, or an area or tract of land partitioned as
23 defined in this section.

24 "Partition land" means to divide an area or tract of land into two or three parcels within a
25 calendar year when such area or tract of land exists as a unit or contiguous units of land under
26 single ownership at the beginning of such year. "Partition land" does not include:

27 1. Division of land resulting from the creation of cemetery lots;

28 2. The sale of a lot in a recorded subdivision, even though the lot may have been
29 acquired prior to the sale with other contiguous lots or property by a single owner;

30 3. Any adjustment of a lot or parcel line by the relocation of a common boundary where
31 an additional parcel or lot is not created and where the existing parcel or lot reduced in size by
32 the adjustment is not in conflict with any applicable law or ordinance, including but not limited
33 to provisions pertaining to minimum area, frontage, average depth and width and required
34 setbacks.

35 "Partitioner" means an owner commencing proceedings under this title to effect a partition of
36 land by himself or his lawful agent.

37 "Pedestrian way" means a right-of-way for pedestrian traffic.

38 "Plat" means and includes a final map, diagram, drawing, replat or other writing containing all
39 description, locations, specifications, dedications, provisions and information concerning a
40 subdivision or partition plat.

41 "Property Line Adjustment" means any adjustment of a lot or parcel line by the relocation of a
42 common boundary that does not create an additional parcel or lot.

1 "Replat" means the act of platting a portion or all of the lots, parcels and easements in a
2 recorded subdivision or partition plat to achieve a reconfiguration, or to increase or decrease the
3 number of lots. A replat shall not serve to vacate any public right-of-way.

4 "Replat, Minor" means a replat that involves five or fewer lots or any number of lots or
5 parcels totally contained within a city block in the original configuration and that does not
6 involve any public street rights-of-way. A minor replat shall not serve to vacate any public right-
7 of-way.

8 "Right-of-way" means the area between boundary lines of a street or other easement.

9 "Road" or "street" means a public or private way that is created to provide ingress or egress
10 (vehicular and pedestrian traffic) to one or more lots, parcels, areas or tracts of land, including
11 the placement of utilities, excluding a private way that is created to provide ingress or egress to
12 such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
13 A "road" or "street" includes the land between right-of-way lines, whether improved or
14 unimproved.

15 1. "Alley" means a narrow street through the interior of a block, primarily for vehicular
16 service access to the back or side of properties otherwise abutting on another street.

17 2. "Collector street" means a street supplementary to the major street system, and a
18 means of intercommunication between this system and small areas; used to some extent for
19 through traffic and for access to abutting properties.

20 3. "Cul-de-sac" or "dead-end street" means a short street having one end open to traffic;
21 the other end terminated by a vehicle turnaround.

22 4. "Half-street" means a portion of the width of a street, usually along the edge of a
23 subdivision, where the remaining portion of the street could be provided in another subdivision.

24 5. "Major street" means a street which is used primarily for through traffic, or which by
25 its location will likely be needed for such use in the normal growth of the community.

26 6. "Marginal access street" means a minor street, parallel and adjacent to a major street,
27 providing access to abutting properties, but protected from through traffic.

28 7. "Minor street" means a street intended exclusively for access to abutting properties.

29 8. "Private road" means a road or driveway under private ownership, the intent of which
30 is to provide access to one or more lots or parcels and which travels through or alongside a
31 separate ownership or potential separate ownership.

32 9. "Reserve strip" means a separated tract, designated by tract letter or number, intended
33 to prohibit unrestricted vehicular or pedestrian movements from public streets and roads to or
34 across private property. Reserve strips shall be placed in the control of the city.

35 "Roadway" means the portion of a street right-of-way developed for vehicular traffic.

36 "Sidewalk" means a pedestrian walkway with permanent surfacing to city standards.

37 "Subdivide land" means to divide an area or tract of land into four or more lots within a
38 calendar year when such area or tract of land exists as a unit or contiguous units of land under
39 single ownership at the beginning of such year.

40 "Subdivider" means an owner commencing proceedings under this title to effect a subdivision
41 of land by himself or through his lawful agent.

42 "Subdivision" means either an act of subdividing land or an area or tract of land subdivided as
43 defined in this section.

1 “Tentative plan” or “tentative map” means a preliminary drawing or diagram concerning a
2 partition or subdivision.

3 “Undedicated open space” means an open space comprising open land area, generally
4 unimproved or undeveloped to an acceptable standard. Ownership and maintenance shall remain
5 with a responsible organization with powers to cause and ability to finance maintenance.
6 Improved pedestrian, bicycle and/or equestrian ways may be required through undedicated open
7 space. These ways may then become dedicated through deeding or platting, as required by the
8 planning commission and city council.

9 **Chapter 16.08** 10 **PROCEDURE**

11 **Article I. General Requirements**

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- 16 16.08.050 Approval authority.
- 17 16.08.060 Preapplication meeting.
- 18 16.08.070 Processing fees.
- 19 16.08.080 Engineering plan review and inspection.

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- 22 16.08.100 Review and approval procedure.
- 23 16.08.110 Required data.
- 24 16.08.120 Disposition of approved tentative plans.
- 25 16.08.130 Large parcels may require subdivision procedure.
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- 33 16.08.200 Responsibility

34 **Article IV. Subdivision**

- 35 16.08.210 Inspection and processing fee.
- 36 16.08.220 Tentative plan – Submission.
- 37 16.08.230 Tentative plan – Preliminary review.

- 1 16.08.240 Tentative plan – Approval.
- 2 16.08.250 Tentative plan – Required data.
- 3 16.08.260 Final plat – Time limit.
- 4 16.08.270 Final plat – Preparation.
- 5 16.08.280 Final plat – Submission.
- 6 16.08.290 Final plat – Review.
- 7 16.08.300 Final plat – Approval.
- 8 16.08.310 Final plat – Filing – Time limit.

Article I. General Requirements

16.08.010 Purpose.

It is the purpose of this chapter to establish or define the procedural requirements for review of tentative plans for subdivision, partitions, and property line adjustments and the person or agency charged with their administration. Further, it is the purpose of this chapter to define in part the subdivider's responsibility

16.08.020 Lot sale or transfer – Approval required.

The sale or transfer of lots is prohibited by this title and ORS Chapters 92 and 93, as amended, until approval is obtained.

16.08.030 Compliance required.

A lot or parcel may be used, subdivided, partitioned or adjusted, and a structure or part of a structure constructed, reconstructed, altered, occupied or used only in accordance with this title, LCMC Title 17, and any other applicable ordinances or standards of the city.

16.08.040 Permission to enter.

The city may conduct such investigations as it deems necessary to verify information supplied as a requirement of these regulations. The owner of the land being subdivided, partitioned or adjusted shall grant the city permission to enter upon his land for these purposes.

16.08.050 Approval authority.

Subdivision plats shall be approved by the planning commission in accordance with these regulations. A subdivision with land area greater than two acres or 10 lots shall be processed as a Planned Unit Development pursuant to LCMC 17.52.210. All partition plats and property line adjustment maps shall be approved by the city staff in accordance with these regulations. The city council delegates its authority to the planning commission, and to the city staff, respectively, to approve or disapprove the subdivision, partition of land and property line adjustments, except for appeals.

16.08.060 Preapplication meeting.

The applicant should meet with the city staff prior to submitting the required tentative plan for a subdivision, partition or property line adjustment. The purpose of this meeting is to discuss applicable state and local requirements and the criteria herein, to familiarize the applicant with the goals and objectives of the city comprehensive plan, and to discuss the proposal in relation to

1 such concerns. The applicant may provide a sketch plan of the proposal for review and
2 discussion.

3 **16.08.070 Processing fees.**

4 A. Processing fees shall be established by City Council resolution.

5 B. All fees paid are nonrefundable.

6 **16.08.080 Engineering plan review and inspection.**

7 Whenever the city determines that engineering plan review and inspection service are
8 necessary, the applicant shall be responsible for paying for the actual cost of such services, and
9 said charges shall be payable prior to final approval of the subdivision plat by the city engineer
10 and surveyor.

11 **Article II. Partition and Minor Replat**

12 **16.08.090 Inspection and processing fee.**

13 A filing fee established by City Council resolution shall be paid at the time of submitting the
14 tentative plan. All fees paid are nonrefundable.

15 **16.08.100 Review and approval procedure.**

16 A. When a proposed partition contains three or fewer parcels, the city staff may approve the
17 partition when all of the following conditions are met:

18 1. All parcels front on an existing road or street as required by LCMC 17.52.030.

19 2. No parcels have been previously partitioned from said tract during the last calendar
20 year, calculated from the date of application.

21 3. All parcels conform to the provisions of the city comprehensive plan and LCMC Title

22 17.

23 B. An application for approval, together with required fees and four copies of the proposed
24 tentative plan of partition, shall be submitted to the department of community development.

25 C. Upon receipt of the application for minor replat or partition, the planning and community
26 development director shall review the application and determine whether the proposed minor
27 replat or partition appears to comply with the provisions of this ordinance and other applicable
28 city ordinances, and thereupon shall provide a notice of decision pursuant to LCMC 17.76.020.

29 **16.08.110 Required data.**

30 Minor replats and partitions shall be submitted to the community development department for
31 processing by filing four copies of the boundary survey. The survey shall contain the following
32 additional information:

33 A. Name and address of the owner or owners of record;

34 B. For land adjacent to and within the parcel to be partitioned, show locations, names and
35 existing widths of all streets and easements of way; location, width and purpose of all other
36 existing or proposed easements; and location and size of sewer and water lines, drainage ways
37 and power poles;

38 C. Outline and location of existing buildings to remain in place within the proposed
39 partitioning and directly adjacent;

1 D. Appropriate identification clearly stating the plan as a minor replat or partition.

2 **16.08.120 Disposition of approved tentative plans.**

3 When a tentative plan has been approved, all copies shall be marked with the date and
4 conditions, if any, of approval. A copy shall be returned to the applicant, one copy shall be filed
5 with the county surveyor by the applicant, one copy shall be retained in the planning and
6 community development department files, and one copy shall be retained in the engineering
7 department files.

8 **16.08.130 Large parcels may require subdivision procedure.**

9 If the parcel of land to be partitioned exceeds five acres and is being partitioned into more than
10 two parcels within a year, any one of which is less than one acre, full compliance with all
11 requirements for subdivision may be required if the city staff should determine, in its judgment,
12 that the entire parcel being partitioned is in the process of being divided into small parcels.

13 **16.08.140 Approval conditions.**

14 Approval may be conditioned upon extension or assurance of public improvements as
15 described in LCMC 16.16.010 through 16.16.100. (Ord. 78-32 § 2.020(3)(d))
16

17 **16.08.150 Final Plat – Filing - Time Limit.**

18 Within two years of the tentative plan approval, the applicant shall submit to the city a final
19 plat for the minor replat or partition that is consistent with the tentative plan and state law. A
20 signature block for the Community Development Director, the Lincoln County Surveyor and the
21 Lincoln County Tax Assessor shall be on the final plat. The community development director
22 shall approve the final plat if it is consistent with the tentative plan and all conditions have been
23 satisfied, including the provision and acceptance of any required public improvements. After the
24 final plat has been approved by all city and county officials and recorded, one reproducible full-
25 size copy shall be returned to the city within 30 days of recording.
26

27 **Article III. Property Line Adjustment**
28

29 **16.08.160 Applicability**

30 This procedure may be utilized, as an alternative to partition or replatting procedures, under the
31 following circumstances:

32 A. The size, shape or configuration of two existing units (lots or parcels) of land, each of which
33 is a legal lot or parcel, is to be modified by the relocation of a common boundary between the
34 parcels; and

35 B. An additional unit of land is not created; and

36 C. Adjustment of the property line shall not cause or increase any non-conformity with any
37 applicable zoning or other requirement of the City of Lincoln City to a greater extent than prior
38 to the adjustment.
39
40

1 **16.08.170 City Approval Required**

2 Any person desiring to carry out a property line adjustment shall submit to the planning and
3 community development director an application, together with such fee as established by City
4 Council resolution. The property line adjustment application shall be upon such form as shall be
5 approved by the planning and community development director, and shall include at least the
6 following information:

7 A. A legal description (by lot and block or by metes and bounds) of the units of land as they exist
8 prior to the proposed property line adjustment, and as they would exist after the adjustment.

9 B. A map (a tax map, survey, or equivalent) depicting the configuration of the units of land prior
10 to and after the proposed adjustment. This information may be depicted on the same map.

11
12 **16.08.180 Decision Process**

13 Upon receipt of the application for property line adjustment and the required fee, the planning
14 and community development director shall review the application and determine whether or not
15 the proposed adjustment appears to comply with the provisions of this ordinance and other
16 applicable city ordinances, and thereupon shall provide a notice of decision pursuant to LCMC
17 17.76.020.

18
19 **16.08.190 Conveyance and Security**

20 Following such approval, the property line adjustment may be carried out in the following
21 manner.

22 A. The owners of the property involved in the property line adjustment shall prepare and record a
23 conveyance or conveyances in accordance with ORS 92.190(4), attaching a copy of the notice of
24 city approval.

25 B. The parties shall obtain a survey of the adjusted property line, monuments shall be placed, and
26 the survey shall be filed with the county surveyor, as required by ORS 92.060(7).

27
28 **16.08.200 Responsibility**

29 The property line adjustment shall be effective upon compliance with the terms, provisions and
30 requirements of this ordinance. The City of Lincoln City does not hereby assume any
31 responsibility to verify or ascertain the ownership of any property or the accuracy of any map,
32 survey or legal description or other information or material submitted to it in connection with
33 this procedure.

34 **Article IV. Subdivision**

35 **16.08.210 Inspection and processing fee.**

36 A subdivision inspection and processing fee shall be submitted as established by City Council
37 resolution.

38 **16.08.220 Tentative plan – Submission.**

39 The subdivider shall file 15 prints of the tentative plan with the department of community
40 development; the tentative plan will be scheduled for planning commission review at a public
41 hearing after the application is deemed complete and notice is provided. The public hearing shall
42 be in accordance with LCMC 16.20.050.

Ordinance 2011-01

1 **16.08.230 Tentative plan – Preliminary review.**

2 A. Within 10 days after being submitted by the subdivider, the department of community
3 development shall furnish one print to the State Highway Department (when development is
4 adjacent to a state highway and access to the highway is desired by the subdivider), and one print
5 each to cable TV, power, gas and telephone companies. These agencies will be given at least 10
6 days to review the plan, suggest revisions and return the plans to the department of community
7 development.

8 B. The department of community development and the department of public works, in
9 reviewing the tentative plan, shall consider and provide information to the planning commission
10 on the following:

11 1. Location in the adjoining streets or property of existing sewers and water mains,
12 culverts and drain pipes, electrical conduits, or lines, proposed to be used on the property to be
13 subdivided, and invert elevations of sewers at points of proposed connections and any other
14 pertinent information;

15 2. Planning and zoning on and adjacent to the tract, if any;

16 3. Conformance to other applicable city ordinances.

17 **16.08.240 Tentative plan – Approval.**

18 A. The planning commission will review the plan and the reports of the agencies listed above
19 and shall give tentative approval of the plan in its preliminary form, as submitted, or as it may be
20 modified. If disapproved, the planning commission shall express its disapproval and its reasons
21 therefor in writing. The applicant may appeal such decisions to the city council in accordance
22 with LCMC 16.20.020.

23 B. Approval of the tentative plan shall indicate the planning commission's approval of the
24 final plat, provided there is no change in the plan of subdivisions, as shown on the tentative plan,
25 and there is full compliance with all requirements imposed by the planning commission as
26 conditions of tentative plan approval.

27 C. The action of the planning commission shall be noted on four copies of the tentative plan,
28 including reference to any attached documents describing any conditions. Following adoption of
29 a final order, one copy shall be returned to the subdivider, one copy sent to the engineer or
30 surveyor, one copy sent to the city engineer, and the other copy retained in the planning
31 department files.

32 **16.08.250 Tentative plan – Required data.**

33 A. Preparation. The subdivider shall prepare a tentative plan, together with improvement plans
34 and other supplementary material, as may be required, to indicate the general program and
35 objectives of the project. To assure knowledge of existing conditions, and to obtain compliance
36 with existing city development plans, the subdivider may confer with the department of
37 community development and department of public works prior to preparation of the tentative
38 plan.

39 B. Scope. The tentative plan need not be a finished drawing, but it should show all pertinent
40 information to scale, in order that the planning commission may properly review the proposed
41 development.

1 C. Partial Development. Where the area to be subdivided contains only part of the tract owned
2 or controlled by the subdivider, the planning commission may require a sketch of a tentative
3 layout for streets and parcels in the unsubdivided portion.

4 D. Information Required. The tentative plan shall include the following information:

5 1. Detailed Map. The tentative plan shall be drawn at a scale of one inch equals 50 feet
6 up to 10 acres; for areas over 10 acres, one inch equals 100 feet up to 100 acres; and for areas
7 over 100 acres, one inch equals 200 feet or an appropriate scale approved by the department of
8 community development;

9 2. General Information. The following information shall be shown on the tentative plan:

10 a. Proposed name of the subdivision. The name must not duplicate nor resemble
11 the name of another subdivision in the county and shall be approved by the planning commission
12 and county surveyor pursuant to ORS 92.090 (1);

13 b. Date, north point and scale of drawing;

14 c. Appropriate identification clearly stating the drawing as a tentative plan;

15 d. Location of the subdivision by section, township and range, and a legal
16 description sufficient to define the location and boundaries of the proposed tract, and the tract
17 designation or other description according to the real estate records of the county assessor;

18 e. A vicinity sketch map at a scale of one inch equals 400 feet showing adjacent
19 property boundaries and land uses;

20 3. Existing Conditions. The following existing conditions shall be shown on the tentative
21 plan:

22 a. Location, widths and names of all existing or platted streets or other public ways
23 within or adjacent to the tract; and other important features, such as section lines and corners,
24 city boundary lines and monuments;

25 b. Contour lines having the following minimum intervals:

26 i. Two-foot contour intervals for ground slopes less than 10 percent;

27 ii. Five-foot contour intervals for ground slopes 10 percent or greater;

28 iii. Contours shall be related to the city or other datum approved by the city
29 engineer and/or surveyor;

30 c. Location of at least one temporary bench mark within the plat boundaries or the
31 source of the contour line data shown (source and accuracy subject to city engineer and/or
32 surveyor's approval);

33 d. Location and direction of all watercourses;

34 e. Natural features, such as rock outcroppings, marshes, wooded areas and isolated
35 preservable trees;

36 f. Existing uses of the property, including location of all existing structures to
37 remain on the property after subdividing;

38 4. Proposed Plan of Land Subdivision. The following information shall be included on
39 the tentative plan:

40 a. Proposed streets: location, widths, approximate radii of curves. The relationship
41 of all streets to any projected streets, as shown on any development plan adopted by the planning
42 commission or, if there is no complete plan, as suggested by the department of community
43 development. Street names will be determined and assigned by the city;

- b. Easements. Location on the site or abutting property showing the width and purpose of all existing and proposed easements;
- c. Lots. Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers;
- d. Proposed land uses: sites, if any, allocated for:
 - i. Multiple-family dwellings;
 - ii. Shopping centers;
 - iii. Churches;
 - iv. Industry;
 - v. Parks, schools, playgrounds;
 - vi. Public or semipublic buildings;
 - vii. Open space;

5. Area Coverage. Area coverage of existing and proposed structures, lots, streets or other changes anticipated;

6. Explanatory Information. Any of the following information which may be required by the planning commission, and which may not be shown practicably on the tentative plan, may be submitted in separate statements accompanying the tentative plan:

- a. Proposed deed restrictions in outline form;
- b. Approximate existing centerline profiles showing the finished grades of all streets, as approved by the city engineer, included in the proposed subdivision;
- c. Typical cross sections of proposed streets, showing widths of roadways, curbs, location and width of sidewalks and the location and size of utility mains;
- d. Approximate plan and profiles of proposed sanitary sewers, storm drains and water distribution system, showing pipe sizes and the location of valves and fire hydrants, all to conform to city standards;
- e. A general description of property intended to be dedicated to the city or public, other than street rights-of-way, including proposed dedication restrictions.

16.08.260 Final plat – Time limit.

A. Limit. The official final plat must be prepared and submitted within two years following the approval given on the tentative plan by the planning commission, and it shall incorporate the recommendations and conditions made by the commission.

B. Resubmittal After Expiration. If the owner or subdivider wishes to proceed with the subdivision of his land after the expiration of the two year period following approval of the tentative plan by the planning commission, he must resubmit his tentative plan to the planning commission and make any revisions considered necessary to meet changed conditions.

16.08.270 Final plat – Preparation.

A. Form. The final plat or map shall be submitted in the form required by these regulations and state laws, including ORS 92.050 through 92.120, as amended, for plats of record.

B. Required Information. In addition to that specified by state law, the following information shall be shown on the final plat:

- 1. Date, north point and scale of drawing;
- 2. Legal description of tract boundaries;

3. Name of the owner or owners, subdivider, engineer or surveyor;
4. Tract boundary lines, right-of-way lines of streets and lot lines with dimensions, bearing and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat or map, the following data must be shown in tabulation form: curve radius, central angles, arc length and length and bearing of long chord. All information shown on the face of the plat shall be mathematically correct within 0.01 foot;
5. Dimensions and purpose of all easements;
6. Any building setback lines, if more restrictive than LCMC Title 17;
7. Location and purpose for which sites, other than single-family residential lots, are dedicated or reserved;
8. Easements and any other areas for public use dedicated without any reservation or restriction whatever;
9. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.

16.08.280 Final plat – Submission.

A. The subdivider shall file five prints of the final plat and any supplementary information with the director of community development. The director of community development shall promptly submit the plat to the city engineer and surveyor.

B. The minimum supplementary information to be supplied with the final plat shall be as follows:

1. Two prints of a control survey of the parcel to be subdivided. The survey shall indicate the perimeter bearings and distances and sufficient control data to justify the conclusions reached in setting the perimeter;
2. A copy of any deed restrictions proposed, certified by the subdivider that they are intended to be recorded;
3. A bond, certified check or other method of financing as approved by the city manager, to guarantee installation of improvements, if they are not installed;
4. In addition to the above, two sets of grading and/or surface drainage plans may be required, if need is determined at or before tentative plan approval. The plans shall indicate the course and method of disposal of all lot, existing surface and subsurface drainage, roof drainage and final contour lines proposed. The scale and contour interval of the plans shall be approved by the city engineer.

16.08.290 Final plat – Review.

A. Within 30 days after receipt of the required submission, the director of community development and city engineer shall examine it and the supplementary information to determine that the subdivision, as shown, is substantially the same as it appeared on the approved tentative plan and as required by this title, and that the plat, as prepared, is technically correct, or determine any deficiencies and notify the subdivider or his agent of their findings.

B. After the final plat prints have been reviewed and found correct, the subdivider shall submit the plat for signature. Prior to approval of the final plat, the city engineer shall verify that either:

1 1. All improvements have been installed in accordance with the requirements of this title
2 and with the action of the planning commission giving conditional approval of the tentative plan;
3 or

4 2. A bond or certified check has been posted, which is available to the city and in
5 sufficient amount to assure such completion of all required improvements as per this title.

6 **16.08.300 Final plat – Approval.**

7 A. Approval of the final plat shall be indicated by the signature of the chairman of the
8 planning commission, the planning and community development director, and the city engineer.

9 B. If the city engineer and the planning and community development director determine that
10 the final plat is in full conformance with the approved tentative plan and other regulations, they
11 shall so advise the chairman of the planning commission. The chairman of the planning
12 commission, planning and community development director and the city engineer may then sign
13 the plat without further action by the planning commission.

14 C. The approval of the final plat shall not be deemed to constitute or effect an acceptance for
15 maintenance by the public of any street or other easement of way shown on the plat at the time of
16 recording with the county.

17 D. After the final plat has been approved by all city and county officials and recorded, one
18 reproducible full-size copy of all data (plat face, dedications, certificates, approvals and one copy
19 of recorded restrictive and protective covenants) shall be returned to the city within 30 days of
20 recording.

21 **16.08.310 Final plat – Filing – Time limit.**

22 Approval of the final plat by the city as provided by this title shall be conditioned on its
23 prompt recording. The subdivider shall, without delay, submit the final plat to the county
24 assessor and the county governing body for signature as required by ORS 92.100, as amended.
25 Approval of the final plat may be declared null and void if the plat or map is not submitted to the
26 county for recording within 60 days after the date of the last required city approving signature
27 has been obtained.

28 **Chapter 16.12**
29 **DESIGN STANDARDS**

30 **Sections:**

- 31 16.12.010 Design standards and principles of acceptability.
32 16.12.020 Streets – General requirements.
33 16.12.030 Streets – Minimum right-of-way and roadway widths.
34 16.12.040 Streets – Reserve strips.
35 16.12.050 Streets – Alignment.
36 16.12.060 Streets – Future expansion.
37 16.12.070 Streets – Intersection angles.
38 16.12.080 Existing streets.
39 16.12.090 Half-streets.
40 16.12.100 Culs-de-sac.

1	<u>16.12.110</u>	Street names.
2	<u>16.12.120</u>	Streets – Grades and curves.
3	<u>16.12.130</u>	Streets – Planting easements.
4	<u>16.12.140</u>	Marginal access streets.
5	<u>16.12.150</u>	Alleys.
6	<u>16.12.160</u>	Blocks – General requirements.
7	<u>16.12.170</u>	Block sizes.
8	<u>16.12.180</u>	Easements – Utility lines.
9	<u>16.12.190</u>	Easements – Watercourses.
10	<u>16.12.200</u>	Easements – Pedestrian ways.
11	<u>16.12.210</u>	Lots – General requirements.
12	<u>16.12.220</u>	Minimum lot sizes.
13	<u>16.12.230</u>	Through lots.
14	<u>16.12.240</u>	Lot side lines.
15	<u>16.12.250</u>	Lots – Resubdivision.
16	<u>16.12.260</u>	Lots – Residential building setback lines.
17	<u>16.12.270</u>	Public open spaces.

16.12.010 Design standards and principles of acceptability.

Subdivisions and partitions shall be in conformity with the comprehensive plan, LCMC Title 17 and other applicable ordinances of the city. Subdivisions and partitions shall conform with the requirements of state laws and the Land Conservation and Development Commission's statewide goals, until such time as the city's comprehensive plan has been approved by the Land Conservation and Development Commission.

16.12.020 Streets – General requirements.

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

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

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

16.12.030 Streets – Minimum right-of-way and roadway widths.

Unless otherwise approved by the planning commission or indicated on a development plan, the width of streets and roadways in feet shall not be less than the minimum shown in the following table.

Type of Street	Minimum Right-of-Way (in feet)	Minimum Roadway (in feet)
Major streets	80 to 100	varies
Collector streets	60	40
Other lesser streets	50	36
Streets ending in a permanent cul-de-sac of length of 250' or less (center to intersection center)	50	32
Radius for turnaround at end of cul-de-sac	50	43
Radius for turnaround at end of cul-de-sac street of 250' length or less	50	41
Alley	20	20

16.12.040 Streets – Reserve strips.

Reserve strips or street plugs controlling access to streets will not be approved unless such strips are necessary for protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed definitely within the jurisdiction of the city under conditions approved by the planning commission.

16.12.050 Streets – Alignment.

All streets, other than minor streets or culs-de-sac, shall, so far as practical, be in alignment with existing streets by continuations of the centerlines thereof. In no case shall the staggering of streets make "T" intersections so designed that a dangerous jog is produced. Jogs of less than 100 feet on such streets, measured along the centerline of the intersected street, must be adjusted by curves or diagonals so that the alignment across the street is continuous.

16.12.060 Streets – Future expansion.

A. Where a subdivision or partition adjoins undeveloped property, streets which, in the findings of the planning commission, should be continued in the event of the subdivision or partitioning of the undeveloped property will be required to be provided through the boundary lines of the tract.

B. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city or county, as directed, prior to final plat or map approval.

C. If, in the opinion of the city engineer, a traffic, pedestrian or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed as one of the required improvement items for the subdivision or partition.

16.12.070 Streets – Intersection angles.

Streets shall intersect one another at an angle as near to a right angle as practical, and no intersections of streets at angles of less than 75 degrees will be approved unless necessitated by

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topographical conditions. When intersections of other than 90 degrees are unavoidable, the right-of-way lines along the acute angle shall have a corner radius of 23 feet. All right-of-way lines at intersections with streets shall have a corner radius of 13 feet, except as otherwise directed. Right-of-way lines at cul-de-sac entrances shall have a minimum radius of 20 feet.

16.12.080 Existing streets.

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.

16.12.090 Half-streets.

Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with other requirements of this title; and when the planning commission finds it will be practical to require dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

16.12.100 Culs-de-sac.

A. A cul-de-sac shall be as short as possible and shall, in no event, be more than 600 feet long, nor serve more than 18 single-family dwellings.

B. All culs-de-sac shall terminate with an approved turnaround.

16.12.110 Street names.

A. No street name shall be used which will duplicate or be confused with the name of existing streets, except for extensions of existing streets.

B. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to approval of the planning commission.

16.12.120 Streets – Grades and curves.

A. Grades shall not exceed six percent on major streets, 10 percent on collector streets, or 12 percent on any other street, without approval of the department of public works.

B. In flat areas, finished street grades shall have a minimum slope of one-half percent.

C. Centerline radii of curves shall not be less than 300 feet on major streets, 200 feet on collector streets, or 100 feet on other streets.

16.12.130 Streets – Planting easements.

Where approval of streets less than 60 feet in width is granted, additional easements for street trees, shrubs, sidewalks and utilities may be required.

16.12.140 Marginal access streets.

Where a subdivision or partition abuts or contains an existing or proposed major street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

1 **16.12.150 Alleys.**

2 A. Location. Alleys shall be provided in commercial and industrial districts unless other
3 permanent provisions for access to off-street parking and loading facilities are made as approved
4 by the planning commission.

5 B. Intersection. Alley intersections and sharp changes in alignment shall be avoided. The
6 corners of necessary alley intersections shall have a radius of not less than 12 feet.

7 **16.12.160 Blocks – General requirements.**

8 The lengths, widths and shapes of blocks shall be designed with due regard to providing
9 adequate building sites suitable to the special needs of the type of use contemplated, needs for
10 convenient access circulation, control and safety of street traffic, and limitations and
11 opportunities of topography.

12 **16.12.170 Block sizes.**

13 Blocks shall not exceed 1,200 feet in length, except blocks adjacent to arterial streets or unless
14 the previous adjacent layout or topographical conditions justify a variation. The recommended
15 minimum distance between intersections on major streets is 1,800 feet.

16 **16.12.180 Easements – Utility lines.**

17 Easements for electric lines or other public utilities are required. Easements for utilities shall
18 be a minimum of 12 feet in width and centered on all rear and side lot lines, unless specifically
19 waived by the planning commission. Front lot line utility easements up to six feet in width
20 behind the property lines may be required if the need can be demonstrated. No permanent
21 structures will be allowed within such easements.

22 **16.12.190 Easements – Watercourses.**

23 Where a subdivision or partition is traversed by a watercourse, drainage way, channel or
24 stream, there shall be provided a stormwater easement or drainage right-of-way conforming
25 substantially with the lines of the watercourse, and such further width as will be adequate for the
26 purpose. Streets or parkways parallel to major watercourses may be required.

27 **16.12.200 Easements – Pedestrian ways.**

28 When the planning commission determines pedestrian ways to be essential for public
29 convenience, such ways may be required to connect two culs-de-sac between streets in long
30 blocks, between streets and other public or semipublic lands or through major or minor greenway
31 systems. In any block over 750 feet in length, a pedestrian way with a minimum width of eight
32 feet or combination pedestrian way and utility easement may be required through the middle of
33 the block. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may
34 be required. Long blocks parallel to arterial streets may be approved without pedestrian ways if
35 desirable in the interests of traffic safety.

1 **16.12.210 Lots – General requirements.**

2 The lot size, width, shape and orientation shall be appropriate for the location of the
3 subdivision and for the type of development and use contemplated.

4 **16.12.220 Minimum lot sizes.**

5 A. The lot sizes, in addition to conformance with LCMC Title 17, shall be not less than as
6 given in the following table.

Type of Lot	Minimum Size in Feet	
	Width	Average Depth
Corner lot	60	80
Interior lot	50	70
Through lot with planting screen	50	120

7
8 B. In the case of irregular lots, the widths measured at a building line must be not less than 70
9 feet.

10 C. Where property is zoned and planned for business or industrial use, other widths and areas
11 may be permitted at the discretion of the planning commission. Depth and width of properties
12 reserved or laid out for commercial and industrial purposes shall be adequate to provide for the
13 off-street loading and parking facilities required by the type of use and development
14 contemplated.

15 **16.12.230 Through lots.**

16 A. Through lots shall be avoided except where essential to provide separation of residential
17 development from major traffic arteries or adjacent nonresidential activities or to overcome
18 specific disadvantages of topography and orientation.

19 B. A planting screen easement of at least 10 feet in width and across which there shall be no
20 right of access may be required along the line of lots abutting such a traffic artery or other
21 disadvantageous use.

22 **16.12.240 Lot side lines.**

23 The side lines of lots shall run at right angles to the street upon which the lots face. On curved
24 streets they shall be radial to the curve.

25 **16.12.250 Lots – Resubdivision.**

26 A. In subdividing or partitioning tracts into large lots which at some future time are likely to
27 be subdivided or partitioned, that resubdivision or partitioning shall take place without violating
28 the requirements of these regulations and without interfering with the orderly development of
29 streets.

30 B. Restriction of building locations in relationship to future street right-of-way shall be made a
31 matter of record if the planning commission considers it necessary.

1 **16.12.260 Lots – Residential building setback lines.**

2 If special building setback lines are to be established in the subdivision or partition, they
3 should be shown on the subdivision or partition plan or included in the deed restriction.

4 **16.12.270 Public open spaces.**

5 A. Due consideration shall be given by the subdivider or partitioner to the allocation of
6 suitable areas for schools, parks and playgrounds to be dedicated for public use as per the city
7 comprehensive plan.

8 B. Where a proposed park, playground, school or other public use shown in a tentative plan is
9 located in whole or in part in a subdivision or partition, the planning commission may request the
10 dedication or reservation of such area within the subdivision or partition in those cases in which
11 the planning commission deems such requirements to be reasonable with the approval of the city
12 council.

13 **Chapter 16.16**
14 **IMPROVEMENTS**

15 **Sections:**

- 16 16.16.010 Required improvements.
17 16.16.020 Streets.
18 16.16.030 Surface drainage and storm sewer system.
19 16.16.040 Sanitary sewers.
20 16.16.050 Water system.
21 16.16.060 Sidewalks.
22 16.16.070 Street name signs.
23 16.16.080 Street light poles.
24 16.16.090 Curb cuts and driveways.
25 16.16.100 Street trees.
26 16.16.110 Monumentation.
27 16.16.120 Creation of streets and ways.

28 **16.16.010 Required improvements.**

29 A. The following improvements shall be installed at the expense of the subdivider or
30 partitioner in accordance with the city requirements:

- 31 1. Streets, including drainage adequate to serve the property and streets;
32 2. Sanitary sewers and services;
33 3. Water distribution lines and services;
34 4. Sidewalks in any pedestrian ways;
35 5. Street name signs and street light poles;
36 6. Lot, street and perimeter monumentation;
37 7. Underground power lines;
38 8. Underground telephone lines;
39 9. Bicycle, equestrian or special "ways";
40 10. Underground cable TV lines.

1 B. All improvements shall be constructed to the subdivision or partition boundary.

2 C. Where dedicated or undedicated open space is proposed or provided, it shall be the
3 subdivider's or partitioner's responsibility to provide, if required, standard public improvements
4 to and through the open space. Other public improvements installed at the option of the
5 subdivider or partitioner shall conform to city requirements.

6 **16.16.020 Streets.**

7 A. All streets, including alleys, within the subdivision or partition and streets adjacent but only
8 partially within the subdivision or partition shall be improved. Streets adjacent to a subdivision
9 or partition shall be improved, whether included or excluded from the subdivision or partition.

10 B. All streets and alleys shall be constructed to city standards for permanent street and alley
11 construction. Catch inlets shall be installed and connected to drainage tile leading to storm
12 sewers or drainage ways as approved by the city engineer. Upon completion of the street
13 improvement, monuments shall be reestablished at every street intersection and at all points of
14 curvature and points of tangency of street centerline as required by LCMC 16.16.110.

15 C. In any area, if the city requires a subdivider or partitioner to install a street with pavement
16 width greater than 40 feet to provide a major traffic route, the city will pay that portion of the
17 cost in excess of the cost of a 40-foot street. If the ultimate development exceeds a potential of
18 100 lots or living units and any one of the streets is a collector or major, the developer shall pay
19 the entire cost of such street width as determined by the department of community development
20 and public works to be necessary to adequately serve anticipated traffic loading.

21 D. Prior to city approval of the final subdivision plat or partition map, all perimeter and back
22 lot line monumentation shall be installed and the installation of the front line and street centerline
23 monumentation (along and within street right-of-way) guaranteed. Any monuments destroyed
24 during improvement installation shall be replaced after street construction. As an alternate to the
25 above, all monumentation can be installed prior to the approval, with the stipulation that any
26 removed prior to building permit issuance or improvement acceptance by the city shall be
27 replaced at the subdivider's or partitioner's expense.

28 **16.16.030 Surface drainage and storm sewer system.**

29 A. Drainage facilities shall be provided within the subdivision or partition and are to connect
30 the subdivision or partition drainage to drainageways or storm sewers outside the subdivision or
31 partition.

32 B. Capacity, grade and materials shall be by a design approved by the city engineer. Design of
33 drainage within the subdivision or partition shall take into account the location, capacity and
34 grade necessary to maintain unrestricted flow from areas that after development will drain
35 through the subdivision or partition and to allow extension of the system to serve such area.
36 Connection or eventual discharge to a storm drain system or drainageway that is not capable of
37 receiving the applicable design storm discharge shall be prohibited. In addition to normal
38 drainage design and construction, provisions shall be taken to handle any drainage from
39 preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location
40 of drain tile and its relation to public improvements and building construction. The roof and site
41 drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a
42 public storm drain or to a natural acceptable drainage way if adjacent to the lot.

1 **16.16.040 Sanitary sewers.**

2 A. Sanitary sewers shall be required to be installed to serve a subdivision or partition and
3 connect the subdivision or partition to existing mains if service is available. In the event that this
4 is not possible, appeal may be made to the city council.

5 B. Capacity, grade and materials shall be by a design approved by the city engineer. Design
6 shall take into account the location, capacity and grade to allow for desirable extension beyond
7 the subdivision or partition. The city will not expect the subdivider or partitioner to pay the extra
8 cost of required oversize sewer mains necessary to provide for extension beyond the subdivision
9 or partition.

10 C. If required sewer facilities will, without further sewer construction, directly serve property
11 outside the subdivision or partition, the following arrangements will be made to equitably
12 distribute the cost:

13 1. If the area outside the subdivision or partition to be directly served by the sewer line
14 has reached a state of development to justify sewer installation at the time, the planning
15 commission may recommend to the city council construction as an assessment project, with such
16 arrangement with the subdivider or partitioner as is desirable to assure financing his share of the
17 construction.

18 2. If the installation is not made as an assessment project, the city may enter into an
19 agreement with the subdivider or partitioner setting forth methods of reimbursement for the
20 proportionate share of the cost for each connection made to the sewer by property owners outside
21 of the subdivision or partition for a period of 10 years from the time of installation of the sewers.

22 **16.16.050 Water system.**

23 A. Waterlines and fire hydrants serving the subdivision or partition and connecting the
24 subdivision or partition to city mains shall be installed.

25 B. Materials, size and location of water mains, valves and hydrants shall be in accordance with
26 the city standards and the design approved by the city engineer. Design shall take into account
27 provisions for extension beyond the subdivision or partition and to adequately grid the city
28 system. The city will not expect the subdivider or partitioner to pay for the extra cost of the
29 oversize mains not necessary to serve the subdivision or partition.

30 C. If required water mains will directly serve property outside the subdivision or partition, the
31 city may enter into an agreement with the subdivider or partitioner setting forth methods of
32 reimbursement for the proportionate share of the cost for each connection made to the water
33 mains by property owners outside the subdivision or partition for a period of 10 years from the
34 time of installation of the main.

35 **16.16.060 Sidewalks.**

36 A. Sidewalks are required on both sides of all streets and in any pedestrian ways within the
37 subdivision or partition. Other sidewalks are not required of the subdivider or partitioner.

38 B. All sidewalks constructed within the subdivision or partition shall be to city standards and
39 at grades established or approved by the city engineer.

1 **16.16.070 Street name signs.**

2 Street name signs shall be installed at all intersections according to city standards or a deposit
3 made with the city in an amount equal to cost of the installation. Installation shall be made by the
4 city.

5 **16.16.080 Street light poles.**

6 A deposit in the amount of the actual or estimated pole installation cost is required.

7 **16.16.090 Curb cuts and driveways.**

8 Curb cuts and driveway installation are not required of the subdivider or partitioner, but if
9 installed shall be according to city standards. Curb face outlets for rain drains shall also be
10 provided.

11 **16.16.100 Street trees.**

12 Street tree planting is not required by the subdivider, but if planted, shall be according to city
13 requirements and of a species compatible with the width of planting strip and utilities contained
14 therein.

15 **16.16.110 Monumentation.**

16 In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to
17 required lot, street and perimeter monumentation, the following shall be required:

18 A. An accuracy ratio of subdivision plat or partition map boundary line closure of one in
19 10,000 as found in the field. Lot dimensions as found in the field shall be within 0.10 feet of
20 record distance.

21 B. Two primary perimeter monuments (one of which can be the initial point) having the same
22 physical characteristics as the initial point are required. The monuments are to be on a common
23 line visible, if possible, one to the other at time of approval and preferably at angle points in the
24 perimeter. They shall be points as far apart as practicable. The position for the initial point and
25 other primary perimeter monuments shall be selected with due consideration to possible damage
26 during construction.

27 C. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a
28 concrete base within and separate from a standard monument box with cover (standard city
29 details applicable) at locations specified by the city engineer (generally at intersections with
30 centerline of arterial or collector streets and within streets proposed to be greatly extended into
31 adjacent future subdivisions or partitions). All other street centerline points (intersection, points
32 of tangent intersections, cul-de-sac centerlines, cul-de-sac offset points) shall be monumented
33 with a five-eighths-inch-diameter steel rod 30 inches long and set visible at the finish surface of
34 the street. The above monumentation will be required at point of curvature and point of tangency
35 of the curve. All centerline monuments are to be accurately placed after street construction is
36 complete.

37 **16.16.120 Creation of streets and ways.**

38 A. The planning commission may approve creation of a street to be established by deed
39 without full compliance with these regulations, provided such conditions as are necessary to

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1 preserve the objectives of the standards of this title are accepted, and provided either of the
2 following conditions exists:

3 1. The establishment of such street is initiated by the city and is declared essential for the
4 purpose of general traffic circulation, and the partitioning of land is an incidental effect rather
5 than the primary objective of the creation;

6 2. The tract out of which the street is to be dedicated is an isolated ownership of one acre
7 or less.

8 B. The improvement of all streets shall be in conformance with requirements for subdivision
9 or partition (right-of-way width, improvements, etc.).

10 C. Creation of Ways. The planning commission may approve an easement of way to be
11 established by deed without full compliance with these regulations, provided such an easement is
12 the only reasonable method by which a portion of a lot large enough to warrant partitioning into
13 two parcels may be provided with access. If the existing lot is large enough so that two or more
14 parcels not having frontage on an existing street may be created, an easement of way will not be
15 acceptable and a street must be dedicated, unless as provided by planning commission
16 determination. Approval of the creation of way does not imply approval of the method of
17 partitioning.
18

19 **Chapter 16.20** 20 **ADMINISTRATION AND ENFORCEMENT**

21 **Sections:**

- 22 16.20.010 Enforcement authority.
- 23 16.20.020 Appeals – Subdivision
- 24 16.20.030 Appeals – Partition, Minor Replat and Property Line Adjustment
- 25 16.20.040 Subdivision modification.
- 26 16.20.050 Hearing – Notice.
- 27 16.20.060 Hearing – Recess.
- 28 16.20.070 Amendment of title provisions – Initiation.
- 29 16.20.080 Amendment of title provisions – Procedure.
- 30 16.20.090 Amendment of title provisions – Record.
- 31 16.20.100 Amendment of title provisions – Petition filing – Fee.
- 32 16.20.110 Violation – Penalty.

33 **16.20.010 Enforcement authority.**

34 The city manager or his designated representative shall have the power and duty to enforce the
35 provisions of this title.

36 **16.20.020 Appeals – Subdivision.**

37 A. General. A decision of the planning commission concerning a subdivision may be appealed
38 to the city council by a party to the hearing by filing an appeal within 10 calendar days of the
39 mailing of the final order. Appeals shall be conducted pursuant to procedures established in
40 LCMC 17.76.040.

1 **16.20.030 Appeals – Partition, minor replat, and property line adjustment.**

2 A. Any party aggrieved by an administrative decision concerning a minor replat, partition or
3 property line adjustment may appeal to the planning commission, as provided in LCMC
4 17.76.040 (A). An appeal shall be filed within 12 calendar days of the mailed notice of decision.
5 Appeals shall be conducted pursuant to procedures established in LCMC 17.76.040

6 **16.20.040 Subdivision modification.**

7 A. The standards and requirements of these regulations may be modified by the planning
8 commission in the case of a plan and program for a complete community, planned unit
9 development, neighborhood unit, condominium, dwelling group, large-scale shopping center or
10 large industrial area development which, in the opinion of the planning commission, provides
11 adequate public spaces and improvement for the circulation, recreation, light and public services
12 needs of the development tract and its relation to adjacent areas, and which also provides such
13 covenants or other legal provisions as will assure conformity to and achievement of the plan.

14 B. Conditions. In granting modifications, the planning commission may require such
15 conditions as will, in its judgment, secure substantially the objectives of the standards or
16 requirements so modified.

17 **16.20.050 Hearing – Notice.**

18 A. When the planning commission is required to hold a public hearing, notice of hearing shall
19 be given in the following manner:

20 1. Each notice of a hearing of a proposed subdivision shall be published in a newspaper
21 of general circulation in the city at least 10 days prior to the date of the hearing.

22 2. At least 20 days prior to the date of the hearing, notices shall be mailed to all owners
23 of property within 500 feet, excluding streets, of the exterior boundary of the property for which
24 the application is made.

25 3. The city must require that a sign be posted on the property not less than 10 days prior
26 to the date of the hearing, displaying notice of the commission's pending public hearing. The
27 design and location of the sign to be posted on the property is to be determined by the city
28 manager or his designated representative.

29 B. For the purposes of this section, the names and addresses of the owners as shown on the
30 records of the county assessor may be used.

31 **16.20.060 Hearing – Recess.**

32 The planning commission may recess a hearing in order to obtain additional information or to
33 serve further notice upon other property owners or persons it decides may be interested in the
34 proposal being considered. Upon recessing, the time and date when the hearing is to resume shall
35 be announced.

36
37 **16.20.070 Amendment of title provisions – Initiation.**

38 An amendment, supplement or change in the text of this title may be initiated by:

39 A. A motion of the city council;

40 B. An official proposal by the planning commission;

1 C. A petition of any property owner or resident of the city to either the planning commission
2 or the city council. The petition shall be effective to initiate a change only if adopted as its own
3 by a majority vote of the body to which it is directed;

4 D. Referral to planning commission. All requests for amendments, supplement or change in
5 this title shall, whether initiated with the city council or otherwise, first be referred to the
6 planning commission.

7 **16.20.080 Amendment of title provisions – Procedure.**

8 This title may be amended by following the procedure prescribed in this section.

9 A. The planning commission shall hold a public hearing on the proposed amendment after
10 publishing notice of the hearing once a week for two successive weeks prior to the hearing in a
11 newspaper of general circulation published in the area in which land to be subject to such
12 amendment is situated. The notice shall contain the time, place and purpose of the hearing and a
13 description of the land to be subject to the amendment.

14 B. Prior to the expiration of 60 days after the date of such hearing, the planning commission
15 may transmit its recommendation regarding the proposed amendment to the city council. If the
16 planning commission recommendation has not been received by the city council prior to the
17 expiration of such 60-day period, the city council may consider the amendment without
18 recommendation of the planning commission thereon.

19 C. Prior to the adoption of such amendment, the city council shall hold a hearing thereon after
20 giving notice of the hearing in the same manner provided in subsection (A) of this section.

21 D. A copy of any amendment adopted by the city council shall be filed with the county clerk.
22 Such amendments shall not be effective until so filed.

23 **16.20.090 Amendment of title provisions – Record.**

24 The city shall maintain a record of amendments to the text of this title in a form convenient for
25 the use of the public.

26 **16.20.100 Amendment of title provisions – Petition filing – Fee.**

27 A. Petitions for amendment, supplement or change to this title shall be filed with the city
28 manager or his designee.

29 B. At the time of filing such petition, the petitioner shall pay to the city manager or his
30 designee a fee to cover expenses incidental to the investigation of such petition and the cost of
31 publishing notice of public hearing.

32 **16.20.110 Violation – Penalty.**

33 Civil Infraction. Any person, firm, association or corporation, whether as principal, agent,
34 employee or otherwise, who violates any provision of this title or any order adopted pursuant to
35 this title shall be punished under the provisions of Chapter 1.16 LCMC. Any such violation is a
36 Class A civil infraction. Each day that the violation of this title exists is deemed to be a separate
37 offense.

38
39 **Section 2.** The City Council delegates to the City Recorder the authority to make any required
40 corrections due to scrivener's errors, including but not limited to cross-references, prior to
41 codifying this ordinance.

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1 **Section 3.** In the event that any provision of this ordinance is determined by a court of
2 competent jurisdiction to be invalid or unenforceable, such invalid provision shall be severed and
3 the remaining provisions of the ordinance that have not been held invalid or unenforceable shall
4 continue to be valid and enforceable to the fullest extent permitted by law.

5
6 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 10th day of
7 January, 2011.

8
9
10
11 
12 DICK ANDERSON, MAYOR

13
14 ATTEST:

15
16 
17 CATHY STEERE, CITY RECORDER
18

ORDINANCE 2011-01
EXHIBIT A

Conformance with Statewide Land Use Planning Goals

- (1) Goal 1: "Citizen Involvement" - All proposed documents were made available for public review and purchase and assistance was available to interpret and explain the technical information. Hearing notices were published in the local newspaper in accordance with notice requirements in Title 16. Therefore, the amendments are consistent with Goal 1.
- (2) Goal 2: "Land Use Planning" - This goal is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to insure an adequate factual basis for such decisions and actions. The Lincoln City Comprehensive Plan and its implementation measures, the Lincoln City Zoning and Subdivision Ordinance, were adopted by the City Council of Lincoln City after public hearings and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of this application in accordance with the Lincoln City Comprehensive Plan and the applicable zoning and subdivision ordinance provisions establishes conformance with this goal.
- (3) Goal 3: "Agricultural Lands" - The proposed amendments are primarily intended to update procedures of the subdivision and partitioning ordinance. The areas affected by the proposed amendments are located within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such. No agricultural lands will be affected by the amendments. Therefore, Goal 3 is not applicable.
- (4) Goal 4: "Forest Lands" - The proposed amendments are primarily procedural and corrective in nature. The areas affected by the proposed amendments are located within the City's Urban Growth Boundary. The area is zoned for urban development. Moreover, the affected areas do not contain any designated forest lands. Therefore, Goal 4 is not applicable.
- (5) Goal 5: "Open Spaces, Scenic and Historic Areas and Natural Resources" - The proposed amendments are primarily procedural updates for land divisions and property line adjustments. The amendments do not by themselves authorize any development inconsistent with open space, scenic, significant natural resource, or historic designations. One of the proposed amendments is a requirement that any subdivision larger than two acres or 10 lots be processed as a planned unit development, which will encourage preservation of open spaces and natural resources. The amendments are consistent with Goal 5.

- (6) Goal 6: "Air, Water and Land Resources Quality" - The proposed amendments are primarily procedural changes, and will not serve to increase the waste and process discharges already being generated within the city. Goal 6 is not applicable.
- (7) Goal 7: "Areas Subject to Natural Disasters and Hazards" - The areas affected by the proposed amendments include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the proposed amendments do not authorize any development inconsistent with these natural hazard standards. Therefore the proposed amendments are consistent with Goal 7.
- (8) Goal 8: "Recreational Needs" – The proposed amendments do not authorize any development inconsistent with the recreational needs of the community, region, or state. Therefore, the proposed amendments are consistent with Goal 8.
- (9) Goal 9: "Economic Development" - The proposed amendments primarily address process for types of land divisions. The proposed amendments do not affect the availability of land suitable for industrial and commercial development. Because the proposed amendments do not affect commercial or industrial lands they are not expected to have any effect on economic development in Lincoln City. Therefore, the proposed amendments are consistent with Goal 9.
- (10) Goal 10: "Housing" - The proposed amendments update procedures for various types of land divisions, including subdivisions, partitions and property line adjustments. The amendments by themselves do not affect the availability of housing. Therefore, the proposed amendments are consistent with Goal 10.
- (11) Goal 11: "Public Facilities and Services" - The proposed amendments will update and revise provisions for subdivisions, partition and property line adjustments. Existing City water and sewer infrastructure and treatment facilities will not be affected by the proposed amendments, nor will their ability to serve surrounding properties be affected. Therefore, the proposed amendments are consistent with Goal 11.
- (12) Goal 12: "Transportation" - The proposed amendments are consistent with the City's *Comprehensive Plan* and *Transportation Master Plan* because they do not affect the uses already allowed under the zoning ordinance, which itself implements the *Comprehensive Plan*. The proposed amendments are consistent with Goal 12.
- (13) Goal 13: "Energy Conservation" - The proposed amendments are primarily procedural in nature with regard to land divisions and property line adjustments. The amendments by themselves will have no effect on energy conservation. The amendments are consistent with Goal 13.
- (14) Goal 14: "Urbanization" - The proposed amendments are primarily to update procedures of the subdivision ordinance, and will not affect the need to expand the Urban Growth Boundary. The amendments are consistent with Goal 13.

- (15) Goal 15: "Willamette River Greenway" - The City is not located within the Willamette River Greenway. Therefore, Goal 15 is not applicable.
- (16) Goal 16: "Estuarine Resources" - Because the proposed amendments are primarily procedural in nature, and because the amendments do not authorize any development affecting estuarine resources, Goal 16 is not applicable.
- (17) Goal 17: "Coastal Shorelands" - Because the proposed amendments are primarily procedural in nature, and because the amendments do not authorize any development in the city's coastal shorelands, Goal 17 is not applicable.
- (18) Goal 18: "Beaches & Dunes" - Because the proposed amendments are primarily procedural in nature, and because the amendments do not authorize any development in a beach or active dune area, Goal 18 is not applicable.
- (19) Goal 19: "Ocean Resources" - Because the proposed amendments are primarily procedural in nature, and because the amendments do not authorize any development affecting ocean resources, Goal 19 is not applicable.

Conformance with the Lincoln City Comprehensive Plan goals:

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The Lincoln City Comprehensive Plan and its implementation measures, the Lincoln City Zoning and Subdivision Ordinances, were adopted by the City Council of Lincoln City after public hearing and have been reviewed on a periodic cycle to take into account changing public policies and circumstances. Opportunities were provided for review and comment by citizens and affected governmental units during preparation, review, and revision of the plan and implementing ordinances. Review of these amendments in accordance with the Lincoln City Comprehensive Plan and the applicable zoning and subdivision ordinance provisions, establishes conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a Citizen Involvement Program. In addition, the public hearing process, with notice to the public and property owners and review of the amendments by the Planning Commission (a citizen board), and the City Council (a citizen board) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development."

The proposed amendments will update and revise provisions for review of subdivisions, partition and property line adjustments. Existing City water and sewer infrastructure and treatment facilities will not be affected by the proposed amendments, nor will their ability to serve surrounding properties be affected. The amendments are consistent with this goal.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The proposed amendments are primarily to update procedures regarding review of subdivisions, partitions and property line adjustments, and will not affect the need to expand the Urban Growth Boundary. Therefore, the amendments are consistent with this goal.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The areas affected by the proposed amendments include some identified Natural Hazards areas. The city already has acknowledged ordinance standards relating to development in these areas, and the proposed amendments do not authorize any development inconsistent with these natural hazard standards. The amendments are consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The proposed amendments update procedures for various types of land divisions, including subdivisions, partitions and property line adjustments. The amendments by themselves do not affect the availability of housing. Therefore, the proposed amendments are consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

Because the proposed amendments do not change any land uses already allowed or prohibited, including tourist-related land uses, the proposed amendments do not affect the economic development of the city. The proposed amendments, therefore, meet the goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The proposed amendments are primarily procedural updates for land divisions and property line adjustments. The amendments do not by themselves authorize any development inconsistent with preservation of aesthetic or other natural resources. One of the proposed amendments is a requirement that any larger scale subdivision be reviewed as a planned unit development, which will encourage preservation of open spaces and natural resources. The amendments are consistent with this goal.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendments do not, of themselves, create any additional transportation impacts on the existing transportation system. Therefore, the amendments are consistent with this goal.

(10) Energy Goal

"To conserve energy."

The proposed amendments will not have any adverse effects on the energy goal. The requirement for larger scale subdivisions to be reviewed as planned unit developments will provide incentives for energy efficient development. Therefore, the amendments are consistent with this goal.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

The proposed amendments will not, of themselves, have any adverse effects on the natural environment. They do not add or delete any allowed uses or development in any zone. This goal is satisfied.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, protect, and enhance the coastal resources of the city."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. The proposed amendments do not themselves authorize any changes in development in the coastal shorelands area, since they are primarily procedural updates for land divisions and adjustments. Therefore the proposed amendments are consistent with this goal.

EVELOPMENT

7



UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 97367

DEPT OF
MAR 10 2011
LAND CONSERVATION
AND DEVELOPMENT

Attn: Plan Amendment Specialist
Dept. of Land Conservation/Dev.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540