

ORDINANCE BILL NO. 5 FOR 2008

ORDINANCE NO. 1202

AN ORDINANCE AMENDING TITLE 16 PERTAINING TO LAND DIVISIONS AND LINE ADJUSTMENTS AND REPEALING SWEET HOME ORDINANCE NUMBERS 716, 792, 828, 854, 876, 899, 1061 – SECTIONS 1 THROUGH 17, AND 1078 – SECTIONS 5 THROUGH 8, WITH AN EXPEDIENCY CLAUSE.

WHEREAS, the Planning Commission has held work sessions and a hearing on the proposed amendments, and

WHEREAS, the City Council held a hearing with testimony which has been presented to the City Council, and

WHEREAS, the City must implement the standards set forth in the adopted Transportation System Plan, and

WHEREAS conditions have changed since the writing of Title 16 that make these changes timely,

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Sweet Home Municipal Code, Title 16, shall be amended to read as follows:

Title 16
LAND DIVISIONS AND LINE ADJUSTMENTS

Chapters:

- 16.04 Purpose, Scope and Definitions.
- 16.08 Administration and Enforcement.
- 16.12 Design Standards.
- 16.16 Tentative Plan.
- 16.20 Final Plat.
- 16.24 Improvements.
- 16.28 Exceptions and Variances.
- 16.32 Property Line Adjustments.

Chapter 16.04

PURPOSE, SCOPE AND DEFINITIONS

Sections:

- 16.04.010 Purpose.
- 16.04.020 Scope of regulations.
- 16.04.030 Definitions.

16.04.010 Purpose. The purpose of this title is to establish standards and procedures for the subdivision and partitioning of property, and the adjusting of property lines of land within the City of Sweet Home, Oregon. These regulations are necessary in order to:

1. Protect the public health, safety and welfare.
2. Provide clear and objective procedures and standards for the subdivision and partitioning of land and adjusting of property lines.
3. Implement the Comprehensive Plan.
4. Provide for consistency in construction within classifications of streets.
5. Ensure adequate provision of utilities and other public facilities.
6. Provide for the protection, conservation and proper use of land.
7. Meet the standards and procedures for the division of land in compliance with Oregon Revised Statutes Chapter 92.

16.04.020 Scope of regulations. Subdivision and partition plats shall be reviewed and acted upon in accordance with these regulations. A person desiring to subdivide or partition land shall submit tentative plans and final documents for approval as provided for in Sweet Home Municipal Code Title 16 - Land Division and Line Adjustments. All subdivisions, partitions, and property line adjustments shall also conform with the provisions of Oregon Revised Statutes Chapter 92 , Sweet Home Municipal Code Title 17 and the Comprehensive Plan.

16.04.030 Definitions. As used in this title, the following words and phrases shall mean:

“Access Easement” means a private easement providing ingress and egress across a property to another property.

“Alley” means a street which affords only a secondary means of access to property.

“Arterial, Major” links communities and activity centers on a regional basis, and serves a high number of local trips.

“Arterial, Minor” provides both access and circulation within residential neighborhoods and commercial/industrial areas.

“Bicycle Way” means a path created primarily for use by bicycles.

“Building Line” means a line parallel to the front lot line and passing through the most forward point of a place of a building.

“City” means the City of Sweet Home, Oregon.

“City Engineer” means the City Engineer of the City of Sweet Home, or a fully qualified person designated by the Public Works Director to fulfill the responsibilities of a City Engineer as specified by this Title.

“Collector” means a street that distributes trips from the major arterials through the area to their ultimate destination minimizing the impact of traffic to adjacent land uses while recognizing the need to serve less intense residential areas.

“Comprehensive Plan” means the most current adopted version of the Sweet Home Comprehensive Plan.

“Cul-de-sac” means a turnaround at the end of a dead-end street.

“Dead-end Street” means a street with a single common ingress and egress.

“Easement” means a grant of the right to use a portion of land for a specified purpose.

“Half Street” means 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 land division.

“Half Street Improvements” will usually consist of pedestrian way, curb, parking, and two travel lanes.

“Hammerhead” means a vehicle turnaround on a dead-end street configured in the shape of a hammerhead or in a similar configuration.

“Local Access Street” means a local street which parallels an arterial, providing access to through lots that have no access from the arterial street.

“Local Street” means a street that provides access to adjacent land, and is designed to minimize the impact of traffic on adjacent development.

“Lot” means a single unit of land that is created by a subdivision of land.

“Map” means a drawing representing selected features in relationship to other features present on or near the subject property.

“Parcel” means a single unit of land that is created by partitioning of land.

“Partition Land” means to divide an area or tract of land into not more than three parcels within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with Sweet Home Municipal Code Title 17;
3. The division of land resulting from the recording of a subdivision or condominium plat;
4. A sale or grant by a person to a public agency or public body for a state highway, City street or other right-of-way purposes provided that such road or right-of-way complies with the City’s Comprehensive Plan and Oregon Revised Statutes; or
5. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, City streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property.

“Pedestrian Way” means a right-of-way for pedestrian traffic.

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

“Planned Development” means a specific area that is planned to allow diversification between buildings and open space while meeting the objectives of the underlying zoning regulations.

“Planning Commission” means the Planning Commission of the City of Sweet Home.

“Plat” means a map representing a tract of land showing the boundaries and location of individual properties and streets, and includes a final subdivision plat, replat or partition plat.

“Plat - Final” means a map of all or a portion of a subdivision, replat, or partition, that is presented to the City for final approval.

“Private Street” means a street that has not been accepted by the City of Sweet Home or other governmental entity.

“Property Line Adjustment” means the relocation or elimination of a common property line between abutting properties.

“Property Line Adjustment Replat” means the relocation or elimination of a common property line between abutting properties within a subdivision or partition plat.

“Queuing” means a line of vehicles waiting their turn.

“Radius” means the single point intersection of a curve and straight line that touches the curve but does not intersect it.

“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

“Residential Neighborhood Street” means a street, within a Planned Development, that may have queuing, drainage swales, and off-set pedestrian ways.

“Right-of-way” means the area between boundary lines of a street.

“Roadway” means the portion or portions of a street right-of-way developed for vehicular traffic.

“Sidewalk” means a pedestrian walkway with a hard surface.

“Street” means a public or private way that is created to provide ingress or egress for vehicles to one or more lots, parcels, areas or tracts of land, excluding private driveways, including the terms “road,” “highway,” “lane,” “avenue,” or similar designations.

“Subdivide Land” means to divide an area or tract of land into four or more lots within a calendar year

“Subdivider” means any person who causes land to be subdivided or partitioned or who undertakes to develop a subdivision.

“Subdivision” means either an act of subdividing land or an area or tract of land subdivided.

“Tangent” means a straight line starting, ending or touching a curve at a single point.

“Through lot” means a lot that fronts upon two streets that do not intersect at the boundaries of the lot.

“Tract” means an area, parcel, lot, site, piece of land, or property that is the subject of a development application.

“Traffic Generator” means a use in a particular geographic area that is likely to attract into the area substantial vehicular or pedestrian traffic.

Chapter 16.08
ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.08.010 Appeal.
- 16.08.020 Amendment.
- 16.08.030 Interpretation.
- 16.08.040 Filing Fees.
- 16.08.050 Segregation of Assessments.
- 16.08.060 Violation--Penalty.

16.08.010 Appeal.

1. An appeal of an administrative decision concerning this Title will be made to the Planning Commission. Appeals of a Planning Commission decision will be made to the City Council.
2. An Appeal must be filed within 21 days of the date of decision.
3. The established fee will be paid upon filing of an appeal.
4. At an appeals hearing, the ordinances and criteria must be stated, and the applicant or appellant must address these criteria with sufficient specificity to allow decision makers an opportunity to respond to the issue.
5. Upon appeal, the appellate authority must consider the record of the action or ruling which resulted in appeal.
6. An aggrieved party in a proceeding may appeal the City Council decision to the Land Use Board of Appeals (LUBA).

16.08.020 Amendment. The provisions of this Title may be amended after consideration by the Planning Commission and the City Council. The Planning Commission shall first transmit its findings and recommendations to the City Council. The Planning Commission will hold a public hearing on the proposed amendments prior to making findings and recommendations. The City Council shall hold a public hearing on the proposed amendments and shall consider the recommendations of the Planning Commission in making its decision.

16.08.030 Interpretation. Where the conditions imposed by any provision of this Title are less restrictive than comparable conditions imposed by any other provisions, the more restrictive provisions shall govern.

16.08.040 Filing Fees. The City Council shall establish fees by separate Resolution for the performance of the actions and reviews required by this Title.

16.08.050 Segregation of Assessments.

1. Whenever property has been assessed in its entirety and there is an intent to divide the property into lots or parcels, the owner of the subject property may file a written request with the Finance Director for a segregation of the assessment.
2. Requests for the segregation of liens shall include the following:
 - a. A description of the property to be divided.

- b. A current copy of a recorded deed with Linn County Deed Records, Volume and Page numbers or Instrument number, showing ownership of the subject property.
3. Upon receipt of the application request, the Finance Director shall calculate the total amount of assessment eligible for segregation according to the method of apportionment used in the original improvement assessment, unless inappropriate because of special circumstances. The eligible portion of the assessment shall be determined by the Public Works Director, or designee, according to the value of the original construction costs. The assessment will then be prorated by each lot or parcel.
4. No requested segregation shall be granted unless the segregation complies with Oregon Revised Statutes Chapter 92, City Codes and the Comprehensive Plan.
5. The Finance Director shall record the liens in the City Lien Docket. From that time, the City shall have a lien upon the described lots or parcels for the amount of the assessment, as determined above, together with interest on the unpaid balance at the rate of 10% per annum.

16.08.060 Violation--Penalty: Failure to comply with any of the provisions and requirements of Sweet Home Municipal Code Title 16 shall constitute a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36. Abatement of a violation of this Title can be accomplished by any remedy open to the City, including using the procedures set out in Sweet Home Municipal Code Chapter 8.04 for the abatement of nuisances. Each day that a violation exists is a separate offense.

Chapter 16.12

DESIGN STANDARDS

Sections:

- 16.12.010 Principles of Acceptability.
- 16.12.015 General Development Standards and Design Criteria.
- 16.12.020 Streets.
- 16.12.025 Blocks.
- 16.12.030 Lots and Parcels.
- 16.12.035 Easements.
- 16.12.040 Water System.
- 16.12.045 Sanitary Sewer System.
- 16.12.050 Storm Water and Surface Drainage.
- 16.12.055 Lot Grading.
- 16.12.060 Erosion Control.
- 16.12.070 Underground Utilities.
- 16.12.075 Large Tract Land Division.

16.12.010 Principles of Acceptability. Subdivisions and partitions shall conform with the Comprehensive Plan, Sweet Home Municipal Code Title 17, applicable provisions of other City ordinances, state law and the standards established by this Title. Locations and standards related to transportation and community facilities shall be based on the provisions of the Comprehensive Plan.

16.12.015 General Development Standards and Design Criteria. The developer shall design and improve all streets, storm drains, sanitary sewers, water lines, access ways and other public easements which are part of the development, and those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public improvements as required by this Title.

1. All designs and improvements shall be in accord with the standards and criteria set forth in any Conditions of Approval and this Title.
2. All improvements shall be covered by a warranty guarantee for the materials and workmanship for a period of at least one year from the date of their completion.
3. All improvements as set forth herein shall be considered necessary for the general use of the following:
 - a. The property owner(s) of the development,
 - b. The local neighborhood, and
 - c. The City's traffic and drainage needs, including without limitation the following:
 - i. Grading and surfacing of streets and access ways,
 - ii. Installation of facilities to supply domestic water,
 - iii. Construction of sanitary collection treatment facilities.

- iv. Construction of storm water drainage conveyances, including flow controls, infiltration and water quality facilities.
 - v. Any other improvement work required.
4. All improvement work shall be at the sole cost and expense of the developer, unless otherwise specifically provided.

16.12.020 Streets. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of vacant inaccessible land. Street design standards are intended to provide City staff with standards and guidelines for protecting the function and integrity of the City's transportation system. The following table implements the standards of the Transportation System Plan.

Standards	Major Arterial	Minor Arterial	Collector	Local Street	Residential Neighborhood Street***
ROW Width	80' (max)	70' (max)	60' (max)	50' (max)	20' (min)
Curb to curb width	60' (max)	40' (max)	40' (max)	36' (max)	20' (min)
Travel Lane width	11' (min)	10.5' (min)	10' (min)	7' (min)	7' (min)
Number of lanes	4 (max)	3 (max)	2 (min)	2 (max)	2 (min)
Median/center turn width (max)	12'	11.5'	Not required	Not required	Not required
Bike Lane width (min)	2 @ 6'	2 @ 6'	1 @ 6'	Not required	Not required
Parking width (max)	8'	8'	8'	7'	Not required
Curb *	6"	6"	6"	6"	Not required
Planting Strip width (min)**	7'	7'	7'	3'	3'
Sidewalk width (min)	8'	7'	6'	5'	Not required
System spacing	1 mile	½ mile	½ mile	250'	100'
Design speed - (max)	40 mph	35 mph	25 mph	25 mph	20 mph
Access management: intersection spacing (min)****	300'	100'	100'	75'	50'
Access Management: driveway spacing	No direct driveway access	Shared driveway access	Shared driveway access	Direct access allowed	Direct access allowed

* Other City approved alternatives may be proposed, such as “Green Streets” standards, as defined by Portland Metro Green Streets handbook, and subsequent updates. A green street can be defined as a street designed to integrate a system of storm water management within its right of way, and to

- Reduce the amount of water that is piped directly to streams and rivers.
- Be a visible component of a system of "green infrastructure" that is incorporated into the aesthetics of the community.
- Make the best use of the street tree canopy for storm water interception as well as temperature mitigation and air quality improvement.
- Ensure the street has the least impact on its surroundings, particularly at locations where it crosses a stream or other sensitive area.

** Planting strips may include filtration strips and swales.

*** Allowed only within a Planned Unit Development.

**** Measured as adjacent edge to edge of right-of-way, with the higher street category controlling.

1. A transportation impact analysis (TIA) may be required, if the proposed development appear to have traffic generators with a significantly high level of traffic.
 - a. Applicants may be required to have a pre-application meeting with City staff to determine if the proposed development will have a significantly high level of traffic. If determined by City staff that a TIA is required, the TIA must be submitted as a part of the application or the application will not be considered complete and will be on hold as per Oregon Revised Statutes.
 - b. “Significantly high level of traffic” means that the average number of daily trips on any existing street would increase by 20 percent or more as a result of the proposed development, based on the Institute of Traffic Engineers - Trip Generation.
 - i. Base numbers must be established as a part of the TIA analysis using standard traffic count methodology.
 - c. Any TIA shall be prepared by a qualified professional.
2. Alignment. If possible, streets shall be in alignment with existing streets by continuation of the center lines of each street.
 - a. Staggered street alignment resulting in “T” intersections at local streets should have a minimum distance of 75' between the adjacent right-of-way of streets having approximately the same bearing.
 - b. Staggered street alignment making “T” intersections at collectors and arterials should leave a minimum distance of 100' between adjacent right-of-way on streets having approximately the same bearing.
3. Future extensions of streets. Where necessary to give access or to permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

- a. A street ending at a property line may be approved with or without a turnaround but shall have a reserve area.
 - b. Reserve areas. Reserve areas, easements, or street plugs controlling access to streets shall be required when necessary to ensure street extensions and the widening of half streets. The reserve strip will normally be one foot in width and under the ownership of the City.
 - c. Property abutting the City limits will not require street extensions to the boundary unless the abutting property is within the Urban Growth Boundary or the City's Transportation System Plan identifies a future connection.
 - i. If there is a bridge identified in the Transportation System Plan for future connectivity, street extensions to the boundary will be required.
4. Intersection angles. Streets shall be designed to intersect at angles as near to right angles as practical except where constrained topography or abutting properties requires a lesser angle.
- a. The intersection of arterial or collector streets with other arterial or collector streets shall have at least 100' of tangent adjacent to the intersection unless constraints require a lesser distance, but in no case shall the tangent be less than 30'.
 - b. Intersections which are not at right angles shall have a minimum corner radius at the curb of between 20' and 30' along the right-of-way lines of the acute angle.
 - c. The acute angle of the intersecting street shall be no more than 10° off perpendicular to the cross street.
 - d. When street right-of-ways are not able to intersect at right angles, then the curbs, parking area, and planter strips shall be modified to align the travel lanes at right angle to the cross street.
 - e. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20'.
5. 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.
6. Half-streets. Half streets shall be required for existing right-of-way on the perimeter of the Subdivision with the following conditions:
- a. Located adjacent to unimproved streets.
 - b. Located adjacent to one-half street condition on the same side of the street.
 - c. Located opposite of a constructed one-half street.
7. Dead end streets: A dead end street shall terminate with a turnaround designed to the minimum size standards of the International Fire Code.
- a. Dead end streets can be allowed only when the extension of street is not possible due to one or more of the following reasons:
 - i. A natural feature, such as a wetland, stream or steep slope makes it impractical for the street to be extended.

- ii. An existing structure or use is located on an adjacent parcel within the alignment of the proposed street.
 - iii. An existing deed restriction or covenant or political boundary does not allow the extension of the street.
 - iv. The alignment is approved as part of a Planned Development.
8. Street names. Except for extensions to existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to Sweet Home Municipal Code Title 12.
9. Grades. Grades shall conform to any Conditions of Approval of the City, Oregon Building Codes, and the International Fire Code.
10. Curves. Center line radii of curves shall not be less than 500' on Arterials, 350' on Collectors, and 100' on local streets and alleys.
 - a. Where existing conditions, particularly topography, make it impractical to meet these standards, the Planning Commission may approve sharper curves.
11. Local access streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Planning Commission may require a local access street.
12. Railroad right-of-way. New railroad crossings and modifications to existing crossings are subject to review and approval by ODOT - Rail Division and must have written support prior to submittal of a tentative subdivision or partition plan for a land use application to be deemed complete.
13. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
 - a. The corners of alley intersections shall have a radius of not less than 12'.
14. Private streets. Private streets shall be allowed in Planned Developments, as approved by the Planning Commission
15. Access to new subdivisions. All existing streets providing access to a subdivision should be improved to City standards only when warranted by a Traffic Impact Study.
 - a. Improvements shall be made to ensure that the street has the capacity to meet the projected impacts from the development.
 - b. Improvements shall extend for a minimum of one block, or as determined by the TIA or Planning Commission.
 - c. Improvements shall provide the minimum of accessibility for vehicles and pedestrians.
 - d. The City may partner with the developer for extended improvements beyond the minimum access area.
 - i. A Local Improvement District (LID) may be initiated by the City to meet the extended needs to local improvements.
16. Bicycle and Pedestrian Ways. All new subdivisions shall provide for pedestrian and bicycle connectivity and accessibility, as required in the Transportation System Plan, Chapter 6, including the following:

- a. Sidewalks along arterials and collectors.
- b. Bikeways along arterials and collectors.
- c. Use of access ways, multi-use paths or easements to overcome barriers to bicycle and pedestrian circulation.
- d. All pedestrian and bicycle ways will be constructed to City standards.

16.12.025 Blocks.

- 1. Block and perimeter length shall take into account at minimum the following:
 - a. Property shape,
 - b. Traffic flow,
 - c. Fire safety,
 - d. Access control onto adjacent streets,
 - e. Natural features,
 - f. Access to schools,
 - g. Access to parks,
 - h. Mid-block pedestrian ways, which shall have an all weather surface with a minimum width of 10', and
 - i. Existing development.

16.12.030 Lots and Parcels.

- 1. Size and Shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated.
- 2. No lot or parcel shall be dimensioned to contain a part of an existing or proposed street.
- 3. Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17.
- 4. Lot depth shall not exceed two and one-half times the average width.
- 5. Frontage. Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25'.
- 6. Access Easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels.
- 7. Through lots should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation.
 - a. A planting screen easement of at least 10' in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses.
 - b. Lots shall be served from only one side via a local street.
 - c. A through lot shall have the yard abutting a street that has no access to the back

yard, and shall utilize setbacks for a back yard as per the underlying zone standards.

8. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
 - a. Topographical conditions or street configurations may warrant an angle.
 - b. Generally, any angle should not exceed 30° from a right angle to the street.
9. Flag Lots. Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration.
 - a. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements.
10. If special setbacks are to be established in a subdivision or partition through the Variance process, they shall be shown on the Tentative Plan and Final Plat and included in the deed restrictions.

16.12.035 Easements.

1. City utility lines.
 - a. Easements for City sanitary sewer, storm water collection systems, and water mains, or other utilities, not located within the public right-of-way, shall be dedicated wherever necessary.
 - b. City easements shall be at least 20' wide and offset on rear or side lot lines with 5' on one side and 15' on the other.
2. Franchise utility easements will be 7' in width and generally abutting the right-of-way.
3. Drainage channels. If a subdivision or partition is traversed by a drainage channel, there shall be provided a public drainage easement. The drainage easement shall conform substantially with the lines of the drainage channel, with additional width as needed for channel maintenance.

16.12.040 Water System. The design shall be to City standards and shall be approved by the City Engineer. The design shall take into account provisions for extension beyond the subject property. The design shall adequately loop the City system.

16.12.045 Sanitary Sewer System. The design shall be to City standards and shall be approved by the City Engineer. The design shall take into account capacity and grade to allow for desirable extension beyond the subject property.

16.12.050 Storm Water and Surface Drainage. Design of drainage within a subdivision or partition shall be to City standards, and shall be approved by the City Engineer.

1. The design shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system to serve such areas.

2. Provision shall be made for water quality and retention storage areas designed and constructed to meet the standards set by the City.

16.12.055 Lot Grading. Lot grading shall conform to all applicable Oregon Building Codes and Sweet Home Municipal Code Titles 12, 13, and 15 requirements.

16.12.060 Erosion Control. Erosion control must be approved as per the City's Erosion Control requirements of Sweet Home Municipal Code Chapter 13.06.

16.12.070 Underground Utilities. All permanent franchise utility service to subdivision lots shall be provided from underground facilities. No overhead utility facilities in connection with permanent utility service to a subdivision or partition shall be permitted. In the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables.

16.12.075 Large Tract Land Division. In subdividing or partitioning tracts into large lots or parcels which may be divided in the future, the City may impose requirements which will allow for subsequent division of any lot, parcel, or tract.

Chapter 16.16

TENTATIVE PLAN

Sections:

- 16.16.010 General Information.
- 16.16.020 Pre-application Review.
- 16.16.025 Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Submittal.
- 16.16.030 Procedures.
- 16.16.040 Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Review Criteria.
- 16.16.050 Tentative Plan Conditions of Approval.
- 16.16.060 Development Phasing.
- 16.16.070 Duration of Plan Approval.
- 16.16.080 Extension to Tentative Plan Approval.

16.16.010 General Information. The City shall make available all information on file with the City relating to the area of a proposed subdivision or partition. The subdivider shall also be advised of the design and improvement standards and other requirements established by the City in connection with the review and approval of Plats.

16.16.020 Pre-application Review. A pre-application conference may be required by the City. The subdivider shall submit a sketch to the City Planner and the Public Works Engineering Division of the proposed Tentative Plan for the property to be divided. Following preliminary review, the subdivider may proceed to prepare a Tentative Plan for submission to the City.

16.16.025 Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Submittal. All applications for a Tentative partition or subdivision approval must include a complete application form. For a subdivision or subdivision Replat, ten full size copies and one 8½" by 11" copy of a plan shall be submitted with the following details. For a partition or partition Replat, three full size copies and one 8½" by 11" copy of a plan shall be submitted showing the following details. The Tentative Plan need not be a finished drawing but it shall show all pertinent information to scale.

1. Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

2. The following information shall be submitted:
 - a. All existing subdivisions, streets and property lines of the land immediately adjoining the proposed subdivision
 - b. All existing streets between the subject property and the nearest existing arterial or collector streets.
 - c. The name of the owners of all land immediately adjoining the proposed subdivision.
 - d. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighborhood.
3. The name, if any, of the land division.
 - a. The subdivision name must not duplicate or resemble the name of another subdivision in Linn County and shall be subject to approval by the Linn County Surveyor.
 - i. Pre-approval of the subdivision name by Linn County Surveyor's Office is recommended.
4. Date of the original submittal and of any subsequent revisions.
5. North arrow.
6. Scale of drawing.
7. Names and addresses of owner or owners, subdivider, surveyor, and design engineer if applicable.
8. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract of railroad right-of-way, City boundaries, and other important features.
9. The location on the site and in the adjoining streets or property for the following existing and proposed items:
 - a. Sewers and water mains and private services.
 - b. Invert elevations of sewers at points of proposed connections or adjacent manholes must also be shown.
 - c. Culverts.
 - d. Ditches and drain pipes.
 - e. Electric, gas and telephone conduits.
10. Contour lines having the following minimum intervals:
 - a. One foot contour intervals for ground slopes less than five percent.
 - b. Two foot contour intervals for ground slopes between five and ten percent.
 - c. Five foot contour levels for ground slopes exceeding ten percent.
 - d. The elevations of all control points which are used to determine the contours.
11. Geo-tech reports as needed.

12. Location and elevation of properties within the 100-year flood plain and other areas subject to flooding or ponding and areas subject to inundation from storm water overflow with approximate high water elevation.
13. Location, width, direction and rate of flow at peak discharge of all water ways.
14. Location of any wetlands identified on the City of Sweet Home Local Wetlands Inventory, locally known, or identified by some other means.
15. Location of any required riparian zone identified by Sweet Home Municipal Code Chapter 17.72.
16. Properties in the Natural Resource zone, must show natural features, such as rock outcroppings, wooded areas and preservable trees over 12" in diameter measured at 4½' from the ground.
17. Existing uses of the property and adjacent property within 100' including location of all existing structures to remain on the property.
18. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.
 - a. The City of Sweet Home Historic Sites listing and the State Historic Preservation Office shall be consulted if a historic site is identified.
 - b. Sweet Home Municipal Code Title 15 rules for historic structures must be addressed.
19. Zoning on and adjacent to the subject property.
20. For all proposed streets, the following information must be shown:
 - a. Location,
 - b. Total right-of-way width,
 - c. Curb to curb width,
 - d. Sidewalk,
 - e. Beauty strip,
 - f. Proposed name,
 - g. Grade,
 - h. Approximate radii or curves,
 - i. Fire hydrants,
 - j. Street lights,
 - k. Stop signs,
 - l. Location of Post Office boxes.
21. The Tentative Plan shall be drawn to a standard engineer's scale where 1" equals 20' to 100'.
22. Proposed signage.
23. Proposed perimeter fencing.
24. The relationship of all proposed streets to any existing or approved streets and proposed

- future streets in the Transportation System Plan.
25. Existing and proposed easements on the site, including the width and the purpose of the easements.
 26. Existing easements on adjoining properties, including the width and purpose of the easements.
 27. Information on the proposed lots must include the following:
 - a. The location of each lot,
 - b. The dimensions and square footage of each lot, and
 - c. Lot, block, tract, or parcel numbers.
 28. Proposed uses for each lot.
 29. Land to be deeded or dedicated for public purposes.
 30. Statement indicating whether the property has an existing water right or permit.
 - a. If so, the Certificate or permit number must be listed.
 31. ODOT Rail approval for any proposed crossing or development within 300' of the railroad right-of-way.
 32. The following additional information must be submitted with the Tentative Plan:
 - a. Total acreage of the parcel to be subdivided.
 - b. The percent of land dedicated to the public, not including easements.
 - c. All public improvements proposed to be installed, including
 - i. The approximate timing of installation, and
 - ii. The method of financing.
 - d. Special improvements to be made by the developer and the approximate timing of such improvements are to be complete.
 - i. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances.
 33. Proposed services or other listed items may be on a separate map for clarity.

16.16.030 Procedures.

1. Tentative Subdivision and Replat Plans.
 - a. Notice:
 - i. Each notice of hearing authorized by this title shall be published in a newspaper of general circulation in the City at least ten days prior to the date of the hearing.
 - ii. A notice of hearing on a subdivision or Replat shall be mailed to the applicant and to all owners of record of property on the most recent property tax assessment role available to the City within 100' of the subject property.

- iii. A notice of hearing on a subdivision or Replat shall be mailed to non-owner residents within 100' of the subject property.
- iv. Notice shall be provided to the following City Staff:
 - (1) City Manager
 - (2) Police
 - (3) Finance
 - (4) Public Works
- v. Notice shall also be provided to the following service agencies:
 - (1) Natural Gas providers
 - (2) Communications providers
 - (3) Broadband providers
 - (4) Power providers
 - (5) City of Sweet Home Franchise holders
 - (6) United States Postal Service
 - (7) Linn County Planning
 - (8) Linn County Road Department
 - (9) Linn County Surveyor
 - (10) Sweet Home School District 55
 - (11) Sweet Home Fire and Ambulance District
 - (12) ODOT Region 2 Access Development
 - (13) ODOT District 4 Office
- vi. Notice shall also be provided to any neighborhood or community organization which has requested notice from the City and whose boundaries include the site.
- vii. Notice distances will be measured from the exterior boundaries of the subject property for which the application request has been made.
- viii. The notice shall be mailed at least twenty days prior to the date of hearing.
- ix. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- x. All notices of public hearings shall contain the following information:
 - (1) Explain the nature of the application which could be approved;
 - (2) List of applicable criteria from this Title and the Comprehensive Plan that apply to the application at issue;
 - (3) Set forth the street address or other easily understood geographic identifier;
 - (4) State the date, time and location of the hearing;
 - (5) State that the failure of an issue to be raised in a hearing, in person

or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

- (6) Include the name and telephone number of a local government representative to contact for more information;
 - (7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost;
 - (8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; and
 - (9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- b. Approval Authority. The Planning Commission shall have the authority to take action on a Tentative subdivision or Replat Plan after holding a public hearing in accordance with the procedures set forth in Section 16.16.030 of this Chapter.
 - c. Approval of the Tentative Plan shall indicate approval of the Final Plat if there is no substantial change from the Tentative Plan as approved by the Planning Commission and if the subdivider complies with the requirements of this Title and of the provisions of Oregon Revised Statutes Chapter 92.
 - d. The notice of decision shall be mailed no more than five days after the decision has been finalized.

2. Tentative Partition Plans.

- a. Notice:
 - i. A notice of a pending partition or Replat shall be mailed to the applicant and to all owners of record of property on the most recent property tax assessment role available to the City within 100' of the subject property.
 - ii. A notice of a pending partition or Replat shall be mailed to non-owner residents within 100' of the subject property.
 - iii. Notice shall be provided to the following City Staff:
 - (1) City Manager
 - (2) Police
 - (3) Finance
 - (4) Public Works
 - iv. Notice shall also be provided to the following service agencies:
 - (1) Natural Gas providers
 - (2) Communications providers
 - (3) Broadband providers

- (4) Power providers
 - (5) City of Sweet Home Franchise holders
 - (6) United States Postal Service
 - (7) Linn County Planning
 - (8) Linn County Road Department
 - (9) Linn County Surveyor
 - (10) Sweet Home School District 55
 - (11) Sweet Home Fire and Ambulance District
 - (12) ODOT Region 2 Access Development
 - (13) ODOT District 4 Office
- v. Notice shall also be provided to any neighborhood or community organization which has requested notice from the City and whose boundaries include the site.
 - vi. Notice distances will be measured from the exterior boundaries of the subject property for which the application request has been made.
 - vii. The notice shall be mailed at least twenty days prior to the date of the decision.
 - viii. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the decision.
 - ix. Notices shall contain the following information:
 - (1) Explain the nature of the application and which could be approved;
 - (2) List of applicable criteria from this title and the Comprehensive Plan that apply to the application at issue;
 - (3) Set forth the street address or other easily understood geographic identifier;
 - (4) State the date for submittal of testimony on the request;
 - (5) State that the failure of an issue to be raised in writing within the specified time frame, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue;
 - (6) Include the name and telephone number of a local government representative to contact for more information;
 - (7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost;
 - (8) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be

provided at reasonable cost; and

- (9) Include a general explanation of the requirements for submission of testimony.
- b. Decision. The City Manager, or designee, shall take action on the Tentative partition Plan as submitted, or as it may be modified, if all decision criteria can be met.
 - i. The notice of decision shall be mailed no more than five days after the decision has been finalized.
- c. The City Manager, or designee, may refer the request to the Planning Commission.
 - i. Re-notification of all surrounding property owners is required.

16.16.040 Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Review Criteria. Approval of Tentative Plans will be granted if the City finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the Comprehensive Plan. The following criteria apply:

1. The information required by this Chapter has been provided.
2. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the Comprehensive Plan, have been met where applicable.
3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code.
4. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable City codes.
5. The proposed street plan provides for the circulation of traffic and meets the street design standards of this Title.
6. The location and design allows development to be conveniently served by public utilities.
7. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by City, state or federal law.
8. If the Tentative Plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.
9. An application for residential development can be denied based on a lack of school capacity if:
 - a. The City has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity, and
 - b. The City has considered option to address school capacity, and
 - c. The capacity of a school facility is not the basis for a development moratorium under Oregon Revised Statutes 197.505 to 197.540.

- d. This section does not confer any power to the School District to declare a building moratorium.

16.16.050 Tentative Subdivision, Subdivision Replat or Partition, Partition Replat Plan Conditions of Approval. The approving authority may attach Conditions of Approval of a Tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria.

1. Conditions of Approval may include, but are not limited to, the following:
 - a. Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.
 - b. Storm water drainage plans.
 - c. Fencing.
 - d. Landscaping.
 - e. Public land dedication.

16.16.060 Development Phasing. A Tentative subdivision Plan may provide for platting in as many as four phases. The Tentative Plan must show each phase and be accompanied by proposed time limitations for approval of the Final Plat for each phase. Each phase is independent from the other phases and must be completed within the following time frame, or earlier. Time limitations for the various phases must meet the following requirements:

1. Phase 1 Final Plat shall be approved within twelve (12) months of preliminary approval.
2. Phase 2 Final Plat shall be approved within thirty (30) months of preliminary approval.
3. Phase 3 Final Plat shall be approved within forty-two (42) months of preliminary approval.
4. Phase 4 Final Plant shall be approved within sixty (60) months of the preliminary approval.

16.16.070 Duration of Tentative Plan Approval. Approval of a Tentative Plan shall be valid for twelve months from the date of approval of the Tentative Plan, provided that if the approved Tentative Plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 16.16.060 of this Chapter.

1. If any time limitation is exceeded, approval of the tentative subdivision plan, or of any un-platted phase of the Tentative subdivision Plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new application.

16.16.080 Extensions to Tentative Plan Approval. An applicant may request an extension of a Tentative Plan approval, or extension of the preliminary approval with respect to the un-platted phases. Such requests shall be considered an administrative action, and shall be submitted to the City in writing, stating the reason why and extension should be granted.

1. The Planning Commission may grant an extension of up to 12 months of a Tentative

subdivision plan approval, or if the Tentative Plan provides for phased development, an extension of up to 12 months of a Tentative Plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining Final Plat approval within the original time limitation.

2. Further extensions of up to one year each, but not to exceed ten years from date of original approval, as per Oregon Revised Statute 92.040(3), may be granted by the Planning Commission if special circumstances are shown by the applicant.

Chapter 16.20

Final Plat

Sections:

- 16.20.010 Procedures.
- 16.20.020 Final Plat Review Criteria.
- 16.20.030 Final Plat Submittal.
- 16.20.040 Filing of Final Plat.

16.20.010 Procedures.

1. Final Subdivision Plat.
 - a. Within one year after approval of the Tentative Plan, the subdivider shall prepare a Final Plat in conformance with the approved Tentative Plan, the provisions of this Title and the provisions of Oregon Revised Statutes Chapter 92.
 - b. A draft copy of the Final Plat is required for review by the City Planner and City Engineering Division.
 - i. City staff may make checks in the field to verify that the Plat is sufficiently correct on the ground and they may enter the property for this purpose.
 - ii. If it is determined that there has not been full conformity, the City Engineer and City Planner shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.
 - iii. The City Engineer and City Planner shall review the Plat in accordance with Title 16 and the Planning Commission Approval.
 - c. The person submitting the Final Plat must concurrently submit a copy of the Plat to the Linn County Surveyor.
 - i. The County Surveyor shall examine the Plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law.
 - d. If it is determined that full conformity has been made, the City Engineer and City Planner shall advise the Chairperson of the Planning Commission.
 - i. The Chairperson of the Planning Commission may then sign the Plat without further action by the Planning Commission.
 - (1) The Plat will be reviewed by the Planning Commission Chairperson for compliance with the Planning Commission

- approval of the Tentative Plan.
- (2) If the Plat is signed without further review by the Planning Commission, the action shall be reported to the Planning Commission at the next regular meeting.
- ii. The Planning Commission Chairperson may elect to require the applicant to submit the Plat to the Planning Commission for further review, based on non-conformance with the original approval.
 - (1) If the Chairperson chooses to require the Final Plat be brought back to the Planning Commission, the subdivider must submit a subdivision application with information supporting the changes made since the original approval and pay the fee for a subdivision.
 - (2) A new hearing will be scheduled and held in compliance with Sweet Home Municipal Code Chapter 17.12.
- e. Approval of a Final Plat shall not occur until one of the following conditions has been met:
 - i. All required infrastructure has been built and approved by the City, or
 - ii. Performance guarantees are in place for all required infrastructure, or
 - iii. A combination of the above has been approved by the City.
 - f. When the City has approved all streets, water and sewer main lines, parks, drainage ways, or other dedication for which the City will have responsibility for maintenance, the following must be provided:
 - i. The City must be supplied all required “as-built” construction documents and verifications for all constructed infrastructure.
 - (1) As-built submittal shall be on good quality, 5 mil mylar.
 - ii. For all infrastructure built, a warranty guarantee, as determined by the City, must be in place.
 - g. When not fully constructed, performance guarantees have been approved by the City, and are in place, as per Sweet Home Municipal Code Chapter 16.24:
 - i. All work covered by a performance guarantee must be completed within one year of approval of the Final Plat.
 - ii. Upon completion of work covered by a performance guarantee, as-built construction documents and verifications must be supplied to the City.
 - h. Approval of a Final Plat shall not constitute or effect an acceptance by the City of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the Plat.
 - i. Prior to recording of the Final Plat, the subdivider must apply for approval of all public officials, as specified in Oregon Revised Statutes 92.
 - i. Signatures on the Final Plat by a majority of the Board of County Commissioners shall constitute approval of the Plat by that Board.

- j. The subdivider shall submit, in a timely manner, the approved Final Plat to the Office of the County Clerk and have it recorded.
 - k. An exact copy of the Final Plat as approved by the City and submitted to Linn County shall be submitted to the City.
 - i. The exact copy shall be on good quality, 5 mil mylar.
 - ii. The copies shall be identified as an exact copy of the Plat by the engineer or surveyor who caused the Plat to be made as follows:
 - (1) "I hereby certify this to be an exact copy of the original plat."
2. Final Partition Plat.
- a. Within one year from date of the approval of the Tentative Plan, the applicant shall prepare a Final Plat in conformance with the approved Tentative Plan, the provisions of this Title and the provisions of Oregon Revised Statutes Chapter 92.
 - b. A draft copy of the Final Plat is required for review by the City Planner and City Engineering Division.
 - i. City staff may make checks in the field to verify that the Plat is sufficiently correct on the ground and they may enter the property for this purpose.
 - ii. If it is determined that there has not been full conformity, the City Engineer and City Planner shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.
 - iii. The City Engineer and City Planner shall review the Plat in accordance with Title 16 and the City's approval.
 - c. The person submitting the Final Plat must concurrently submit a copy of the Plat to the Linn County Surveyor.
 - i. The County Surveyor shall examine the Plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law.
 - d. If it is determined that full conformity has been made, the City Engineer and City Planner shall advise the Public Works Director and the City Manager, or designees.
 - e. The City Manager and the Public Works Director, or their designees, may then sign the Plat without further action.
 - f. All dedications must be built and warranty guarantees in place.

16.20.020 Final Plat Review Criteria. Approval of a Final subdivision Plat or Partition Plat will be granted if the Final Plat has met the following criteria:

- 1. The Final Plat is in substantial conformance with the Tentative Plan.
- 2. Conditions of Approval attached to the Tentative Plan have been satisfied.
- 3. All required improvements have been constructed and approved, or performance guarantees are in place, as required by this Title.

16.20.030 Final Plat Submittal. A partition or subdivision Final Plat must include the following information:

1. The date, scale, north arrow, legend, significant natural features and other features, such as highways and railroad right-of-way.
2. Legal description of the tract boundaries.
3. Name and address of the owners and surveyor.
4. Reference points of existing surveys identified, related to the Plat by distances and bearings and referenced to a field book or map as follows:
 - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
5. Adjoining corners of adjoining subdivisions or existing surveys.
6. City boundary lines when crossing or adjacent to the land division.
7. All permanent monuments within the subdivision.
8. National Geodetic Survey Control points as recorded in the County Surveyor's office.
9. Description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the Plat shall be referred.
10. The location and width of streets and easements intercepting the boundaries of the tract.
11. The 100 year flood plain.
12. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings shall be shown to the nearest second with basis of bearings.
 - a. All distances shall be shown to the nearest one hundredth of a foot.
13. The widths of the following:
 - a. Any portion of streets being dedicated.
 - b. All existing rights-of-way.
 - i. The width of each side of the center line.
 - c. All easements.
14. All covenants or restricted areas are identified and noted as required.
15. For streets on curvature, curve data shall be based on the street center line and, in addition to the center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
16. Streets held for private use shall be clearly indicated on the Final Plat and all reservations, easements, or restrictions relating to such private streets shall be indicated.
17. Public utility and private easements shall be clearly identified.
 - a. If already on record, their recorded reference information must be identified.
 - b. Where possible, the bearing, and sufficient ties to locate the easement with respect to the land division, shall be shown.

- c. If the easement is being dedicated by the Plat, it shall be properly referenced in the owner's Certificates of Dedication.
 - i. The purposes of easements shall also be identified
- 18. Lot numbers shall begin with the number "1" and continue consecutively through the subdivision.
- 19. No block numbers or letters will be used unless the subdivision is a continued phase of a previously recorded subdivision of the same name that has previously used block numbers or letters.
- 20. Identification of land to be dedicated for any purpose, public or private, as a "Tract" to distinguish it from lots or parcels intended for sale.
 - a. The following phrasing shall be used when identifying open space dedications:
 - i. "Common Open Space" shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowners association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.
 - ii. "Public Open Space" shall be used when identifying those parcels of land dedicated to the City for open space purposes.
 - iii. "Open Space Easement" shall be used to identify that portion of a lot, or lots that have established an open space easement agreement with the City.
- 21. Explanations of all common improvements or special standards required as Conditions of Approval of the Tentative Plan of a subdivision or partition shall be recorded and referenced on the subdivision or partition Final Plat.
 - a. These shall be properly referenced in the Owner's Certificates of Dedication.
- 22. The following certificates, which may be combined where appropriate, must be present:
 - a. A certificate signed by the City Manager and Public Works Director, or their designees, certifying City approval.
 - b. For subdivisions only, an additional certificate signed by the Planning Commission Chairperson certifying City approval.
 - c. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the Plat.
 - d. A certificate signed and acknowledged as above, dedicating to the public all land shown on the Final Plat intended for public access, use, or benefit.
 - e. A certificate signed by the surveyor responsible for the survey and Final Plat, which shall include:
 - i. The surveyor's Oregon Registered Professional Land Surveyor seal, and attesting that applicable requirements of City, State and County have been met, and
 - (1) The certificate must be signed by the Linn County Surveyor.

- f. Other certifications as appropriate.
23. All signatures on the original subdivision or partition Plat must be in permanent black ink.
24. Filing of separate legal documents to achieve any of the above requirements may be permitted by the City Planner when it can be shown that placing such information on the Final Plat is not required to achieve the purposes of this code.
- a. A description or reference to any other restrictions attached to the subdivision approval shall also be noted on the City copy.
25. Supplementary Information.
- a. A copy of any deed restrictions.
 - b. A copy of any dedication requiring separate documents.
 - c. Legal documents conveying property to the City.
 - d. Financial assurances for all required improvements as required by Sweet Home Municipal Code Chapter 16.24.
 - e. Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres.
 - f. Current copy of a Title Report.
26. For subdivisions, all monumentation shall comply with the standards established in Oregon Revised Statutes Chapter 92.
- a. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position.
 - b. All monuments shall be clearly identified with the surveyor's name or registration number.
 - c. The intersection of all street centerline's shall be monumented according to State specifications.

16.20.040 Filing of Final Subdivision or Partition Plat.

- 1. The subdivider shall submit the Final Plat for signatures of all public officials required by this Title and Oregon Revised Statutes Chapter 92.
- 2. Approval of the Final Plat shall be null and void if the Plat is not recorded within sixty days after the date of the last required signature has been obtained.
- 3. Approval of the Final Plat shall be null and void if the Plat is not recorded within ninety days after the date of signature by the City Manager.
- 4. The Final Plat must also be submitted to the State of Oregon Water Resources Department if a water right or permit exists on the subject property.

Chapter 16.24

IMPROVEMENTS

Sections:

- 16.24.010 Agreement for Improvements.
- 16.24.020 Developer's Guarantee.
- 16.24.030 Procedures.
- 16.24.040 Specifications.
- 16.24.050 Improvements in Subdivisions.
- 16.24.060 Improvements and Requirements for Partitions.

16.24.010 Agreement for Improvements. Before Planning Commission approval is certified on the Final Plat of a Subdivision, one of the following conditions or a combination there of must be met:

1. The subdivider shall either install required improvements and/or make needed repairs.
 - a. Repair of any existing City owned and operated streets, storm system, or underground utilities damaged in the development of the subdivision shall be a part of any improvement agreement.
 - b. The agreement shall provide for a reasonable amount of time for the repair of streets.
2. The subdivider may enter into an agreement with the City, allowing one year for the required improvements and repairs to be completed.
 - a. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider.
 - b. A performance guarantee as provided for in Sweet Home Municipal Code Chapter 16.24 shall be required.
 - c. The agreement may provide for the construction of the improvements and/or for an extension of time under specific conditions.
 - i. For all extension, cost estimates must be updated, and if necessary, the agreement updated based on the new cost estimates.
3. The subdivider must have all or part of the improvements constructed under a Local Improvement District procedure as set forth in Sweet Home Municipal Code Chapter 3.16.

16.24.020 Developer's Guarantee.

1. When a subdivider chooses to file an agreement and a performance guarantee in lieu of constructing the required improvements prior to Platting to assure full and faithful performance of the required work, one of the following shall apply:
 - a. A surety bond shall be obtained in an amount fixed by the Public Works Director, executed by a surety company authorized to transact business in the State of Oregon in a form approved by the Finance Director and the City Attorney.
 - b. At the discretion of the Public Works Director, in lieu of a surety bond, the Subdivider may provide a certification by a bank or other reputable lending institution that money or a note, in an amount fixed by the Public Works Director, is being held in the Subdivider and City's name, to cover the cost of the improvements and incidental expenses.
 - i. The money held by the bank may to be released only upon authorization of the Public Works Director.
2. No surety will be accepted until construction plans are completed and approved by the City.
3. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
 - a. This sum shall be 115% of the City's estimate of costs or an actual construction contract amount, whichever is greater.
4. If the Subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement.
 - a. If the amount of the performance guarantee exceeds the cost and expense incurred, the remainder shall be released.
 - b. If the amount of the performance guarantee or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the City for the difference.
5. After completion of work covered in the performance guarantee, a warranty guarantee, as determined by the City, must be in place.
6. For sidewalk construction deferrals, a performance guarantee in the amount of 115% of the cost of construction is required.
 - a. After completion of work covered in the performance guarantee, a warranty guarantee, as determined by the City, must be in place.

16.24.030 Procedures. In addition to other requirements, improvements installed by a subdivider, either as a requirement of a Condition of Approval, this Title, or at the developers option, shall conform to the requirements of this Title and all other improvement standards and specifications adopted by the City. All improvements shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been reviewed for adequacy and approved by the City.

2. Improvement work shall not commence until all City and state permits have been issued.
 - a. All work on public infrastructure will require a Public Works Permit.
 - b. All work on what will remain private property will require a permit from the Building Inspection Program.
3. If work is discontinued for any reason for over 180 days or as otherwise allowed by City permits, it shall not be resumed until after the City is notified and any required reinstatement actions are completed.
4. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and/or Building Official, depending on the permit requirements.
5. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

16.24.040 Specifications. The City of Sweet Home specifications for improvements include all of the following:

1. *Sweet Home Policy and Standards Manual.*
2. *Oregon Specifications for Construction standards.*
3. *International Fire Code standards.*
4. *American Water Works Association standards.*
5. *American Public Works Association standards.*
6. ODOT standards.
7. DEQ standards.
8. EPA standards.
9. Army Corp of Engineer standards.

16.24.050 Improvements in Land Divisions. The following improvements shall be installed at the expense of the subdivider:

1. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed and tested prior to the surfacing of the streets.
 - a. Stubs for service connections for underground utilities and sanitary sewers shall be placed to avoid the need to disturb street improvements when service connections are made.
 - b. Franchise utility services and distribution conduits shall be constructed underground providing service to each lot.
2. Water System. Fire hydrants and water lines serving each lot in the land division and connecting the land division to City mains shall be installed.
3. Sanitary Sewer System. Sanitary sewers serving each lot in the land division and connecting the land division to City mains shall be installed.
4. Storm Water and Surface Drainage Facilities. Grading shall be performed and drainage facilities shall be provided connecting the area drainage to drainage ways or storm sewers

outside of the subject property.

5. Streets. Public streets, including alleys, within the subject property, and public streets adjacent but only partially within the subject property, shall be improved.
 - a. Improvements shall be made to the paving line of existing streets which intersect with streets in the land division if adequate travel lanes exist. If the travel area does not meet City standards, the improvement will include adequate travel width to provide two way traffic.
 - b. Catch basins shall be installed and connected to the storm water system.
 - c. Street center lines, crosswalks, bikeways, and other traffic control symbols shall be marked.
 - d. Street lights shall be installed per City standards.
 - e. If parking is on only one side of the street, or if there is a collector or arterial street involved, signage and striping shall be shown on the plans.
6. Sidewalks, Pedestrian and Bicycle Routes. Sidewalks, pedestrian, and bicycle routes shall be constructed to meet City standards.
 - a. Sidewalk construction may be deferred up to one year.
 - i. If so, a performance guarantee is required.
7. Street Name Signs. Traffic control devices and street name signs, designed to City specifications, shall be installed at all street intersections and other locations as required by the City.

Chapter 16.28

EXCEPTIONS AND VARIANCES

Sections:

16.28.010 Exceptions in a Planned Development.

16.28.020 Variances.

16.28.030 Criteria used in Granting a Variance.

16.28.010 Exceptions in a Planned Development. The standards of this Title may be modified by the decision making authority in the case of a Planned Development in compliance with Sweet Home Municipal Code Chapter 17.48. Subdivisions or partitions shall be required to meet the standards of Oregon Revised Statutes Chapter 92 and the provisions for Final Plats and for improvement as specified by this Title.

16.28.020 Variances. When necessary, the Planning Commission may authorize variances to the requirements of this Title. The Variance for this Title will utilize the process for a Variance in Sweet Home Municipal Code Chapter 17.88.

16.28.030 Criteria used in granting a Variance. Before a Variance may be granted, the Planning Commission shall determine that all of the following criteria can be satisfied:

1. Special circumstances apply to the property which do not apply generally to other properties in the same vicinity, including, but not limited to the following:
 - a. Lot size or shape,
 - b. Topography, or
 - c. Other circumstances over which the owners of property have had no control.
2. The Variance is necessary for the preservation of a property right of the applicant substantially the same as owners for other property in the same vicinity possess.
3. The Variance would not be detrimental to the purposes of this Title, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
4. The Variance requested is the minimum Variance which would alleviate the identified special circumstances.

Chapter 16.32

PROPERTY LINE ADJUSTMENTS

Sections:

- 16.32.010 Procedure.
- 16.32.020 Review Criteria.
- 16.32.030 Submittal Requirements.
- 16.32.040 Recording Requirements.

16.32.010 Procedure.

1. Referral. Upon receipt of a completed application for a Property Line Adjustment, the City Planner shall furnish one copy of the application for review by the City Manager and City Engineer.
 - a. The City Manager and City Engineer shall have ten days to review the application materials and provide comments to the City Planner.
2. Property Line Adjustment - Replat. Within an existing subdivision, a Property Line Adjustment will be considered as a Replat. Notice will be as per Sweet Home Municipal Code Chapter 16.16.
3. Approval Authority. The City Planner shall have the authority to take action on a request for a Property Line Adjustment.

16.32.020 Review Criteria. The City Planner will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

1. The property line adjustment does not create a new lot or a land-locked parcel.
2. The adjusted properties are not reduced below the minimum standards of the zoning district and do not otherwise violate standards of this Title or Title 17 or any applicable Building Code.
3. The adjusted properties do not encroach into required yard setbacks, existing buildings or easements.
4. The adjusted properties comply with any previous requirements or conditions imposed on the property in previous land use decisions or permitting processes.
5. A Property Line Adjustment within a subdivision or partition Plat will conform with Oregon Revised Statutes 92.190.
6. Lot line adjustments shall be surveyed and monumented as required by Oregon Revised Statutes Chapter 92.

16.32.030 Submittal Requirements. An application for a Property Line Adjustment shall be signed by all property owners involved in the proposed adjustment, and a map showing the following details shall be submitted:

1. The scale, north arrow and date of the map.
2. The Linn County Tax Map and Tax Lot number identifying each parcel involved in the adjustment.
3. The location, width and purpose of any existing or proposed easements.
4. Existing and proposed driveway accesses to a public right-of-way.
5. The current and proposed property lines for each subject property.
6. The existing and proposed dimensions of each property and the lot area of each property.
7. All existing structures on the properties.
8. Existing and proposed utility services and stub locations, including the following:
 - a. Water,
 - b. Sanitary sewer,
 - c. Storm and surface water drainage,
 - d. Power,
 - e. Gas,
 - f. Telephone,
 - g. Cable, and
 - h. Other utilities.
9. Adjacent public right-of-ways, including the width of each.
10. The legal description for each subject property involved in the adjustment describing their new boundaries.

16.32.040 Recording Requirements. Documents must conform with the survey for the subject properties in accordance with Oregon Revised Statutes Chapter 92 and shall be recorded with Linn County. A Property Line Adjustment deed shall contain the following:

1. The names of the parties,
2. The description of the adjusted line,
3. References to original recorded documents, and
4. Signatures of all parties with proper acknowledgment.

16.32.050 Recording Requirements for a Property Line Adjustment Replat. A Property Line Adjustment Replat will meet all requirements for a replat as per Oregon Revised Statute 92.190.

Section 2. Repeal: Sweet Home Ordinance Numbers 716, 792, 828, 854, 876, 899, 1061 – Sections 1-17, and 1078 – Sections 5-8 are hereby repealed.

Section 3. Expediency Clause. Whereas it is in the interest of the residents of the City to have new land divisions or property line adjustments applications provide all information deemed necessary by the City and to receive notice of such actions as per this ordinance, it is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be immediately enforced upon its passage. Therefore, this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the City Council and approved by the Mayor this 26th day of August, 2008.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder