

**Title 16 LAND DIVISIONS**

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### **Chapter 16.04 GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS**

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#### **16.04.010 Purpose.**

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the city. These regulations, along with requirements of the city's underlying zoning, provide the dimensional requirements for building lots, street locations, street design, rights-of-way, location requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that comply with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
- B. The protection, conservation and proper use of the land;
- C. The timely and efficient extension of public facilities and services without excessive expenditure of

public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;

D. The simplification and greater accuracy of land descriptions;

E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;

F. The protection of the health, safety and general welfare of the public;

G. Increased consumer protection by assuring that only those lots which have met city requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;

H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and

I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

#### **16.04.020 Scope and procedural overview.**

All forms of land division and adjustments to, or elimination of, property boundaries within the city shall be subject to the requirements of this title.

A. Partitions and subdivisions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to state law. Generally, under the city's Type II process, notice and an opportunity to comment on all preliminary subdivision plat or partition applications shall be provided to property owners within three hundred feet of the subject property. The planning manager makes an initial administrative decision on the application which is appealable to the city commission,

with notice to the planning commission, by the applicant or any party who has provided written comments within the fourteen-day comment period. On appeal, the city commission provides notice and holds a public hearing, and its decision is appealable to the land use board of appeals pursuant to state law.

B. Partitions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to state law.

C. Property line adjustments and abandonments are processed as Type I decisions as outlined in Chapter 17.50, pursuant to which the planning manager renders a final decision which is appealable directly to the land use board of appeals pursuant to state law. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.030 Definitions.**

The following definitions shall apply to this title. Where a particular term used in this title is not defined in this section but is defined in Title 17, then the definition in Title 17 shall control:

“Access control” means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

“Accessway” means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term “accessway” includes highway, streets, roads, avenues, alleys or similar designations.

“Alley” means a public or private way not more than twenty feet wide that provides access to a property or properties from a side other than the designed front of the property.

“Applicant” means the party or parties who initiate an application for a quasi-judicial permit under Title 16 or Title 17. Where a quasi-judicial application is approved, all rights granted and obligations imposed by that approval and this title shall apply equally to the applicant, the applicant’s successor (s) in interest and to any agents of the applicant or the applicant’s successor(s).

“Application” means any request for approval of a quasi-judicial land use or limited land use decision under Title 16 or Title 17.

“Approval criteria” means all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Oregon City Municipal Code, the Oregon City comprehensive plan and applicable state law.

“Arterial” means any street so designated in the city’s transportation master plan.

“City” means the city of Oregon City.

“City engineer” means the city’s engineering manager or that person’s designee.

“Code” means the Oregon City Municipal Code.

“Collector” means any street so designated in the city’s transportation master plan.

“Cul-de-sac” (dead-end street) means a short street having one end open to traffic and the other end terminating in a circular vehicle turnaround.

“Decision-maker” means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the planning manager or the city commission as designated by Chapter 17.50.

“Development” means a building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right.

“Direct,” when used in connection with bicycle and pedestrian access, means the shortest practicable connection or access between two points.

“Director” means the community development director or that person’s designee.

“Final action” and “final decision” means the city’s final decision on a permit application for which there is either no appeal to another decision-maker within the city, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with this title. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

“Flag lot” means a lot or parcel that has a narrow frontage on a public right-of way and a narrow accessway which serves the main body of the lot used for building.

“Half street” means a portion of the width of a street, usually along the edge of a subdivision.

“Land division” means any partition or subdivision.

“Local street” means any street so designated in the city’s transportation master plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

“Lot” and “legal lot” mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

“Lot line adjustment” means the relocation of a common property line between two abutting properties which does not create a new lot or parcel.

“Map” means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

“Nearby,” when used in connection with bicycle and pedestrian access, means within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles’ distance which can reasonably be expected to be used by bicyclists.

“Neighborhood activity center” refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian-oriented uses.

“Non-final decision” means any decision by the planning manager which is not a final decision because it is appealable to another decision-maker within the city.

“Parcel” and “legal parcel” mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

“Partition” means the act of partitioning land into three or fewer lots.

“Partition land” means to divide land into two or three parcels of land 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 any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision or condominium plat; or
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City comprehensive plan, applicable state statutes, and does not create additional parcels.

“Partition plat” means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

“Pedestrian or bicycle accessway” means any off-street path or way as described in Chapter 12.24, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers where the street system does not otherwise provide such routes. Accessways and connections shall be designed and constructed in accordance with all applicable provisions of the

Americans with Disabilities Act.

“Permit” means any form of quasi-judicial approval relating to the use of land rendered by the city under Title 16 or Title 17 of this code, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any city decision relating to system development charges under Chapter 3.20.

“Planning division” means the planning division of the city.

“Planning manager” means the planning manager of the planning division or the planning manager’s designee.

“Plat” means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of Title 16 and Title 17.

“Preliminary plan” or “plat” mean a preliminary subdivision plat or partition plat as appropriate.

“Private street” means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

“Property line” means the division or boundary between two legal lots or parcels.

“Record” means the public record compiled for each quasi-judicial action and includes the written minutes of all public meetings, audio tape recordings, if any, of public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by the city’s decision-makers.

“Reserve strip” means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

“Right-of-way” means the area between boundary lines of a street, alley or other public accessway.

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

“Subdivider” means any person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

“Subdivision” means an act of subdividing land. Requirements of this title that apply to subdivisions shall also apply equally to planned unit developments (PUDs), which include subdividing property, that is proposed or approved under Chapter 17.64.

“Subdivision plat” means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Subject property” means the land that is the subject of a permit application.

“Through lot” means a lot having frontage on two streets that are not alleys.

“Transit stop” means any posted bus, light rail or other mass transit stop.

“Transit street” means any street identified as an existing or planned bus or rail transit route as shown in the current city’s transportation master plan (1989 or as subsequently amended). (Ord. 98-1007 §1 (part), 1998)

#### **16.04.040 Fees.**

A. Filing Fees. The city commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this title. Fees shall be structured to reflect the city’s actual cost of providing the required services and must be paid in full at the time of application, along with all other required information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.290 of this code.

B. Technical Plan Check and Inspection Fees. The city commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the city’s costs of reviewing plans and inspecting public improvements.

C. Other Fees. The fees required by this chapter are in addition to any fees charged by any other department of the city and any other governmental entity with regulatory jurisdiction. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.050 Variances.**

The dimensional requirements for lots and public improvements created through the various methods provided for under this title are specified in the municipal code sections corresponding to the underlying zoning and in the regulations pertaining to any other special site constraints, e.g., unstable slopes under Chapter 17.44 and water resources under Chapter 17.49. Any variation from these dimensional requirements must be specifically requested through an application for a variance pursuant to the Type III process provided in Chapter 17.50 and reviewed according to the approval standards for variances in Chapter 17.60. Ideally, applicants will specifically request all necessary variances as part of a consolidated application. However, if the applicant requests a variance after the commencement of the approval process for a land division under this title, the applicant shall have the option of having the variance and land division consolidated and subject to a Type III process or allowing the applications to proceed separately under their respective procedures. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.060 Conditions of land division approval.**

The decision-maker may impose reasonable conditions of approval on any approval granted under this title to ensure that the application meets, or will meet, any application approval standard. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.070 Restrictions on sale of lots until process is complete.**

A. No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this title.

B. No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this title and properly recorded with the county.

C. Parcels subject to the partition process under this title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the city has granted final partition approval under this title and the plat is properly recorded with the county. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.080 Duration of approval and extensions.**

A. Any approval granted under this title shall be valid for twelve months following the date of the city's final decision of approval. If the applicant has not vested its right to develop under an approval granted pursuant to this title within this twelve-month period, the approval shall automatically expire and be void without any further action by the city. To vest its right to develop pursuant to any approval granted under this title, the applicant must obtain any final plat approval required by this title and record the plat with the county.

B. Extensions. Any approval granted pursuant to this title may be extended beyond the twelve-month period provided in subsection A of this section. To extend an approval, the applicant must request an extension by applying to the planning manager prior to the expiration of the twelve-month period, as identified in Section 17.50.210. The planning manager may extend the expiration period for a maximum of two six-month periods, for an aggregate for up to one year, subject to the criteria set forth in Section 17.50.210. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.090 Severability.**

If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the title and the invalidation of any part of this title shall not affect the validity or enforceability of any of the title's remaining portions. (Ord. 98-1007 §1 (part), 1998)

#### **16.04.100 Nuisance-Violations and penalties.**

Any act, omission or use of property in violation of the requirements of this chapter shall constitute a nuisance, a civil infraction and a code violation subject to the code enforcement provisions of Chapters 1.16, 1.20 and 1.24. (Ord. 99-1004 §29, 1999; Ord. 98-1007 §1 (part), 1998)



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### **Chapter 16.08 SUBDIVISIONS-PROCESS AND STANDARDS**

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#### **16.08.010 Purpose and general provisions.**

A. Applicability. This chapter controls the process and approval standards applicable to subdivisions and partitions that involve the creation of an accessway. These applications shall generally follow a Type II process. However, if an applicant opts to process either application as an expedited land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere. If an applicant proposes a subdivision as a planned unit development, the city shall follow the process set forth in Chapter 17.64.

B. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process, applying relatively clear and objective criteria with little discretion, but with little opportunity to deviate from the city's dimensional standards. For example, any deviation from the dimensional standards that apply requires a variance and a more elaborate decision-making process that involves a

mandatory hearing. Also, subdivision applications are not eligible for any density transfer or credit for undevelopable portions of the property, such as for wetlands or unbuildable steep slopes. If an applicant wishes greater flexibility in lotting pattern or layout, or relief from dimensional or public improvement standards, the appropriate procedure would be a planned unit development under Chapter 17.64 or an additional application for a variance(s) under Chapter 17.60.

C. Process Overview. The subdivision review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the city's review of the final plat shall be conducted through a Type I process. If the final plat deviates from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat. (Ord. 98-1007 §1 (part), 1998)

### **16.08.020 Preapplication conference required.**

Before the city will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.050. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property. (Ord. 98-1007 §1 (part), 1998)

### **16.08.030 Preliminary subdivision plat application.**

At any time following a preapplication conference, an applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information.

Once the application is deemed to be complete, the planning manager shall provide notice of the application and an invitation to comment for fourteen days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the fourteen-day comment period, the planning manager will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Section 17.50.130. The planning manager's decision may be appealed to the city commission with notification to the planning commission. (Ord. 98-1007 §1 (part), 1998)

### **16.08.040 Preliminary subdivision plat--Required plans.**

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall

be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. A subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the state of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case.

C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees with a diameter six inches or greater measured four feet from the ground;
4. All water quality resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and Wetlands identified in the Oregon City Local Wetlands Inventory, adopted by reference in the Oregon City Comprehensive Plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

The planning manager may waive any of the foregoing requirements if the planning manager

determines that the requirement is unnecessary in the particular case.

D. Erosion and Sediment Control Permit. The applicant shall submit an application for an erosion and sediment control permit pursuant to Chapter 17.47 concurrently with the preliminary subdivision plat application, including an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation, unless waived by the city engineer. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47. Upon consultation with appropriate experts, the city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 99-1029 §4, 1999; Ord. 99-1013 §4, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.08.050 Preliminary subdivision plat--Narrative statement.**

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. Subdivision Description. A detailed description of the proposed development, including a description of any phasing, proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,
2. Sanitary sewer,
3. Storm sewer and stormwater drainage,
4. Parks and recreation,
5. Traffic and transportation,
6. Schools,
7. Fire and police services;

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60 in a separate application for each such variance. Variance applications shall be processed under the Type III process provided for in Chapter 17.50;

D. Geologic Hazards. For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering,

describing how construction of the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.44. The city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case;

E. Water Resources. For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water quality resource area subject to regulation under Chapter 17.49. This report shall also explain how the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.49. The city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case;

F. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

G. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

H. Overall density of the subdivision and the density by dwelling type for each. (Ord. 99-1013 §5, 1999; Ord. 98-1007 §1 (part), 1998)

#### **16.08.060 Notice and invitation to comment.**

Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50.060, the city shall provide notice of the application in accordance with requirements of Sections 17.50.080 and 17.50.090 applicable to Type II decisions. (Ord. 98-1007 §1 (part), 1998)

#### **16.08.070 Preliminary subdivision plat--Approval standards and decision.**

The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The planning manager shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The planning manager's decision shall be issued in accordance with the requirements of Section 17.50.130. (Ord. 98-1007 §1 (part), 1998)

#### **16.08.080 Appeals.**

Any appeal of the planning manager decision on a preliminary subdivision plat shall be filed according to the requirements of Section 17.50.190 applicable to Type II decisions. Any deviation from these requirements shall be a jurisdictional defect and result in the city's rejection of any improperly filed appeal. (Ord. 98-1007 §1 (part), 1998)

### **16.08.090 Final subdivision plat--Application requirements and approval standards.**

The applicant must apply for final subdivision plat approval within twelve months following approval of a preliminary subdivision plat. The final subdivision plat is processed as a Type I decision by the planning manager so long as the final subdivision plat does not deviate from the approved preliminary subdivision plat as conditioned by the decision-maker.

A. If the planning manager determines that the final subdivision plat submitted by the applicant deviates from the approved preliminary subdivision plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the preliminary subdivision plat. However, if such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat. The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

B. The planning manager shall approve a final subdivision plat that is consistent with the approved preliminary subdivision plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction. (Ord. 98-1007 §1(part), 1998)

### **16.08.100 Filing and recording of final subdivision plat.**

Following approval of the final subdivision plat, the applicant shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the city attorney. (Ord. 98-1007 §1 (part), 1998)

### **16.08.110 Post-approval modifications to approved plat.**

All modifications to a subdivision that has received final plat approval shall be applied for and processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. (Ord. 98-1007 §1 (part), 1998)

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**Chapter 16.12 MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS**

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**16.12.010 Purpose and general provisions.**

All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the city engineer shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

**16.12.020 Street design--Generally.**

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Reserve strips shall be required to preserve the objectives of street extensions. (Ord. 98-1007 §1 (part), 1998)

**16.12.030 Street design--Minimum right-of-way.**

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. Complying with the street design standards contained in Table 16.12.030 below. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 16.12.030  
Street Design Standards

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found that the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community. (Ord. 04-1016, Att. 1 (part), 2004; Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.12.040 Street design--Access control strip.**

A. A street which is dedicated to the boundary of the land division shall have an "access control strip" granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The "access control strip" restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the "access control strip."

C. The control strip shall be one foot wide between any public street adjacent to the proposed land division.

D. Any plat requiring an “access control strip” shall contain the following language on the face of the map at the end of each street needing one -- “Access Control Strip ‘A’ (See plat restrictions).” Said plats shall also contain the following plat restriction note(s): “Access Control Strip(s) ‘A’, ‘B’, and ‘C’ are Access Control Strip restrictions granted to the exclusive control of the city of Oregon City by the recording of this plat. Those strip restrictions shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Control Strips.” (Ord. 02-1014 § 1, 2003: Ord. 98-1007 § 1(part), 1998)

### 16.12.050 Street design--Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard. (Ord. 03-1014, Att. B3 (part), 2003: Ord. 98-1007 §1 (part), 1998)

### 16.12.055 Street design--Minimum street intersection spacing standards.

All new development and redevelopment shall meet the following minimum street intersection spacing standards:

Functional Classification	Major Arterial	Minor Arterial	Collector	Neighborhood Collector	Local Street
Major Arterial	2 miles	1 mile	¼ mile	1,000 feet	500 feet
Minor Arterial	1 mile	½ mile	1,000 feet	800 feet	400 feet
Collector	¼ mile	1,000 feet	800 feet	600 feet	300 feet
Neighborhood Collector	1,000 feet	800 feet	600 feet	500 feet	200 feet
Local Street	500 feet	400 feet	300 feet	200 feet	150 feet

\* ODOT access standards supercede these standards on ODOT facilities.

A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not

pose a safety hazard. (Ord. 03-1014, Att. B3 (part), 2003)

### **16.12.060 Street design--Constrained local streets and/or rights-of-way.**

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, planning manager and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire chief to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and planning manager.

Table 16.12.060

Street Design Standards for  
Local Constrained Streets

<b>Type of Street</b>	<b>Minimum Right-of-Way</b>	<b>Required Pavement Width</b>
Constrained local street	30 to 40 feet	20 to less than 32 feet

(Ord. 98-1007 §1 (part), 1998)

### **16.12.065 Street design--Intersection level of service standards.**

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

- A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than one point zero for the sum of critical movements.
- B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than one point zero.
- C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour. (Ord. 03-1014, Att. B3 (part), 2003)

### **16.12.070 Street design--Intersection angles.**

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. However, in no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point. (Ord. 98-1007 §1 (part), 1998)

### **16.12.080 Street design--Additional right-of-way.**

During consideration of the preliminary plan for a subdivision or partition, the decision-maker shall determine whether existing streets adjacent to or within the land division meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards, and that dedication shall be shown on the final plat. Where streets abutting a proposed development do not meet city design or dimensional standards, the decision-maker shall require the applicant to make improvements and provide right-of-way required to bring those streets up to the city's minimum planned design standards required to serve the applicant's proposed development. (Ord. 98-1007 §1 (part), 1998)

### **16.12.090 Street design--Half street.**

Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision-maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision-maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Reserve strips may be required to preserve the objectives of half streets. (Ord. 98-1007 §1 (part), 1998)

### **16.12.100 Street design--Cul-de-sac.**

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource

areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs shall have a maximum length of three hundred fifty feet and include pedestrian/bicycle accessways as provided in Section 16.12.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a local street where needed to provide adequate lot coverage. (Ord. 98-1007 §1 (part), 1998)

### **16.12.120 Street design--Street names.**

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city. (Ord. 98-1007 §1 (part), 1998)

### **16.12.130 Street design--Grades and curves.**

Grades and center line radii shall conform to the standards in the city's street design standards and specifications. (Ord. 98-1007 §1 (part), 1998)

### **16.12.140 Street design--Access control.**

Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for land division(s) abut and connect for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required. (Ord. 98-1007 §1 (part), 1998)

### **16.12.150 Street design--Pedestrian and bicycle safety.**

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision-maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. (Ord. 98-1007 §1 (part), 1998)

### **16.12.160 Street design--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 decision-maker. The corners of alley intersections shall have a radius of not less than ten feet. Alleys also may be permitted in residential districts. (Ord. 98-1007 §1 (part), 1998)

### **16.12.170 Street design--Transit.**

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.12.180 Street design--Planter strips.**

A. All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the community development director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street may use tree wells located near the curb within a seven-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

B. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.12.190 Blocks--Generally.**

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features. (Ord. 98-1007 §1 (part), 1998)

### **16.12.200 Blocks--Length.**

Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines. The maximum perimeter of the blocks formed by local streets shall not exceed one thousand eight hundred feet between through streets, except where precluded by topography or other physical constraint or by existing development patterns. (Ord. 98-1007 §1 (part), 1998)

### **16.12.210 Blocks--Width.**

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. (Ord. 98-1007 §1 (part), 1998)

### **16.12.220 Blocks--Pedestrian and bicycle access.**

A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

1. Where a new street is not practicable;
2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or
3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

B. Pedestrian/bicycle accessways shall be provided:

1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;
2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;
3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;
4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.

C. An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

1. That other federal, state or local requirements prevent construction of an accessway;
2. That the nature of abutting existing development makes construction of an accessway impracticable;
3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
4. That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;
5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.

D. Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this code, with the ownership, liability and maintenance standards in Section 12.24.060 of this code, and with such other design standards as the city may adopt. (Ord. 98-1007 §1 (part), 1998)



### **16.12.230 Building sites.**

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

A. Where property is zoned and planned for commercial or industrial use, the decision-maker may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Minimum lot sizes contained in Title 17 are not affected by those provided herein. (Ord. 98-1007 §1 (part), 1998)

### **16.12.232 Building sites--Minimum density.**

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04. (Ord. 03-1014, Att. B3 (part), 2003)

### **16.12.235 Building sites--Calculations of lot area.**

A. A subdivision in the R-10, R-8, R-6, R-3.5 or R-2 dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

B. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, storm water tracts, or access ways.

C. A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

D. When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area. (Ord. 04-1016, Att. 1 (part), 2004; Ord. 03-1014, Att. B3 (part), 2003)

### **16.12.238 Building sites--Flag lots.**

A. Flag lots shall not be created through the subdivision process except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width and depth standards of the underlying zone.

- B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
- C. The pole portion of the flag lot shall connect to a public street.
- D. The pole shall be at least twenty feet wide for the entire length.
- E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot. (Ord. 03-1014, Att. B3 (part), 2003)

#### **16.12.240 Building site--Frontage width requirement.**

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet. (Ord. 98-1007 §1 (part), 1998)

#### **16.12.250 Building site--Through lots.**

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography. A reserve strip may be required. A planting screen easement may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots. (Ord. 98-1007 §1 (part), 1998)

#### **16.12.260 Building site--Lot and parcel side lines.**

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. (Ord. 98-1007 §1 (part), 1998)

#### **16.12.270 Building site--Solar access.**

The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon. The decision-maker may require easements or deed restrictions as necessary to assure solar access. (Ord. 98-1007 §1 (part), 1998)

#### **16.12.280 Building site--Grading.**

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public

Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47. (Ord. 99-1029 §5, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.12.290 Building site--Setbacks and building location.**

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is to have lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.

B. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

C. An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the community development director.

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 04-1016, Att. 1 (part), 2004; Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.12.300 Building site--Division of lots.**

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites. (Ord. 98-1007 §1 (part), 1998)

### **16.12.310 Building site--Protection of trees.**

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the community development director determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown

and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1  
Tree Replacement Requirements

<b>Size of tree removed (Inches in diameter at the 4-foot height)</b>	<b>Number of trees to be planted.</b>
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Where the community development director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the community development director finds will reasonably satisfy the objectives of this section. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.12.320 Easements.**

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which

conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. All access easements shall also provide for utility placement.

E. Resource Protection. Easements or other protective measures may also be required as the decision-maker deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance. (Ord. 99-1029 §6, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.12.330 Water quality resource areas.**

Any land division which contains a water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed. (Ord. 99-1013 §6, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.12.340 Minimum improvements--Procedures.**

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to the lot lines.

D. As-built construction plans shall be filed with the city engineer upon completion of the improvements.

E. The decision-maker may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods. (Ord. 99-102 §7, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.12.350 Minimum improvements--Public facilities and services.**

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the city's storm drainage system as a minimum requirement for providing services to the applicant's development. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the city's storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division and to connect those lots or parcels to the city's sanitary sewer system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

D. **Water System.** The applicant shall design and install a water system to serve all lots or parcels within a land division and to connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement

district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

E. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. Street Name Signs and Traffic Control Devices. The applicant shall pay the city and the city installs street name signs at all street intersections. The applicant shall install traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations.

H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

I. Street Trees. Refer to Chapter 12.08, Street Trees.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

L. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

M. Erosion Control Plan-Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control. (Ord. 99-1029 §8, 1999; Ord. 98-1007 §1 (part), 1998)

### **16.12.360 Minimum improvements--Road standards and requirements.**

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 04-1016, Att. 1 (part), 2004; Ord. 98-1007 §1 (part), 1998)

### **16.12.370 Minimum improvements--Timing requirements.**

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance bond, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer. (Ord. 98-1007 §1 (part), 1998)



## [Title 16 LAND DIVISIONS](#)

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### **Chapter 16.16 PARTITIONS-PROCESS AND STANDARDS**

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#### **16.16.010 Purpose and general provisions.**

A. Partitions shall be processed as a Type II decision by the community development director in the same manner as set forth in Section 16.04.020(A) and the applicable provisions in Chapter 16.12 and Chapter 17.50. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.

C. Lot Size Limitations for Partitions. A parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into four or more lots shall be subject to the Subdivision procedures and standards specified in Chapters 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the community development director.

D. A parcel of land in existence at the time this section was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family

house. The original parcel shall be exempt from the lot size limitation for partitions found in subsection C above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.16.020 Preapplication conference required.**

Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.050. (Ord. 98-1007 §1 (part), 1998)

### **16.16.030 Partition application submission requirements.**

A partition application shall include five copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed application on a form as provided by the planning division;
- B. A boundary survey prepared by an Oregon professional land surveyor;
- C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
- D. Copies of proposed deeds for the parcels to be created;
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- F. The name and address of the owner and the land surveyor or engineer, if any;
- G. County tax assessment map number(s) of the land to be partitioned;
- H. The map scale and true north point;
- I. Approximate courses and distances of all parts of the partition;
- J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- K. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- L. All areas designated as being within the flood management overlay district regulated under Chapter 17.42;
- M. All areas identified as unstable slopes and regulated under Chapter 17.44;
- N. All water quality resource areas designated and regulated under the water quality resource area overlay district in Chapter 17.49; and
- O. A partition connectivity analysis prepared by a transportation engineer licensed by the state of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The

partition connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 99-1013 §7, 1999; Ord. 98-1007 §1 (part), 1998)

#### **16.16.040 Frontage width requirement.**

For parcels of land created by a partition in all zoning districts other than the R-10, R-8, R-6, and R-3.5 zone, the parcels shall have a minimum of thirty feet of frontage on an existing public, county, state or federal road or street. A joint accessway shall be provided to all parcels in the partition unless the configuration, topography, or an existing dwelling unit is located on the property to prevent a joint accessway. No private accessway may serve more than five single-family homes. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

#### **16.16.050 Flag lots--R-10, R-8, R-6 and R-3.5.**

A. Flag lots may be permitted in partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.

B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney. No private accessway may serve more than five single-family homes.

C. Accessways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. No private accessway may serve more than five single-family homes. A fire access corridor shall be provided to all parcels with a minimum width of sixteen feet to service two units or twenty feet to service three or more units as based on the zoning, as approved by the city engineer and fire chief. A narrower pavement width may be approved by the building official and fire chief. The approval may include additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.

D. The pole must connect to a public street.

E. The pole must be at least eight feet wide for its entire length.

F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

#### **16.16.060 Pavement requirements.**

Accessways for lots created through the partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length, it shall be paved to a minimum width of twenty feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by

the city engineer and fire chief. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1 (part), 1998)

### **16.16.070 Partition approval standards.**

All parcels created by partition shall conform to the requirements of this title, ORS 92.010 to ORS 92.160, and any other applicable city or state law. The applicant shall submit a written statement addressing conformity with these standards. The planning manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.130. The planning manager decision shall be the city's final decision and shall be appealable to the city commission and then to the land use board of appeals as a limited land use decision pursuant to applicable state law. (Ord. 98-1007 §1 (part), 1998)

### **16.16.080 Final recordable partition plat.**

If the partition application is approved, the applicant shall prepare a final partition plat that meets all applicable requirements and conditions of the planning manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate city official prior to recording with the county. (Ord. 98-1007 §1 (part), 1998)

### **16.16.090 Final partition plat requirements.**

The planning manager shall review the final partition plat for conformance with any conditions, required permits for access to facilities owned by another jurisdiction, and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:

- A. The city planning file number, located just below the title block;
- B. A tie to the city's GPS geodetic control network. This shall include: (1) ties to at least two control monuments showing measured distance and bearing between the two control monuments tied and record distance and bearing, (2) state plane coordinates for control points ties, and (3) scale factor to convert ground measured distances to grid distances. Based on the tie to the city's GPS geodetic control network, a state plan coordinate shall be shown on the initial point. The bearings for the plat shall be based on the city's GPS geodetic control network;
- C. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;
- D. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet;
- E. All dimensions along the lines of each lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field;
- F. Suitable primary control points or monuments approved by the city engineer and descriptions and

ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat map shall be referred;

G. Street center line control based on recorded city control surveys for street center lines, if applicable;

H. The locations of all permanent monuments;

I. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;

J. The date, true north point and scale;

K. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a professional land surveyor registered in the state of Oregon, and to close with an error of not more than one foot in four thousand feet;

L. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;

M. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;

N. The following declaration shall appear on the face of the final plat:

Know all people by these presents that \_\_\_\_\_, owner(s) of the land depicted hereon, does (do) hereby make, establish and declare the attached plat of " \_\_\_\_\_ " as described in the accompanying surveyor's certificate, to be a true and correct map and plat thereof. All lots and tracts are of the dimensions shown hereon and all streets and public rights of way are the dimensions shown hereon. I (we) do hereby dedicate to the use of the public as public ways forever, all streets, reserve strips and easements as shown or stated on said map, ("and hereby grant Tracts " \_\_\_\_\_ " to the City of Oregon City for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed in these easements. The City is required to give adequate notice before such activities are commenced and shall limit activities to those necessary to achieve the purpose of maintaining utilities, and does further state that \_\_\_\_\_.)

O. The description in the surveyor's certification of the land divided shall be a metes and bounds description;

P. The location of reserve strips. Tracts granted to the city as reserve strips shall be automatically dedicated to the public as public ways forever upon dedication of the future street extensions. (Ord. 98-1007 §1 (part), 1998)

## [Title 16 LAND DIVISIONS](#)

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### **Chapter 16.20 PROPERTY LINE ADJUSTMENTS AND ABANDONMENT-PROCESS AND STANDARDS**

#### [16.20.010 Purpose and general provisions.](#)

#### [16.20.020 Adjustment/abandonment submission requirements.](#)

#### [16.20.030 Contents of property line adjustment deed.](#)

#### [16.20.040 Adjustment/abandonment approval standards.](#)

#### **16.20.010 Purpose and general provisions.**

The planning manager under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the planning manager that all applicable requirements of this title and ORS Chapter 92 have been met. (Ord. 98-1007 §1 (part), 1998)

#### **16.20.020 Adjustment/abandonment submission requirements.**

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the planning manager:

- A. A completed application, on a form as provided by the planning division;
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the planning manager;
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;
- D. The proposed property line adjustment deed as provided in Section 16.20.030;
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year. (Ord. 98-1007 §1 (part), 1998)

#### **16.20.030 Contents of property line adjustment deed.**

A. In accordance with ORS 92.190(4), the proposed property line adjustment deed shall contain the names of the grantors and grantees, the legal description of the tract of land to be conveyed to create the adjusted line, references to the original recorded documents, and the signatures of all grantors and grantees, with property acknowledgments.

B. The property line adjustment deed shall identify the city planning file number and shall contain a statement declaring that the purpose of the deed is for a property line adjustment. Reference to the affected properties by map and tax lot shall be in addition to reference by legal description. (Ord. 98-1007 §1 (part), 1998)

#### **16.20.040 Adjustment/abandonment approval standards.**

All parcels created through a lot line adjustment or abandonments shall conform to the applicable requirements of this title, ORS 92.010 to ORS 92.160, and any other applicable city or state law. The planning manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The planning manager decision is final and not appealable to any other decision-maker within the city. The applicant shall record the new property descriptions within six months of the planning manager's approval, after which the decision shall be null and void. (Ord. 98-1007 §1 (part), 1998)