

## TITLE 17, SUBDIVISIONS

PROVIDING FOR SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

### Chapter 17.04

#### GENERAL PROVISIONS

Sections:    17.04.010    Purpose.  
                 17.04.020    Definitions.  
                 17.04.030    Scope of regulations.

##### **17.040.010 Purpose.**

The purpose of this ordinance is to establish standards and procedures for subdivisions, partitions, and property line adjustments within the City of North Bend and the adjacent areas over which the City has jurisdiction by state law. These regulations are necessary in order to provide for the proper width and arrangement of streets, to coordinate proposed development with any overall plan, to provide for public facilities, including utilities and open space for recreation, to avoid undue congestion of population, to assure adequate sanitation and water supply, to provide for the protection, conservation and proper use of land, and in general to protect the health, safety, and general welfare of the public. (Ord. 1175 § 1, 1961)

##### **17.040.020 Definitions.**

As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The words and phrases below shall have the following meanings, unless it is apparent from the context that different meanings are intended:

- (1) "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.
- (2) "Development plan" means any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- (3) "Discrete lot or parcel" means a lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.
- (4) "Easement" means a grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.
- (5) "Lot" means a unit of land that is created by a subdivision of land.
- (6) "Parcel" means a unit of land that is created by a partitioning of land.
- (7) "Partition" means either an act of partitioning land or an area or tract of land

partitioned.

(8) "Partition land" means to divide land into two or three parcels of land within a calendar year but does not include:

- (a) 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;
- (b) 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; or
- (c) 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 applicable comprehensive plan and ORS 215.213 (2) (q) to (s) and 215.283 (2) (p) to (r).

(9) "Partition plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

(10) "Plat" includes a final subdivision plat, re-plat, or partition plat.

(11) "Pedestrian way" means a right of way for pedestrian traffic.

(12) "Person" means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representative thereof.

(13) "Planning Commission" means the planning commission of the city.

(14) "Planning control area" means an area in the state of incomplete development within which special control is to be exercised over land partitioning.

(15) "Re-plat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

(16) "Right of way" means the area between boundary lines of a street or other easement.

(17) "Roadway" means the portion or portions of a street right of way developed for vehicular traffic.

(18) "Sale" or "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

- (19) "Sidewalk" means a pedestrian way with permanent surfacing to city standards.
- (20) "Street" means the entire width between the boundary lines of every public way provided for public use for vehicular and pedestrian traffic, and the placement of utilities, and including "road," "highway", "lane," "place," "avenue," or similar designations.
- (a) "Alley" means a narrow public right of way through a block primarily for utilities and access to the back or side of properties fronting another street.
  - (b) "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
  - (c) "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting properties.
  - (d) "Cul-de-sac" means a dead end street with one end open to traffic and the other end terminated by a circular vehicle turnaround.
  - (e) "Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
  - (f) "Hammerhead" means a dead end street with one end open to traffic and the other end terminated by a rectangular vehicle turnaround.
  - (g) "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
  - (h) "Minor street" means a street intended exclusively for access to abutting properties.
  - (i) "Stub-out" means a portion of a street or cross access driveway to allow for future extension to an abutting property that may be developed in the future.
- (21) "Subdivide land" means to divide land into four or more lots within a calendar year.
- (22) "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.
- (23) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.
- (24) "Subdivision plat" includes a final map and other writing containing all the

descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. (Ord. 1919 § 24(1), 2004; Ord. 1758 § 2, 1990; Ord. 1175 § 2, 1961)

**17.04.30 Scope of regulations.**

All subdivision plats and partition plats and all streets or alleys contained therein, and all streets and alleys created outside of any plat must be approved by the City as provided in this title. The dedication of any right of way, paths, easements, improvements or infrastructure must be indicated on the face of the plat. The acceptance of any such dedication shall be by motion of the City Council and shall be indicated by the signature of the Mayor on the final plat. The provisions of this title shall apply uniformly to all land within the City of North Bend, and it shall also apply to all land with the acknowledged urban growth boundary of the City, except as otherwise provided by state law or by an urban growth area management agreement jointly adopted by the City and Coos County. (Ord. 1758 § 3, 1990; Ord. 1175 § 3, 1961)

**Chapter 17.08**

**PRELIMINARY PLATS**

Sections:	17.08.010	Submission of preliminary plat.
	17.08.020	(Reserved).
	17.08.030	Requirements for surveys and approval of preliminary subdivision and partition plans.
	17.08.040	Partial development.
	17.08.050	Explanatory information with preliminary plat.
	17.08.060	Preliminary plat review and coordination.
	17.08.070	Hearing and action on preliminary plan.

**17.08.010 Submission of preliminary plat.**

(1) The applicant for any subdivision or partition subject to review by the city shall make an application in writing, accompanied by the required application fee, to the city for approval of the proposed subdivision or partition in accordance with the procedures established in this title. Each such application shall be accompanied by a preliminary (tentative) plat showing the proposed design of the subdivision or partition. No final plat shall be accepted by the city until the preliminary plat has been approved by the city. Approval of the preliminary plat shall not constitute final acceptance of the plat by the city. Approval of the preliminary plat shall be binding upon the city for the purposes of the preparation of the final subdivision plat or final partition plat provided the final plat is substantially the same as the approved preliminary plat. The city may require only such changes in the subdivision plat or partition plat as are necessary for compliance with the conditions of its approval of the preliminary plat for the proposed subdivision or partition.

(2) The applicant shall submit 18 copies of the preliminary plat on an 18" x 24" format and one reduced copy of the preliminary plat on either an 11" x 17" or 8 1/2" x 11" format. A preliminary street profile and cross-section and a preliminary utility plan and other supplementary materials as required on the application form. The preliminary plat shall be drawn to a scale approved by city staff (i.e., 1"=50', 1'=100')

and should show all pertinent information so that the proposed development may be properly reviewed.

(3) Subdivision plat names shall be subject to approval of the county surveyor.

(4) No preliminary plat for a proposed subdivision or partition shall be approved unless:

(a) The streets are laid out so as to conform to adjacent streets as to width, general direction and topography unless the city determines it is in the public interest to modify the street pattern.

(b) The preliminary plat complies with the applicable zoning title regulations and provisions adopted by the city. (Ord. 1614 § 1, 1980; Ord. 1175 § 4, 1961)

**17.08.020 (Reserved).**

**17.08.030 Requirements for surveys and approval of preliminary subdivision and partition plans.**

The requirements for surveys for preliminary subdivision and partition plats will be as provided in ORS 92.050 to 92.090, inclusive, as those regulations now exist or may hereafter be amended. (Ord. 1758 § 4, 1990; Ord. 1175 § 6, 1961)

**17.08.040 Partial development.**

If the subdivision or partition contains only part of the tract owned or controlled by the applicant, the City may require a sketch of a tentative layout for streets and lots or parcels in the undivided portion. (Ord. 1758 § 5, 1990; Ord. 1634, 1981; Ord. 1175 § 7, 1961)

**17.08.050 Explanatory information with preliminary plat.**

Any of the following information may be required by the City and, if it cannot be shown practicably on the preliminary plat, it shall be submitted in separate form accompanying the preliminary plat:

(1) A vicinity map showing existing subdivisions, partitions, streets and undivided land ownerships adjacent to the proposed subdivision or partition, and showing how proposed streets may be extended to connect to existing streets.

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

(3) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision or partition showing the finished grade of all streets as approved by the City Engineer.

(4) The location within the subdivision or partition and the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, and elevations of sewers at points of probable connections.

(5) The designation of areas containing trees and other vegetative cover proposed to be retained or removed; and areas which will have dune or blow sand destabilized

in the development of the subdivision or partition, and the means by which the sand is proposed to be stabilized.(Ord. 1758 § 5,1990; Ord. 1634,1981; Ord. 1175 § 8, 1961)

**17.08.060 Preliminary plat review and coordination.**

Within ten days after the applicant has submitted the preliminary plat and supplementary materials, the City will furnish one copy of such plat and material to the City Engineer, Water Board, County Surveyor and to all affected city, county, state and federal agencies and affected special districts as specified by cooperative agreements with said entities. Such officials and agencies shall be asked to review the preliminary plat and to suggest any revisions that appear to be indicated in the public interest. (Ord. 1758 § 6, 1990; Ord. 1614 § 1, 1980; Ord. 1175 § 9, 1961)

**17.08.070 Hearing and action on preliminary plat.**

Within sixty days from the submission of the preliminary plat with all of the information and supplementary material provided by law or by this title, the Planning Commission shall hold a public hearing and take action on the proposed plat under the following procedures:

- (1) Notice of the public hearing shall be published in a newspaper of general circulation in the City not less than ten days or more than thirty days prior to the date of the hearing. There shall be included in the notice of hearing the time and place of the hearing and a description or reference to the property proposed to be platted sufficient for identification.
- (2) The Planning Commission may continue the public hearing to obtain additional information or to provide further notice to interested parties and shall announce a time and date when the hearing will be resumed.
- (3) No approval shall be given to a preliminary plat unless the Planning Commission makes findings that the plat conforms to the requirements of NBCC Title 17 Subdivisions, Title 18 Zoning, Chapter 10.12 of Title 10 and the laws of the State of Oregon. In considering the approval, disapproval or modification of such plat, the Planning Commission may take into consideration the standards authorized in Chapter 92 of Oregon Revised Statutes in addition to the standards and policies of the City of North Bend contained in this and other applicable NBCC provisions. The Planning Commission shall also take into consideration the policy of the city relating to the retention of trees and other vegetation and to preventing damage from the destabilization of dune and blow sand.
- (4) After the hearing has been closed, the Planning Commission shall make findings concerning the preliminary plat, and based on such findings it may give approval to the preliminary plat as submitted or as it may be modified, or it may disapprove the preliminary plat. Approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording, however approval of the preliminary plat by the Planning Commission shall be binding upon the city for the purposes of the preparation of the final subdivision or partition plat. The action of the Planning Commission shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the Commission and the Commission shall return one copy to the applicant and retain the other. (Ord. 1758 § 7,

1990; Ord. 1634, 1981; Ord. 1614 § 1, 1980; Ord. 1175 § 10, 1961)

## Chapter 17.12

### FINAL PLATS

Sections:	17.12.010	Submission of final plat.
	17.12.020	Information on final plat.
	17.12.030	Supplementary information with final plat.
	17.12.040	Technical review.
	17.12.050	Approval of Planning Commission.
	17.12.060	Agreement for improvements.
	17.12.070	Bond.
	17.12.080	Filing of final plat.

#### 17.12.010 Submission of final plat.

(1) The final plat shall be submitted to the city within twelve months after approval of the preliminary plat. The Planning Commission may extend the time for submission of the final plat upon request from the applicant. The applicant must submit the request for an extension prior to the expiration of the approval period. The final plat shall be accompanied by a subdivision or partition report identifying the fee title owner and any vendor of record owning interest in the property.

(2) The final plat for a subdivision or partition shall not be submitted for review until all the requirements of this ordinance and ORS 209.250 have been met. The applicant shall submit the original plat and one true and exact copy of the original on mylar or other suitable material as may be required by the county clerk and county surveyor. The applicant shall also submit 12 copies of the final plat to be used for review. The final plat shall be drawn with permanent archival quality black ink, including certifications and signatures. The original shall be on an 18' x 24" format and the copy shall be on an 18" x 27" format with a 3" binding edge on the left side. The preparation of the final plat shall conform with the requirements of ORS 92.050 through 92.100. The final plat shall be accompanied by a checking fee as established by the city council. (Ord. 1758 § 7, 1990; Ord. 1175 § 11, 1961)

#### 17.12.020 Information on final plat.

In addition to that otherwise specified by ORS 92.050 the following information shall be shown on the final plat:

- (1) The date, scale, north point (generally pointing up), legend and controlling topography such as creeks, highways and railroads.
- (2) Legal description of the tract boundaries.
- (3) Name and address of the owner, subdivider or partitioner and engineer or surveyor.

- (4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - (a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - (b) Adjoining corners of adjoining subdivisions or partitions.
  - (c) Township, section and donation land claim lines within and adjacent to the plat.
  - (d) Whenever the City has established the center line of a street adjacent to or within the proposed subdivision or partition, the location of this line and monuments found or reset.
  - (e) All other monuments found or established in making the survey of the subdivision or partition, or required to be installed by provisions of this title.
- (5) The exact location and width of streets and easements intersecting the boundary of the tract.
- (6) Tract boundary lines, right of way lines and center lines of streets; lot and block lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks may be used.
- (7) The width of the portion of streets being dedicated, the width of any existing right of way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- (8) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision or partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- (9) Lot or parcel numbers beginning with the number "1" and the area in square feet for each lot or parcel.
- (10) Land area to be dedicated for any purpose, public or private, to be distinguished from lots and parcels intended for sale.
- (11) Building setback lines, if other than required by the NBCC, are to be made a part of the subdivision or partition covenants and restrictions.



- (12) The following certificates which may be combined where appropriate:
- (a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the plat.
  - (b) A certificate signed and acknowledged as above, dedicating all areas of land, infrastructure and improvements shown on the final plat map and intended for any public use except those areas of land, infrastructure and improvements which are intended for the exclusive use of the lot owners in the subdivision or partition, their licensees, visitors, tenants and servants. The dedication certificate shall be accompanied by a certificate of acceptance to be acknowledged by the city mayor.
  - (c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and preparation of the final plat map.
  - (d) Required certificates to be acknowledged by the City Planning Commission, City Engineer, County Surveyor, County Assessor and all other certifications now or hereafter required by law. (Ord. 1758 § 7, 1990; Ord. 1175 § 12, 1961)

**17.12.030 Supplementary Information with final plat.**

The following data shall accompany the final plat:

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises.
- (2) Sheets and drawings showing the following:
  - (a) Traverse data including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - (b) The computation of all distances, angles and courses shown on the final map.
  - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions, street corners and state highway stationing.
- (3) A copy of any deed restrictions applicable to the subdivision or partition.
- (4) Written proof that all taxes and assessments on the tract are paid to date.
- (5) A certificate by the City Administrator or designee that the subdivider or partitioner has complied with one of the following alternatives:

- (a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat.
- (b) An agreement has been executed as provided in Sections 15 and 16 to assure completion of all required improvements. (Ord. 1758 § 7, 1990; Ord. 1175 § 13, 1961)

**17.12.040 Technical review.**

Upon receipt by the City, the final map and other data shall be reviewed by the City to determine whether the subdivision or partition as shown is substantially the same as it appeared on the approved preliminary plat, that there has been compliance with provisions of the law and of this title, and that the plat is technically correct. The City Engineer may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If the City Engineer determines that there has not been full conformity, the applicant shall be advised of the changes or additions that must be made and afford the applicant an opportunity to make such changes or additions. When the plat is outside the City, the City Engineer may use the certification of the county surveyor to determine if the map and the survey are technically correct. If it is determined that full conformity has been made, it shall be so certified and the final plat shall be transmitted to the Planning Commission for action. (Ord. 1758 § 7, 1990; Ord. 1175 § 14, 1961)

**17.12.050 Approval of Planning Commission.**

Upon receipt of the final plat, the Planning Commission shall determine whether it conforms with the approved preliminary plat and with these regulations. The Planning Commission shall approve the plat if it determines that the plat conforms to all requirements and that supplementary documents and provisions for required improvements are satisfactory. If the Planning Commission does not approve the plat, it shall advise the subdivider or partitioner of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes. Approval of the final plat shall be indicated by the signature of the chairman of the Planning Commission. Approval of the final plat by the Planning Commission shall not constitute an acceptance by the public of the dedication of any street or other easement of way, infrastructure or improvements shown on the plat. The acceptance of dedications shall be acknowledged by the signature of the city mayor. (Ord. 1758 § 7, 1990; Ord. 1175 § 15, 1961)

**17.12.060 Agreement for improvements.**

Before Planning Commission approval is certified on the final plat, the subdivider or partitioner shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or partition or execute and file with the City Recorder an agreement between developer and the City, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified the City may complete the work and recover the full cost and expense thereof from the subdivider or partitioner. The agreement shall also provide for reimbursement to the City for the cost of city inspection not exceeding 3% of the cost of the improvements installed. The agreement may provide for the construction of the improvements in units, for an extension of time under specified conditions,

and for the termination of the agreement upon the establishment of an assessment district for the construction of improvements. (Ord. 1758 § 7, 1990; Ord. 1175 § 16, 1961)

**17.12.070 Bond.**

- (1) The subdivider or partitioner shall file with the agreement (per 17.12.060 above) to assure their full and faithful performance thereof, one of the following:
  - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  - (b) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - (c) Cash.
- (2) Such assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of city inspections.
- (3) If the subdivider or partitioner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider or partitioner shall be liable to the City for the difference. (Ord. 1758 § 7, 1990; Ord. 1175 § 17, 1961)

**17.12.080 Filing of final plat.**

The subdivider or partitioner shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 45 days after the date the last signature is obtained. Obtaining signatures and recording of the final plat is the responsibility of the applicant. (Ord. 1758 § 7, 1990; Ord. 1175 § 18, 1961)

**Chapter 17.16**

**APPROVAL OF STREETS AND WAYS**

Sections: 17.16.010 Creation of streets.

**17.16.010 Creation of streets.**

- (1) The creation of streets shall be in conformance with requirements for subdivisions or partitions except, however, the Planning Commission shall approve the creation of a street to be established by deed if any of the following conditions exist:
  - (a) The establishment of the street is initiated by the City Council or a county

court and is declared essential for the purpose of general traffic circulation and the division of the land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(c) The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three parcels.

(2) In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision or partition, a copy of the proposed deed shall be submitted to the City Administrator at least five days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the design standards in Chapter 17.24 NBCC, shall be approved with such conditions as are necessary to preserve these standards. (Ord. 1758 § 7, 1990; Ord. 1175 § 19, 1961)

## **Chapter 17.20 (Reserved).**

## **Chapter 17.24**

### **DESIGN STANDARDS**

Sections:	17.24.010	Principles of acceptability.
	17.24.020	Streets, pedestrian access and circulation.
	17.24.030	Blocks.
	17.24.040	Lots and parcels.
	17.12.050	Building lines.
	17.24.060	Large lot subdivision or partition.

#### **17.24.010 Principles of acceptability.**

Subdivisions and partitions shall conform to any development plans of the city and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions and partitions shall conform to the requirements of state law and the standards established by this title. (Ord. 1758 § 7, 1990; Ord. 1175 § 22, 1961)

#### **17.24.020 Streets, pedestrian access and circulation.**

Design standards for all land divisions shall comply with NBCC Chapter 10.12, Transportation Facilities and Improvements. (Ord. 1919 § 24(1), 2004; Ord. 1758 § 7, 1990; Ord. 1175 § 23, 1961)

#### **17.24.030 Blocks.**

(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the

topography.

(2) Size. No block may be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

(3) Easements.

(a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easement shall be at least 12 feet wide and centered on rear or side lot lines.

(b) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(c) Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks. (Ord. 1758 § 7, 1990; Ord. 1175 § 24, 1961)

#### **17.24.040 Lots and parcels.**

(1) Size and Shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition and for the type of use contemplated. Minimum lot or parcel standards shall conform to NBCC Title 18. If the subdivision or partition is in an unzoned area, minimum lot or parcel standards shall conform to NBCC Title 18 for the zone appropriate for the use contemplated in the subdivision or partition. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot or parcel sizes shall conform to the requirements of the Oregon DEQ and shall take into consideration requirements for water supply and sewage disposal.

(b) Where property is zoned or planned for business or industrial use, other standards may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

(2) Access. Each lot or parcel shall abut upon a street other than an alley for a width of at least 25 feet.

(3) Lot or Parcel Side Lines. The side lines of lots or parcels, as far as practicable, shall run at right angles to the street upon which the lots or parcels face. (Ord. 1758 § 7, 1990; Ord. 1175 § 25, 1961)

**17.24.050 Building lines.**

If special building setback lines are to be established in the subdivision or partition, they must be shown on the subdivision or partition plat and be included in the deed restrictions. (Ord. 1758 § 7, 1990; Ord. 1175 § 26, 1961)

**17.24.060 Large lot subdivision or partition.**

In subdividing or partitioning tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the lots or parcels shall be of such configuration, size and shape and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any lot or parcel into lots or parcels of smaller size. (Ord. 1758 § 7, 1990; Ord. 1175 § 27, 1961)

**Chapter 17.28**

**IMPROVEMENTS**

Sections:     17.28.010   Improvement procedures.  
                   17.28.020   Improvement requirements.

**17.28.010 Improvement procedures.**

In addition to other requirements, improvements shall conform to the requirements of this title and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedures.

- (1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the City Engineer. To the extent necessary for evaluation of the subdivision or partition proposal, the plans may be required before approval of the final map. All plans shall be prepared on material that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency in accordance with requirements of the City.
- (2) Work shall not be commenced until the City Engineer has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the City Engineer has been notified.
- (3) Required improvements shall be inspected by and constructed to the satisfaction of the City Engineer. The City Engineer may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- (4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider or partitioner shall be constructed prior to the surfacing of the streets.
- (5) Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will obviate the necessity for disturbing street improvements when service connections are made.
- (6) A map showing public improvements as built shall be filed with the City Engineer upon completion of the improvements. (Ord. 1758 § 7, 1990; Ord. 1175 § 28, 1961)

**17.28.020 Improvement requirements.**

- (1) Streets, street lights and sidewalks within or adjacent to a development shall be improved in accordance with NBCC, Chapter 10.12, Transportation Facilities and Improvements. The cost of the improvements shall be the responsibility of the developer.
  
- (2) Monuments.
  - (a) Permanent iron pipe monuments of a type approved by the City shall be set at each boundary corner of the subdivision or partition, along exterior boundaries at intervals of not over 500 feet, at the beginning and end of property line curves and at other points as may be required.
  
  - (b) Concrete monuments depressed below street grade, with cast-iron ring and cover, of a type approved by the City, shall be set at intersections of street center line tangents or offsets there from, and where such intersect on private property, at the beginning and end of the center line curve and/or offsets there from. The exact location of all such monuments shall be shown on the final map before approval is requested.
  
  - (c) Permanent elevation bench marks of a type approved by the City and referred to the City datum shall be set at each street intersection in the curb return or other location approved by the City.
  
  - (d) Any monument or bench mark required by this ordinance that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider or partitioner.
  
  - (e) Complete field notes in a form satisfactory to the City Engineer showing references, ties, locations, elevations, and other necessary data relating to monuments of this ordinance, shall be submitted to and retained by the City as a permanent record.
  
- (3) Surface Drainage and Storm Sewer System. Drainage facilities shall be installed to provide drainage within the subdivision or partition and to connect the drainage to existing or future drainage ways or storm sewers outside the subdivision or partition. Design of drainage within the subdivision or partition shall take into account the capacity and grade necessary to maintain unrestricted flow from adjacent areas draining through the subdivision or partition and shall allow for extension of the system to serve such areas.
  
- (4) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision or partition and to connect the subdivision or partition to existing mains and provide for the future extension of infrastructure to adjacent areas. In the event it is impractical to connect the subdivision or partition to the city trunk sewer system, the Planning Commission may authorize the use of septic tanks if lot or parcel areas are adequate for this purpose and appropriate documentation and permits have been obtained from

the Oregon Department of Environmental Quality.

(5) Water System. Water lines with valves and fire hydrants to serve the subdivision or partition and to connect the subdivision or partition to existing mains shall be installed. The system shall be designed and installed according to requirements of the Coos Bay-North Bend Water Board.

(6) Street Signs. Street name signs shall be installed at intersections.

(7) Trees. Street trees shall be planted according to the street tree plan of the City. (Ord. 1758 § 7, 1990; Ord. 1175 § 29, 1961)

## Chapter 17.32

### EXCEPTIONS, VARIANCES AND ENFORCEMENT

Sections:	17.32.010	Exceptions in case of large scale development.
	17.32.020	Variance application.
	17.32.030	Planning Commission action on variances.
	17.32.040	Appeals.
	17.32.050	Time limitations.
	17.32.060	Validity.
	17.32.070	Penalties for violation.

#### **17.32.010 Exceptions in case of large scale development.**

The Planning Commission may modify the standards and requirements of this title if the subdivision or partition plat compromises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety and welfare, and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest. (Ord. 1758 § 7, 1990; Ord. 1175 § 30, 1961)

#### **17.32.020 Variance application.**

When necessary, the Planning Commission may authorize variances to the requirements of this title. Application for a variance shall be made by petition of the subdivider or partitioner, stating fully the grounds for the variance. The petition shall be filed with the preliminary map of the subdivision or partition. Before a variance may be granted, the Planning Commission shall first determine:

- (1) That there are special conditions affecting the property that are not common to all property in the area.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
- (3) That the variance complies with the spirit and intent of these regulations and will



not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity. (Ord. 1758 § 7, 1990; Ord. 1175 § 31, 1961)

**17.32.030 Planning Commission action on variances.**

In granting a variance, the Planning Commission shall make a written record of its findings and shall specifically describe the variance and any designated conditions as a matter of public record. (Ord. 1758 § 7, 1990; Ord. 1175 § 32, 1961)

**17.32.040 Appeals.**

(1) Any party determined to have party status may appeal decision of the City Administrator, City Engineer or City Planner made under the provisions of this title to the Planning Commission. Written notice of appeal must be filed with the City within ten days after the date of the decision. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(2) A party determined to have party status may appeal decision of the Planning Commission made under the provisions of this title to the City Council. Written notice of appeal must be filed with the City within ten days after the date of the decision. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(3) The Planning Commission or the City Council shall hold a public hearing on the appeal within 45 days from the time that the appeal is filed. Notice of the time and place of the hearing will be delivered or mailed to the parties appearing or having been given notice of the application. Following the hearing the Planning Commission or the City Council may confirm, overrule or modify the decision which is being appealed.

(4) Any person appealing a decision shall be charged a reasonable fee for such appeal as set by a Resolution of the City Council. Other charges involved in the appeal shall be based on actual cost only. (Ord. 1758 § 7, 1990; Ord. 1614 § 1, 1980; Ord. 1175 § 33, 1961)

**17.32.050 Time limitations.**

Within 120 days from the time that an application, preliminary plat or plan is submitted and deemed complete, the City shall take final action unless such time limit is extended or inapplicable as provided in ORS Chapter 227. (Ord. 1758 § 8, 1990; Ord. 1175 § 34, 1961)

**17.32.060 Validity.**

If any provision of this title shall, for any reason, be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of the title. (Ord. 1758 § 9, 1990; Ord. 1175 § 35, 1961)

**17.32.070 Penalties for violation.**

Violation of, or failure to comply with, any provision of this title is punishable, upon conviction, by a fine not to exceed \$300.00; and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this title. (Ord. 1758 § 9, 1990; Ord. 1386, § 2, 1969; Ord. 1175 § 36, 1961)

**Chapter 17.36**

## PROPERTY LINE ADJUSTMENTS

Sections: 17.36.010 Purpose.  
17.36.020 Property line adjustments.

### **17.36.010 Purpose.**

The purpose of this chapter is to provide standards and procedures for the administration of property line adjustments within the City. (Ord. 1906 § 1, 2003)

### **17.36.020 Property lines adjustments.**

Property line adjustments shall comply with the requirements of Oregon Revised Statutes currently contained in ORS Chapter 92 and NBCC Title 18, Zoning.

- (1) A property line adjustment is the relocation of a common property boundary between abutting properties where an additional unit of land is not created and where the adjusted properties comply with applicable setbacks and lot or parcel size requirements contained in NBCC Title 18, Zoning.
- (2) A common property boundary is defined as the common property line between abutting properties. The common property line may consist of one or more contiguous line segments.
- (3) Multiple adjustments between abutting properties may be allowed in a single application.
- (4) Landowners requesting a property line adjustment must file a property line adjustment application and fee with the City Planning Department. The application shall contain, at minimum, the following information.
  - (a) A site plan map, drawn to scale, showing the existing property boundaries and the existing structures on the affected properties.
  - (b) A site plan map, drawn to scale, showing the adjusted property boundaries and the existing structures on the affected properties.
  - (c) A copy of the current recorded deed for each affected property.
- (5) Except as provided in subsection 6 and 7 of this section, an adjusted property line created by the relocation of a common boundary as described in this section shall be surveyed and monumented in accordance with ORS Chapter 92.060(3) and a survey complying with ORS Chapter 209.250 shall be filed with the Coos County Surveyor.
- (6) Notwithstanding subsection 5 of this section, a survey or monument is not required for a property line adjustment when the affected properties are each greater than 10 acres in size.

- (7) The requirements of subsection 5 of this section shall not apply to the relocation of a common boundary of a lot or parcel when the adjusted line is a distance of even width (parallel) along the common boundary.
- (8) Procedures other than replatting procedures found in ORS 92.180 and 92.185 may be used to adjust property lines in a platted subdivision or partition subject to subsection 5 of this section.
- (9) Pursuant to ORS Chapter 92.190(4) a property line adjustment deed shall be recorded with the Coos County Clerk and shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement.
- (10) Property line adjustments reviewed under these standards do not require interpretation or the exercise of policy or legal judgment and are therefore treated as ministerial decisions pursuant to ORS Chapter 197.015(10)(b).
- (11) At the discretion of the City Planner, property line adjustments may be a ministerial review or an administrative review or be referred to the City Planning Commission. (Ord. No. 1906 § 2, 2003)