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Chapter 154 - Subdivisions

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[Back to Top](#)**GENERAL PROVISIONS****154.01 PURPOSE.**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. These regulations are to provide for the harmonious development of the city and its environs; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city for adequate open spaces for traffic, recreation, light and air and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or property.

(Ord. 858, passed 4-14-75)

[Back to Top](#)**154.02 PRELIMINARY ACTIONS.**

Each subdivider of land shall confer with the city staff before preparing a preliminary subdivision plat or map in order to become thoroughly familiar with the subdivision requirements and with the proposals of the Comprehensive Plan affecting the territory in which the proposed subdivision lies.

(Ord. 858, passed 4-14-75)

[Back to Top](#)**154.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOT. A unit of land that is created by a subdivision of land. A lot line, boundary line adjustment is a minor modification to a boundary line between two individual lots or parcels of land. No new lots or parcels are created in a boundary line adjustment. The revised lots or parcels meet the requirements of the city zoning code. The procedure for a lot line or boundary line adjustment is an administrative one through the city staff.

MAJOR PARTITION. A partition which includes the creation of a road or street.

MAP. A final diagram, drawing or other writing concerning a major partition.

MINOR PARTITION. A partition that does not include the creation of a road or street but is subject to approval by the city.

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

PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this

section.

PARTITION LAND. 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 provision; or

(3) 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 the road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) through (s).

PARTITION PLAT. A final map, other writing containing all descriptions, locations, specifications, revisions, and information concerning a major or minor partition.

PLAT. A final subdivision plat, replat or partition plat.

REPLAT. A final map of reconfiguration of lots and easements of a recorded subdivision or recorded plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a recorded subdivision.

STREET or ALLEY. A public way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

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

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SUBDIVISION PLAT. A final map and other writings containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(Ord. 858, passed 4-14-75; Am. Ord. 1769, passed 9 28-92)

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154.04 JURISDICTION AND PROCEDURE.

(A) It shall be unlawful for any person being the owner, agent or person having control of any land within the city to divide land by a major or minor partition not in accordance with the laws of the state and the regulations contained herein. The proposed partition shall first be submitted to the Planning Commission for approval or disapproval. After report and approval of the Planning Commission is made and filed, all minor partitions shall be permitted, but all major partitions shall be submitted to the City Council for its approval or disapproval. No plat or map shall be recorded and no lots shall be sold from a plat or map until approved by the City Council and recorded with the county.

(B) The design and layout of all subdivisions shall conform with the requirements of 154.15 through 154.21. The subdivider shall submit a preliminary plat or map in accordance with the specifications of 154.35 hereof. The final plat or map shall be submitted in accordance with the provisions of 154.45 and 154.46 hereof.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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DESIGN STANDARDS

154.15 RELATION TO ADJOINING STREET SYSTEM.

(A) The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets.

(B) The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents, and curves appropriated for the traffic to be carried, considering the terrain.

(C) Off-set streets should be avoided.

(D) The angle of intersection between minor streets and major streets should not vary by more than 10 degrees from a right angle unless special intersection design is provided.

(E) Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.

(F) If the subdivision abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street may be required.

(G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall be allowed only when one or more of the following conditions exist:

(1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided.

(2) Buildings or other existing development on adjacent lands physically precludes a connection now or in the future, considering the potential for redevelopment.

(3) Where street connection would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.

(4) Where cul-de-sacs are planned, multi-use paths connection the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

(5) Cul-de-sac streets shall be as short as possible and should not exceed a length of 400 feet. A cul-de-sac shall terminate with a turn-around

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99)

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154.16 STREET AND ALLEY WIDTH.

(A) The width of streets and alleys shall be adequate to fulfill city standards as provided for in the Transportation System Plan (TSP). The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:

- Table 1: Urban Arterial Cross Sections
- Table 2: Urban Collector Cross Sections
- Table 3: Urban Local Street Cross Sections
- Table 4: Rural Arterial/Collector/Local Road Cross Sections

(B) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99) Penalty, see 154.99

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154.17 EASEMENTS.

(A) *Width requirements.* Easements of at least six feet in width shall be provided on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

(B) *Along streams.* Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.

(C) *For irrigation.* Whenever any irrigation system is located and/or proposed to be created in an area which is being subdivided, the subdivider shall provide an adequate easement as approved by the Planning Commission and the Hermiston Irrigation District.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.18 BLOCKS.

(A) In residential zones, block lengths shall not exceed 600 feet in length between intersecting through streets, except where topography or existing development creates conditions requiring longer blocks.

(B) Where block lengths exceed 600 feet, the Planning Commission may required a six to ten-foot wide paved bicycle/pedestrian accessway through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99)) Penalty, see 154.99

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154.19 LOTS.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(C) The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width. Minimum sizes of lots shall conform to the standards established by the zoning code of the city for the zone in which the lots are located.

(D) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.20 CHARACTER OF DEVELOPMENT.

(A) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the proper protection and maintenance of the development in the future; provided, however, that the deed restrictions or covenants shall not contain (reversionary) clauses wherein any lot shall return to the subdivider because of violation thereon of the terms of the restrictions or covenants.

(B) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

(Ord. 858, passed 4-14-75)

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154.21 PARKS, SCHOOL SITES AND THE LIKE.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendation of the City Comprehensive Plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

(Ord. 858, passed 4-14-75)

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154.22 ACCESS MANAGEMENT.

Access spacing policies set forth in the City Transportation System Plan and the Oregon Highway Plan will apply to an proposals for new access or change of existing access.

(Ord. 2004, passed 12-13-99)

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PRELIMINARY PLAT

154.35 PRELIMINARY PLAT REQUIREMENTS.

(A) Whenever any person desires to subdivide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit four copies of the preliminary sketch plat conforming to the requirements of 154.15 through 154.21 to the Planning Commission before submission of the final plat.

(B) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission. Minor partitions containing three lots or less may be exempted from the provisions of this section.

(C) The preliminary plat shall show:

(1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be subdivided and similar information regarding existing conditions on land immediately adjacent thereto;

(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;

(4) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract;

(5) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded

owners of adjoining parcels of unsubdivided land;

(6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be subdivided, but in no case shall the intervals be more than one foot;

(7) North point, scale and date;

(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and

(9) All the above information unless waived by the Planning Commission.

(D) After the preliminary plat has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions, shall be prepared and submitted to the City Planner. The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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FINAL PLAT

154.45 SUBMISSION TO CITY COUNCIL.

The final plat shall be submitted to the City Council in a form as prescribed by the statutes of the state and as acceptable to the city. In addition to the requirements of the law, the subdivider shall provide the city with three prints on transparencies acceptable to the City Planner, and three prints thereof, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat; provided, however, that these transparencies need not be submitted until the final plat has been approved by the City Council.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.46 FINAL PLAT REQUIREMENTS.

The final plat shall show:

(A) The boundary lines of the area being subdivided, with accurate distances and bearings;

(B) The lines of all proposed streets and alleys with their width and names;

(C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;

(D) The line of departure of one street from another;

(E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and

names;

(F) All lot lines together with an identification system for all lots and blocks;

(G) The location of all building lines and easements provided for public use, services or utilities;

(H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;

(I) All necessary curve data;

(J) The location of all survey monuments and bench marks together with their descriptions;

(K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;

(L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

(M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;

(N) Acknowledgement of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

(O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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REQUIRED MINIMUM IMPROVEMENTS

154.60 PERMANENT MARKERS.

All subdivisions, major partitions and minor partitions are required to be surveyed in accordance with ORS 92.050 through 92.080.

(Ord. 858, passed 4-14-75; Am. Ord. 1769, passed 9-28-92) Penalty, see 154.99

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154.61 GENERAL IMPROVEMENTS.

As a condition to the approval of the final plat, the city shall require installation of certain grading, drainage,

curb and gutter, sidewalk and street paving and all service utilities. A developer's agreement shall be drafted guaranteeing installation of said improvements to standard city specifications. In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities.

(Ord. 858, passed 4-14-75; Am. Ord. 1041, passed 3-14-77) Penalty, see 154.99

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154.62 WATER LINES.

Where the city public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be planned for connection to the water supply. In all other areas a private water supply shall be provided in accordance with regulations and recommendations of the State Department of Environmental Quality and under the supervision of and approval by same. Fire hydrants shall also be installed in all subdivisions within the city.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.63 SANITARY SEWERS.

Within the city limits, and in all areas beyond the city limits, but lying within the potential sewerage limits as shown by the Comprehensive Plan, the preliminary plat shall show the sanitary sewer layout for the area being subdivided. This layout shall comply with regulations of the State Department of Environmental Quality and shall be approved by the City Engineer.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.64 DRAINAGE.

(A) All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural water course.

(B) All major and minor partitions of land shall meet the requirements of the *National Flood Insurance Act of 1968* and as amended, as applied to lands within the city.

(Ord. 858, passed 4-14-75) Penalty, see 154.99

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154.65 SIDEWALKS.

(A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family homes and duplexes if there is an existing sidewalk

within 500 feet on the same side of the street.

(B) In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction.

(C) If an interim street standard is being constructed which does not include bike lanes or sidewalks, a paved shoulder at least six feet wide shall be provided as an interim walkway.

(D) The provisions of sidewalks may be waived where the street serves fewer than 50 trips per day (based on ITE standards) and cannot be continued or extended to other properties.

(E) Standards for the design, width, and location of sidewalks are set forth in the Transportation System Plan and are adopted by reference.

(Ord. 2004, passed 12-13-99) Penalty, see 154.99

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154.66 BIKEWAYS.

(A) The city's adopted Bicycle Plan is included in the Transportation System Plan, and adopted as part of the Comprehensive Plan by reference.

(B) In the case of arterial or collector streets, bike lanes shall be built during their construction, and considered during their reconstruction.

(C) Standards for the design, width, and location of bike lanes are set forth in the Transportation System Plan and are adopted by reference.

(Ord. 2004, passed 12-13-99) Penalty, see 154.99

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ADMINISTRATION AND ENFORCEMENT

154.75 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the City Council may vary or modify requirements so that the subdivider may develop the property in a reasonable manner but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved.

(Ord. 858, passed 4-14-75)

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154.76 APPEALS.

An action or ruling of the Planning Commission authorized by this chapter may be appealed to the City Council, within ten days after the Planning Commission has rendered its decision, by filing written notice with the City Planner. If no appeal is taken within the ten day period, the decision of the Planning Commission shall be final.

(Ord. 858, passed 4-14-75)

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154.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter commits a Class A violation. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punished.

(Ord. 858, passed 4-14-75; Am. Ord. 1632, passed 6 22-87)

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