

Cannon Beach Municipal Code

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Title 16 SUBDIVISIONS

Chapter 16.04 SUBDIVISIONS**16.04.010 Short title.**

The ordinance codified in this chapter is known and may be cited as the “Subdivision Ordinance of the city of Cannon Beach.” (Ord. 95-20 § 1 (part))

16.04.020 Purpose.

Subdivision and land partitioning review procedures have been established for the following purposes:

- A. To ensure building sites of sufficient size and appropriate design for the purposes for which they are to be developed and that lots to be created are within the density ranges permitted by the comprehensive plan;
- B. To minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;
- C. To ensure economical, safe and efficient circulation systems for pedestrians and vehicular traffic;
- D. To ensure the appropriate level of facilities and services including provisions for water, drainage, and sewerage. (Ord. 95-20 § 1 (part))

16.04.030 Compliance required.

- A. No person shall subdivide or partition an area or tract of land without complying with the provisions of this chapter.
- B. No person shall sell any lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has approval and is recorded with the recording officer of Clatsop County.
- C. No person shall negotiate to sell any lot in a subdivision or a parcel in a partition until a tentative plan has been approved.
- D. No person subdividing or partitioning a parcel of land, shall lay out, clear property of trees, excavate for, construct, open or dedicate thereon a street, waste disposal system, storm sewer, water supply or other improvements for public or common use unless the subdividing or partitioning has received preliminary and construction plan approval pursuant to the provisions of this chapter. (Ord. 95-20 § 1 (part))

16.04.050 Definitions.

The following words and phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“City” means the city of Cannon Beach, a municipal corporation of the state of Oregon, situated in Clatsop County.

“City council” means the city council of the city of Cannon Beach.

“Cluster housing” means a residential development which has the following characteristics:

1. House sites or structures which are grouped closer together than the standards of the zoning district;
2. The portion of the site not developed for housing is retained as a tract of open space which is precluded from fixture development; and
3. The total number of dwelling units provided does not exceed the site’s net acreage (gross site area minus the area of streets) divided by the minimum lot size of the zoning district.

“Easement” means recorded authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

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

“Lot line adjustment” means the relocation of a common property line between two abutting properties.

“Map” means a diagram, drawing or other writing concerning a subdivision or partition.

“ORS” means Oregon Revised Statutes (state law).

“Owner” means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide or partition the same.

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

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

“Partition land” means to divide land into two or three parcels of land within a calendar year when such an area or tract exists as a unit or contiguous units of land under single ownership at the beginning of the 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 requirements;

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 applicable comprehensive plan requirements and ORS 215.213(2)(p) to (r) and 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

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

“Planning commission” or “commission” means the planning commission of the city of Cannon Beach.

“Plat” means a final subdivision plat, replat or partition plat.

“Property line” means the division line between two units of land.

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

“Sale” or “sell” means every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

“Street” means a 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.

1. “Cul-de-sac” means a street having one end open to traffic and being terminated by a vehicle turn-around.

2. “Dead-end street” means a street with only one outlet.

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

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

5. “Street width” means the shortest distance between the lines delineating the right-of-way of the street.

“Subdivide land” means to divide 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 an individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

“Subdivision” means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

“Subdivision plat” means a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. (Ord. 95-20 § 1 (part))

16.04.060 Procedure—Generally.

A person desiring to subdivide land or to partition land shall submit tentative and final documents to the city for review and approval as provided in this chapter and state law. For purposes of review and approval, partitions and subdivisions will be treated alike and requirements set forth in this chapter for subdivisions will apply equally to partitions. (Ord. 95-20 § 1 (part))

16.04.070 Tentative plan—Conference.

Prior to the filing of a tentative plan, a subdivider or partitioner shall submit to the city plans and other information concerning the proposed or contemplated subdivision or partition. The city planner shall then schedule a conference with the subdivider or partitioner and the city public works director on such plans and other data, and make recommendations to the subdivider or partitioner as shall seem proper regarding such plans or other data, and may recommend consultation by the subdivider or partitioner with other public or private agencies as may be disclosed by the plans. (Ord. 95-20 § 1 (part))

16.04.080 Tentative plan—Application information and procedures.

The subdivider shall submit to the city thirteen copies of a tentative plan and a complete application as described in Sections 17.92.040 through 17.92.050. (Ord. 95-20 § 1 (part))

16.04.090 Tentative plan—Public notice.

Public notice shall be mailed to property owners within two hundred feet of the boundary of the proposed subdivision or partition. The content of the public notice shall be in accordance with Section 17.88.030 through 17.88.050. (Ord. 95-20 § 1 (part))

16.04.100 Tentative plan—Notice of other agencies.

The city shall transmit one copy of the tentative plan to the Cannon Beach Rural Fire Protection District. (Ord. 95-20 § 1 (part))

16.04.110 Water rights.

If the subdivision uses the Cannon Beach municipal water supply as its only water source, a statement of that fact needs to be made. If any other source of water is used in part or in total, the subdivider must contact the state of Oregon Department of Water Resources regarding obtaining a water rights permit. (Ord. 95-20 § 1 (part))

16.04.120 Tentative plan—Public hearing.

The planning commission shall hold a public hearing on the tentative plan, and shall make a decision on the tentative plan in accordance with Sections 17.88.050 through 17.88.130. (Ord. 96-3 § 1: Ord. 95-20 § 1 (part))

16.04.125 Appeal.

A decision of the planning commission may be appealed to the city council in accordance with Sections 17.88.140 through 17.88.180. (Ord. 96-3 § 2)

16.04.130 Applicable standards.

In making its decision, the planning commission shall determine whether the proposed subdivision or partition complies with the applicable standards of this code and the policies of the comprehensive plan, in conformance with the requirements of Section 17.88.110. Where this chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. Pursuant to ORS 197.195(1), the city has determined that the following comprehensive plan policies are applicable standards for a proposed subdivision or partition.

A. General Development Policies.

1. General Development Policy 4. The city shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the city.

2. General Development Policy 5. The density of residential development throughout the city shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the city shall generally be:

Net Density Standards

	Dwellings Per Acre
High (R3), (RM)	15
Duplex or medium (R2), (RMa), (MP), (RAM)	11
Moderate single-family (R1)	8
Low (RL)	4
Very low (RVL)	1

3. General Development Policy 9. To control development in areas with slopes exceeding twenty percent and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.

4. General Development Policy 10. When site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the building official. Site investigation reports shall meet the city's criteria for the content and format for geologic hazard reports.

5. General Development Policy 11. Site investigations by a qualified soils engineer may be required for the construction or development of property identified by the Soil Conservation Service as containing weak foundation soils. Site reports shall include information on bearing capacity of the soil, adequacy and method of drainage facilities, and the length of fill settlement necessary prior to construction.

6. General Development Policy 12. Site investigations by a registered geologist shall be performed, prior to development, in any area with a slope exceeding twenty percent. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official.

7. General Development Policy 14. To ensure that development is designed to preserve significant site features such as trees, streams and wetlands.

8. General Development Policy 15. The city shall regulate the removal of trees in order to preserve the city's aesthetic character, as well as to control problems associated with soil erosion and landslide hazards.

9. General Development Policy 16. To provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.

B. Northside Policies.

1. Northside Policy 1. The Northside area, the area extending from Fifth Street to Ninth Street, shall remain primarily residential in character. Development should take place only in a manner that is compatible with sensitive lands, steep slopes, active foredunes, areas subject to flooding, wetlands and streambanks.

2. Northside Policy 3. Active foredunes shall remain in their undeveloped state in order to provide a buffer from ocean and wind erosion (please refer to hazards section of the plan).

3. Northside Policy 5. A fifteen-foot buffer on either side of Logan Creek is established to protect riparian vegetation. In order to minimize impacts on riparian vegetation, uses and activities permitted within the buffer shall be limited.

4. Northside Policy 8. Subdivision or development of the land area east of Ecola Park Road shall be carefully undertaken. Streets shall be replatted along contour lines in steeper areas, and the density of development shall be inversely proportionate to the steepness of the slopes. The area shall be platted in large lots or acreages. All development in the area shall take advantage of the existing topography and natural vegetation, particularly older trees. Prior to subdivision, issuance of a building permit, or other development, a complete geologic hazards study and topographic map shall be filed with the city.

5. Northside Policy 9. Clustering of development may be considered in order to reduce the effect of geologic hazards, protect trees and wetland areas, and to retain larger areas of open space. Where cluster development is permitted, wetland areas shall not be used in determining the permitted density of the development (no density transfer from wetland to upland areas).

C. Tolovana Park Policies.

1. Tolovana Park Policy 1. The Tolovana Park area of Cannon Beach shall remain primarily residential. Generally, the area west of Hemlock shall continue to develop with single-family dwellings on fifty-foot by one-hundred-foot lots, except where smaller lots already exist.

D. Urban Growth Area Policies.

1. Urban Growth Area Policy 3. All land use actions shall be in conformance with the city comprehensive plan and zoning ordinance. The density of development within the urban growth boundary shall be in the range of one to three acres per dwelling. The specific density shall be based on the capacity of the land in terms of slope or landslide and the availability of water service, sewage disposal and police and fire protection.

2. Urban Growth Area Policy 4. Full city services (water, sewer, police, street maintenance) shall be provided only to those developments which annex to the city. Developments within the urban growth

boundary but outside the city limits shall include plans for individual utility systems which have been approved by the city.

E. Housing Policies.

1. Housing Policy 1. In order to maintain the city's village character and its diverse population, the city will encourage the development of housing which meets the needs of a variety of age and income groups, as well as groups with special needs.

2. Housing Policy 3. To the extent possible, the city shall endeavor to accommodate affordable housing in a manner that disperses it throughout the community rather than concentrating it at specific locations.

3. Housing Policy 5. The city recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern.

4. Housing Policy 6. The city shall preserve and enhance the qualities that contribute to the character and liveability of its residential areas. These qualities include limited traffic disruptions, uncongested streets, and a low level of noise and activity.

5. Housing Policy 11. The city will provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.

6. Housing Policy 12. The city will consider the use of cluster development and planned development techniques as a means of preserving common open space, protecting significant natural features, and providing for a variety of affordable housing types.

7. Housing Policy 13. To the extent feasible, higher density housing developments should be located in proximity to the city's major employment areas and arterial streets.

F. Hazards-Area Specific Policies.

1. Area Specific Policy 1. The Curves Area (Tolovana Hill). Further development within the large active landslide on either side of Hemlock must be carefully planned and closely monitored.

2. Area Specific Policy 2. The North End Area.

a. Topographic map coverage is important for the evaluation of the area's buildability. At the present time, this coverage is not feasible due to the dense vegetation that covers most of the area. Proposed developments, through their site investigations, should provide more detailed topographic mapping.

b. Development could be allowed on certain steep slopes where the thick basalt sill occurs as bedrock near enough to the surface for footings to be anchored in solid, fresh basalt without extensive (preferably no) excavation of soil. This area is designated Ti-basaltic intrusive rocks on the geologic hazard formations map. Efforts shall be made to retain the natural conditions of steep slopes.

c. The remainder of the north end area shall be designated low density.

G. Overall Policies-Geologic Hazards.

1. Geologic Hazard Policy 1. A site specific investigation performed by a qualified expert shall be a prerequisite for the issuance of any building permit in the following areas, and delineated on the master map:

- a. Those areas consisting of landslide topography developed in tertiary sedimentary rocks (TOMS);
- b. Any property containing, or adjacent to all or part of, an active landslide;
- c. Any property having beach frontage;
- d. The area south of Maher Street underlain by the Astoria Formation (Tma units);
- e. Within the two stream drainages south of West Way.

2. Geologic Hazard Policy 2. Development requirements for the city are:

- a. Structures should be planned to preserve natural slopes. Cut and fill methods of leveling lots shall be discouraged.
- b. Access roads and driveways shall follow the slope contours to reduce the need for grading and filling.
- c. Removal of vegetation shall be kept to a minimum for stabilization of slopes.
- d. Drainage patterns shall not be altered in steeper areas. Roof drains shall be channeled into natural drainage or storm sewers.
- e. No development shall be allowed to block stream drainageways, or to increase the water level or water flow onto adjacent property.

H. Flood Hazard Policies.

1. Flood Hazard Policy 2. Where development within the floodplain is allowed, assurance to the city shall be given that the development will not be expected to raise adjacent flood heights and increase public safety hazards.

2. Flood Hazard Policy 3. Development in areas subject to severe ocean erosion or flooding (the velocity zone) shall be constructed in such a way that hazards are minimized.

3. Flood Hazard Policy 4. Filling of wetlands or natural drainages shall be prohibited unless it is adequately demonstrated that it will not affect adjacent property, and the wetlands area is not, in the view of state and federal resource agencies, valuable biologically.

I. Sand Dune Construction Policies.

1. Sand Dune Construction Policy 1. The city shall prohibit residential development and commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. Permitted uses in these areas shall be those which are of very low intensity

(such as raised wooden walkways), uses which do not cause the removal of sand or vegetation, and which could be easily removed in the event of ocean flooding, erosion or other hazard.

J. Recreation, Open Space, Natural, Visual and Historic Resources Policies.

1. Recreation, Open Space, Natural, Visual and Historic Resources Policy 11. Vegetation and tree cover along the ocean front shall be managed in a manner which retains its erosion control capabilities and maintains its contributions to the scenic character of the beach.

2. Recreation, Open Space, Natural, Visual and Historic Resources Policies Concerning Archaeological Sites.

a. The city will review land use activities that may affect known archaeological sites. If it is determined that a land use activity may affect the integrity of an archaeological site, the city will consult with the State Historic Preservation Office on appropriate measures to preserve the site and its contents;

b. Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State Historic Preservation Office. Upon discovery of any new archaeological sites, the city will address the Goal 5 requirements through an amendment to comprehensive plan background report.

K. Street Policies.

1. Street Policy 1. Streets shall be built in conformance with adopted City standards, specifications for which are contained in "Minimum Standards for Streets to be Adopted by the City of Cannon Beach." The city planning commission may grant an exception from these standards, based on unique circumstances such as topography or number of lots to be served.

2. Street Policy 2. The city shall accept privately constructed streets into the city system only after they have been improved to city standards.

3. Street Policy 3. Adequate storm drainage shall be provided in all street improvement projects. The public works director shall specify the appropriate placement and sizing of all drainage facilities. Existing ditches or natural drainages may be acceptable if approved by the public works director.

L. Water System Policies.

1. Water System Policy 4. Large developments or heavy water users shall make equitable contributions to the improvement of the water system, and shall pay all costs associated with the extension of the water lines.

2. Water System Policy 7. Subdivisions (requiring a connection larger than one inch), planned development, motels or other uses having large water demands shall be approved only if sufficient water capacity is available.

3. Water System Policy 8. Water lines in proposed developments shall be adequately sized to meet future needs at the projected usage of density, including fire flow requirements.

4. Water System Policy 9. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the City and Fire Protection District.

M. Sewer System Policies.

1. Sewer System Policy 3. Large developments shall make equitable contributions to the improvement and expansion of the sewage treatment system. Subdivisions or developments other than single-family residences and duplexes shall be approved only if sufficient capacity is available to meet present and future needs.

2. Sewer System Policy 4. Sewer lines in proposed developments shall be adequate to meet future needs of the development and shall be designed so as to minimize excavation of the road surface for future connections.

N. Fire Protection Recommendations.

1. Fire Protection Recommendation 1. In cooperation with the Cannon Beach Rural Fire Protection District, the city shall maintain and develop a strong fire protection system. Subdivisions and other developments should be reviewed by the fire department to determine if the sizing of the water system and placement of fire hydrants is adequate; developments should be allowed only if the water system is capable of providing adequate fire flow.

2. Fire Protection Recommendation 2. The city should adequately assess new development in any area to cover the cost of future water system improvement or for fire protection.

3. Fire Protection Recommendation 3. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the city and the fire protection district. (Ord. 98-6 §§ 1, 2; Ord. 97-20 §§ 1—9; Ord. 96-3 § 3; Ord. 95-20 § 1 (part))

[16.04.140 Tentative plan—Approval binding.](#)

The tentative plan approval shall be binding on the city and the subdivider or partitioner for the purpose of preparing a final plat; provided, that there are no changes of the plan for the subdivision or partition and that it complies with all conditions set forth by the city in its tentative plan approval. (Ord. 95-20 § 1 (part))

[16.04.145 Tentative plan—Time limit.](#)

The tentative plan shall be valid for eighteen months from the date of its approval. The planning commission, upon written request by the subdivider or partitioner, may grant an extension of the tentative plan approval for a period of one year. In granting an extension, the planning commission shall make a written finding that the facts upon which the approval was based have not changed to an extent sufficient

to warrant refiling of the tentative plan. (Ord. 95-20 § 1 (part))

16.04.150 Submittal of final plat.

A. The applicant shall submit to the city a final partition plat prior to the expiration of the tentative plan approval.

B. Any final subdivision plat not submitted prior to the expiration of the tentative plan approval period shall be considered void. (Ord. 95-20 § 1 (part))

16.04.160 Revision of proposed tentative plan.

Any revisions to a proposed tentative plan shall be reviewed by staff. If the revision is significant, a public hearing will be held before the planning commission to consider the amendment. Examples of significant changes are (significant changes are not limited to these examples): the number of lots created or the alignment of the proposed street(s) with existing streets. (Ord. 95-20 § 1 (part))

16.04.170 Tentative plan—Form.

The tentative plan shall be clearly and legibly drawn. The size of a subdivision tentative plan shall not be less than eighteen inches by twenty four inches. The partition plan may be on eight and one-half by eleven inch paper, mylar or other material. The map of a subdivision or partition shall be at a scale of one inch equals fifty feet or one inch equals one hundred or at a scale that is sufficient to show the detail of the plan and related data. (Ord. 95-20 § 1 (part))

16.04.180 Tentative plan—Map contents.

The tentative plan for a subdivision shall contain the following information. The tentative plan for a partition shall contain the following information that is required by the city as is determined at the conference with the partitioner:

A. Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision;

B. North point and date;

C. Location of the subdivision by section, township and range, and legal description sufficient to define the location and boundaries of the proposed tract;

D. A vicinity map, at an appropriate scale showing adjacent property boundaries and abutting land uses;

- E. Names, addresses and telephone numbers of the owner or owners of the property;
- F. Name, business address, telephone number, and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision and the date of the plan preparation;
- G. Streets existing: location, names, pavement widths, alleys and rights-of-way on and abutting the tract. Source of datum shall be indicated on the tentative plan;
- H. Streets, proposed: location, right-of-way, roadway widths, approximate radius of curves, and grades;
- I. Streets, future: the pattern of future streets from the boundary of the parcel to include other tracts within two hundred feet surrounding and adjacent to the proposed land division;
- J. Easements: location, widths and purpose of all existing or proposed easements on and abutting the tract;
- K. Utilities: location of all existing and proposed storm sewers, sanitary sewers and water lines on and abutting the tract;
- L. Contour lines having the following minimum intervals:
 - 1. Two-foot contour intervals for ground slopes twenty percent or less.
 - 2. Five-foot contours intervals for ground slopes over twenty percent.
- M. Wooded areas: location of all trees with a diameter six-inch or greater when measured four feet above the ground;
- N. Flood areas: location of the one hundred year floodplain;
- O. Lots and parcels: approximate dimensions of all lots and parcels, all lot sizes in square foot or acres, and proposed lot and block numbers;
- P. All parcels of land intended to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated;
- Q. Existing uses of the property, including scaled location and present use of all existing structures to remain on the property after platting. (Ord. 95-20 § 1 (part))

[16.04.190 Tentative plans—Other information.](#)

- A. Other information required for the tentative plan includes the following:
 - 1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, so as to reveal the effect of the development on traffic, and fire protection;
 - 2. Proposed covenants and restrictions;
 - 3. Partial development. If the subdivision proposal pertains to only part of the tract owned or

controlled by a subdivider, the city may require a sketch of a tentative layout for streets in the unsubdivided portion;

4. Where required by Chapter 17.50, a geologic site investigation report;
 5. Where the site includes wetlands, a wetland delineation with the boundaries of the wetlands shown on the plan map;
 6. If the oceanfront setback for individual lots is to be established as part of the approval of the subdivision, the location of the proposed oceanfront setbacks and a description of the covenants and restrictions which will be applied to the property in order to implement the setback location;
 7. Other information as requested by the planning commission.
- B. The city may require any of the following to supplement the tentative plan.
1. A conceptual grading plan;
 2. Appropriate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction. (Ord. 95-20 § 1 (part))

[16.04.200 Subdivision, partition, final plat—Procedure for review.](#)

- A. Within eighteen months after approval of the tentative plan, or such extension as may have been granted by the city, the subdivider shall cause the proposed subdivision or partition to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved.
- B. A written request for approval of the final plat shall be accompanied by:
1. Two copies of the final plat conforming to the requirements of this chapter;
 2. Cross-sections and profiles of streets and all other construction drawings related to the improvements to be constructed in the subdivision;
 3. A map showing all utilities in their exact location and elevation;
 4. A copy of any deed restrictions applicable;
 5. A copy of any covenants and restrictions applicable. (Ord. 95-20 § 1 (part))

[16.04.210 Final plat review.](#)

- A. If the city determines that the final plat for either a subdivision or partition conforms to the tentative plan and applicable conditions have been met, the chairman of the planning commission shall sign and date the final plat.
- B. If the city determines that the final plat does not conform to the tentative plan, the plat will be

forwarded to the planning commission for its review. The planning commission shall approve or deny the modifications to the final plan. (Ord. 95-20 § 1 (part))

16.04.220 Improvements to be completed.

Prior to the approval of the final plat, the subdivider shall have completed the required improvements. (Ord. 95-20 § 1 (part))

16.04.230 Subdivision, partition—Final plat.

A. The final plat for a subdivision or partition shall be prepared in accordance with the requirements of this chapter and state law as set forth in ORS Chapter 92. For purposes of review and approval, partitions and subdivisions will be treated alike and requirements set forth in this section for subdivisions will apply equally to partitions. The following information is required on the final plat:

1. The name of the subdivision, the date the plat was prepared, the scale, north point, legend and existing features such as highways;
2. Legal description of the subdivision boundaries;
3. Reference and bearings, to adjoining surveys;
4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown;
5. Exact location and width of streets and easements intersecting the boundary of the subdivision;
6. Subdivision block and lot boundary lines;
7. Numbering of lots and blocks, as follows:
 - a. Lot numbers beginning with the number “1” and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township,
 - b. Block numbers beginning with the number “1” and continuing consecutively without omission or duplication throughout the subdivision. When the subdivision is a continued phase of a previously recorded subdivision bearing the same name, the previously used block numbers or letters may be continued. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers. In an addition to a subdivision of the same name, there shall be a continuation of the numbering in the original subdivision;
8. Acreage of each parcel;
9. Street right-of-way centerlines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision

boundaries, lot boundaries and street bearings shall be shown to the nearest second;

10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written 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 must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the certificate of dedication;

12. Locations and widths of drainage channels, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision;

13. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated;

14. Any conditions specified by the planning commission upon granting preliminary approval;

15. A statement of water rights noted on the subdivision plat;

16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.

a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat,

b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants,

c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal,

d. Provisions for additional certificated and acknowledgments required by law. (Ord. 95-20 § 1 (part))

[16.04.250 Design standards—Principles of acceptability.](#)

A land division, whether by subdivision or partitioning, shall conform to the design standards established by Sections 16.04.260 through 16.04.340. (Ord. 95-20 § 1 (part))

[16.04.260 Construction drawings—Design and data requirements.](#)

Construction drawings shall be prepared for all required improvements. The applicant shall submit

three sets of the construction drawings to the city.

A. Drawings shall be drawn at a scale of one inch equals fifty feet. Drawings shall be oriented so that north will be at the top of the page. However, when the preceding requirement proves to be impractical, then north shall be oriented to the right side of the page.

B. Profiles shall show existing and proposed elevations along centerlines of all streets. When a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets shall be shown.

C. Plans and profiles shall show the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch inlets; the location, size, direction of flow and invert elevations of existing and proposed sanitary sewers, stormwater system and fire hydrants.

D. Street and stormwater systems shall be shown on the same set of drawings.

E. Sanitary sewerage and water systems shall be shown on the same set of drawings.

F. Location, size, elevation, and other appropriate description of any existing facilities or utilities shall be shown on the drawings. In addition, all elevations shall be referred to the U.S.G.S. datum plane.

G. An erosion and sedimentation control plan in conformance with the requirements of the zoning code.

H. All specifications and references required by the city's construction standards and specifications shall be shown on the construction drawings.

I. Title, name, address, and signatures of the engineer and surveyor, and date, including revision dates shall be shown on the drawings. (Ord. 98-6 § 3; Ord. 95-20 § 1 (part))

[16.04.280 Design standards—Streets.](#)

The following design standards are required for streets:

A. **Conformity.** The arrangement, character, extent, width, grade and location of all streets shall conform, insofar as practicable, with existing street layouts and the filing or application for approval of a plat or street improvement in the vicinity. Streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience, geologic or soil conditions, and the proposed use of land served by such streets.

B. **Relation to Adjoining Street System.** The arrangement of streets in new subdivisions, and new streets in existing subdivisions, shall make provision for the continuation of the existing streets in adjoining areas.

C. **Projection of Streets.** Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets.

D. **Streets to be Carried to Property Lines.** When a new subdivision joins unsubdivided lands suitable for subdivision, the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

E. **Cul-de-sacs.** Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than four hundred feet measured from the end of the cul-de-sac to its intersection with the right-of-way of the adjoining street. The distance shall be measured along the centerline of the street terminating in the cul-de-sac. The street shall be provided at the closed end with a turnaround with a street right-of-way radius of at least forty feet when parking is not allowed and forty-eight feet if parking is allowed. The planning commission may approve a hammerhead turnaround of a design acceptable to the fire district. If a dead-end street is of a temporary nature, a similar turnaround should be provided and provision made for future extension of the street into adjoining properties.

F. **Street Widths.** All street rights-of-way shall be at least forty feet in width. Roadway improvements shall not be less than twenty feet in width.

G. **Street Surface.** Street surfaces shall be designed to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.

H. **Street Grade.** The gradient of streets shall not exceed an average of twelve percent with a maximum of fifteen percent on short pitches. Due to topographic conditions, an exception to this standard may be approved where a deed restriction is recorded which requires that affected buildings are provided with approved automatic fire sprinkler systems.

I. **Fire Apparatus Access.** The street layout shall be configured so that future building sites are located so that the maximum distance from the exterior wall of the first story of a building to a fire access road is no more than one hundred fifty feet. An exception to this standard may be provided where a deed restriction is recorded which requires that a building is completely protected with an approved automatic fire sprinkler system.

J. **Intersections.** The intersections of more than two streets at one point shall be avoided wherever possible. Streets shall intersect one another at an angle as near to a right angle as possible. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the public works director.

K. **Subdivision into Tracts Larger than Ordinary Building Lots.** Where a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the openings of future streets and logical further resubdivisions. However, each lot shall contain a feasible building site.

L. **Half Streets.** Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining

property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

M. **Street Names and Numbers.** All new streets shall be approved by the planning commission, and be named in accordance with existing street names and extensions and projections thereof. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with, the existing or platted street. House numbers shall be assigned in accordance with the city's house numbering system.

N. **Gated Streets.** Gated streets are not permitted. (Ord. 95-20 § 1 (part))

[16.04.290 Design standards—Easements.](#)

The following design standards are required for easements:

A. **Utility Lines.** Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated. Easements on interior lot lines shall be ten feet in width, the centerline of which shall be the lot lines. Easements along exterior lot lines shall be ten feet in width, except no easement will be required for those lot lines paralleling a street or other public way. Tie-back easements shall be six feet wide and twenty feet long along lot side lines at change of direction points of the lot lines.

B. **Drainage Ways.** Where a subdivision or partition is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as may be adequate for the purpose but in no event less than twenty feet. (Ord. 95-20 § 1 (part))

[16.04.300 Design standards—Blocks.](#)

The following design standards are required for blocks:

Dimensions. Block, length, width and area within bounding roads shall be such as to accommodate the size of lots required by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic. (Ord. 95-20 § 1

(part))

[16.04.310 Design standards—Lots.](#)

The following design standards are required for lots:

A. **Size and Dimensions.** The size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which

the parcels or lots are to be created. The minimum lot size for parcels and lots created shall be as follows:

Percent of Average Slope	Minimum Lot Size per Dwelling Unit (square feet)
0—14.99	Set by zoning district
15—19.99	10,000
20—29.99	15,000
30—34.99	20,000
35+	40,000

To determine the average slope of a property proposed for subdivision the following formula shall be applied:

$$S = \frac{0.0023 \times I \times L}{A}$$

Where: S = Average % slope of the property

I = The contour interval, in feet (2 feet or 5 feet)

L = Summation of the length of the contours, in feet

A = Area, in acres, of the property being considered

For partitions, as an alternative to the above method, the city may permit the determination of the average slope of a property by the following method:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = \frac{V}{H} = \% \text{ slope}$$

The dimensions of lots shall not be less than required by the zoning ordinance.

B. Location. All lots shall have a twenty-five-foot frontage on a publicly dedicated street.

C. Lines. Side lot lines shall be substantially at right angles to straight street lines or radius to curved street lines.

D. Lot Remnants. All remnants of lots below minimum size left over after subdividing a larger tract shall be added to adjacent lots or dedicated for public use rather than allowed to remain as unusable parcels. (Ord. 95-20 § 1 (part))

[16.04.320 Design standards—Public sites and open spaces.](#)

The following design standards are required for public sites and open spaces:

Within or as part of a subdivision, the planning commission may require provision of open-space sites appropriate to the scale of the subdivision. Sensitive lands such as steep slopes, streams and stream buffers or wetlands may be included as open space areas dedicated or reserved in perpetuity. (Ord. 95-20 § 1 (part))

[16.04.330 Design standards—Trees.](#)

No trees shall be removed in the development of the subdivision or partition except those within the designated public rights-of-way and easements for public utilities. All trees on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific locations of building pads, driveways and other aspects of land disturbance. An exception to this standard can be made by the planning commission as part of the subdivision or partition tentative plan, specifying which trees are to be removed and for what purpose. (Ord. 95-20 § 1 (part))

[16.04.340 Design standards—Utilities.](#)

All utilities shall be placed underground and meet the standards specified by the public works director. (Ord. 95-20 § 1 (part))

[16.04.350 Improvement standards and approval.](#)

In addition to other requirements, all improvements shall conform to the requirements of this chapter and any other improvement standards or specifications adopted by the city, and shall be installed in

accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. All plans shall be prepared in accordance with requirements of the city.
- B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.
- C. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the city.
- D. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- E. A map showing all public improvements as built shall be filed with the city upon completion of the improvements. (Ord. 95-20 § 1 (part))

16.04.360 Improvements.

A. Streets.

- 1. All streets shall be constructed in accordance with applicable standard specifications of the city. Such construction shall be subject to inspection and approval by the city.
- 2. Name Signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Type and location of signs shall be as approved by the city.

B. Water System. Water lines and fire hydrants serving the subdivision or partition and connecting the subdivision or partition to city mains shall be installed in conformance with the city specifications. The design and construction by the developer shall take into account provisions for extension beyond the subdivision or partition and to adequately grid the city system.

C. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision or partition and to connect the subdivision or partition to existing mains.

D. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision or partition and to connect the subdivision or partition drainage to drainage ways or storm sewers outside the subdivision or partition. Where no drainage ways or storm sewers are present outside of the subdivision or partition, the public works director shall specify the method for accommodating the site's stormwater runoff. Design of drainage shall be in accordance with the standards established by the city and shall allow for the extension of the system to serve other areas.

E. Monuments. All monuments shall be set according to the provisions or ORS 92.060. In making the survey for the subdivision or partition, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to Oregon Revised Statutes.

Interior boundary and lot monuments for the subdivision or partition shall be marked by a registered land surveyor in accordance with ORS 92.060, and referenced in the plat. The monuments shall be in place at the time the subdivision or partition is recorded.

F. Other improvements reasonable related to the impacts of the development which may be required at the partial or total expense of the developer. (Ord. 95-20 § 1 (part))

[16.04.370 Lot line adjustment.](#)

A. Application shall be made on a form provided by the city.

B. The city shall review the request for a lot line adjustment to determine compliance with the standards of this chapter and the zoning ordinance. The city shall approve or deny the request in writing based on the criteria of this chapter and the zoning ordinance within thirty days of submittal of the request.

C. A request for a lot line adjustment must meet all of the following criteria:

1. An additional lot is not created by the lot line adjustment and the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the approved zoning for that district;

2. By reducing the lot size, the lot or structures on the lot will not be in violation of the zoning ordinance requirements for that district.

D. The applicant may appeal the decision of the city to the planning commission by filing an appeal within twenty days of the decision. (Ord. 95-20 § 1 (part))

[16.04.380 Variance—Applications required.](#)

Applications are required for variances in the following circumstances:

A. General. Application for a general variance shall be submitted in writing by the subdivider or partitioner when the tentative plan is submitted for consideration. The application shall state fully the grounds for the request and all the facts relied upon by the applicant in making such a request.

B. Cluster Development. Application for such variance shall be made in writing by the subdivider when the tentative plan is submitted for consideration. All facts relied upon by the petitioner shall be fully stated and supplemented with maps, plans or other additional data which may aid the commission in the analysis of the proposed project. The plans for such development shall include such covenants,

restrictions or other legal provisions necessary to guarantee the full achievement of the plan. (Ord. 95-20 § 1 (part))

[16.04.390 Variance—Action of the planning commission.](#)

The planning commission shall consider the application for a variance at the same meeting at which it considers the tentative plan. The variance may be approved or approved subject to conditions provided the planning commission finds that the following standards are met:

- A. That there are special circumstances or conditions affecting such property;
- B. That the exception is necessary for the proper design and/or function of the subdivision; and
- C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. Examples of what may be deemed injurious to other property are (but are not limited to): increased risk of geologic hazard, reduction of privacy, impact upon a significant view and additional traffic generation. (Ord. 9520 § 1 (part))

[16.04.400 Variance—Cluster development.](#)

The planning commission may authorize a variance from these regulations in case of a plan for cluster development which, in the judgment of the planning commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required in this chapter, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the planning commission finds:

- A. The proposed project will constitute a desirable and stable community development and carry out the purposes of the comprehensive plan with regard to the preservation of natural features;
- B. The proposed project will be in harmony with adjacent areas. (Ord. 95-20 § 1 (part))

[16.04.410 Applicable standards for construction on lots and parcels.](#)

For a period of one year from the date of application for a subdivision or partition, construction on lots or parcels created by the subdivision or partition shall be subject to the zoning requirements in effect at the time of the application for the subdivision or partition. Construction on lots or parcels which occurs more than one year from the date of application for the subdivision or partition which created the lot or parcel shall be subject to the zoning requirements in effect at the time of the application for the building permit. (Ord. 95-20 § 1 (part))

16.04.420 Fees.

Fees shall be set by resolution of the city council. (Ord. 95-20 § 1 (part))

16.04.430 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter upon conviction thereof may be fined in an amount not exceeding two hundred fifty dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and is punishable as such under the provisions of this section. Further, the city may, in addition to the aforesaid penalty, apply to the nearest circuit court of the state of Oregon for injunctive relief against the defending party charged with violation. (Ord. 95-20 § 1 (part))