

Title 16  
SUBDIVISIONS

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Chapter 16.04

PURPOSE, SCOPE AND DEFINITIONS

Sections:

- 16.04.010 Purpose
- 16.04.020 Scope of regulations
- 16.04.030 Definitions

16.04.010 Purpose. The purpose of this chapter is to establish standards and procedures for the subdivision and partitioning of land within the city. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land; and standards for the subdivision and partitioning of land; and

- A. To provide for the proper width and location of streets;
- B. To coordinate proposed development with the comprehensive plan for the city;
- C. To provide for utilities and other public facilities;
- D. To avoid undue congestion of population;
- E. To assure adequate sanitation, drainage and water supply;
- F. To provide for the protection, conservation and proper use of land; and
- G. In general, to protect the public health, safety and welfare. Standards and procedures for the subdivision of land are intended to comply with ORS 92.

16.04.020 Scope of regulations. Subdivision and partition plats shall be reviewed and acted upon by the approving authority in accordance with these regulations. A person desiring to subdivide or partition land shall submit tentative plans and final documents for approval as provided for in this chapter. Subdivisions and partitions shall also conform with the provisions of ORS 92 and of the comprehensive plan for the city.

16.04.030 Definitions. As use in this chapter, the following words and phrases shall mean:

"Building line" means a line on a plat or map indicating the limit beyond which buildings or other structures may not be erected.

"City" means the city of Sweet Home, Oregon.

"City engineer" means the city engineer of the city of Sweet Home, or a fully qualified person designated by the city manager to fulfill the responsibilities of a city engineer as specified by this chapter.

"Comprehensive plan" means a plan adopted by the city planning commission and city council as a guide for the development of the city, including modifications or refinements which may be made from time to time.

"Easement" means a grant of the right to use a strip of land for specified purposes.

"Lot means a unity of land that is created by a subdivision of land,

1. "Corner lot" means a lot at least two adjacent side of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees.

2. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

"Map" means a final diagram, drawing or other writing concerning a major partition.

"Parcel" means a unit of land that is created by partitioning of land.

"Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; division of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the z

"Pedestrian way" means a right of way for pedestrian traffic.

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

"Planning Commission" means the planning commission of the city of Sweet Home.

"Plat" means the final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provision and information concerning a subdivision.

"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.

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

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

"Sidewalk" means a pedestrian walkway with permanent surfacing.

"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 and including the terms "road," "highway," "land," "avenue," or similar designations.

1. "Alley" means a street which affords only a secondary means of access to property.

2. "Arterial, local" means a street intended to carry traffic to and from major traffic generators; to carry traffic to and from major residential sections of the community; to carry traffic to and from major outlying rural areas; to supplement the state highway system; to be used primarily for through traffic; and to provide for longer trips at higher speeds than other elements of the local street system.

3. "Collector" means a street intended to carry traffic between minor streets and the arterial system; to function as a primary traffic carriers within a neighborhood; and to provide for intermediate trip lengths with moderate to low traffic volume.

4. "Cul-de-sac" (deadend street) means a short street with one end open to traffic and the other terminated by a vehicle turnaround.

5. "Half-street" means a portion of the width of a street, unusually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

6. "Marginal access street" means a minor street parallel and adjacent to a highway or local arterial which provides access to abutting properties, but which is protected from through traffic.

7. "Minor street" means a street intended to provide access to abutting properties and which provides for short trip length with very low traffic volume.

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

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

(Amended by Sec. 2, 3; Ord. No. 1061; 1993)

## Chapter 16.08

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

16.08.010 Appeal.

16.08.020 Amendment.

16.08.030 Interpretation.

16.08.040 Filing fees.

16.08.050 Plan check and inspection fee.

16.08.060 Segregation of assessments.

16.08.070 Violation--Penalty.

16.08.010 Appeal. A. A person may appeal to the city council from a decision or requirement made by the approving authority. Written notice of the appeal must be filed with the city recorder within ten days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

B. The city council shall hold a hearing on the appeal within thirty days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing the council overrule or modify the decision or requirement made by the planning commission if the decision of the council complies with the spirit and intent of the title. The disposition of the appeal shall be final. (Amended by Sec. , Ord. No. 1061, 1993).

16.08.020 Amendment. The provisions of this chapter may be amended after consideration by the planning commission and the city council. The planning commission shall first transmit its findings and recommendations to the city council. The planning commission shall first transmit its finding and recommendations to the city council. The planning commission may elect to hold a public hearing on the proposed amendment prior to making findings and recommendations. The city council shall hold a public hearing on the proposed amendment and shall consider the recommendations of the planning commission in making its decision.

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

16.08.040 Filing Fees. The City Council shall establish application, review, plan check and inspection fees and fee policies by separate resolution for the performance of the actions and reviews required by this code. (Amended by Sec. 5, Ord. No. 1061, 1993)

(SHMC 16.08.050 deleted by Sec. 6, Ord. No. 1061, 1993).

16.08.060 Segregation of assessments. A. Whenever property shall have been assessed in an entire tract or parcel and subsequently divided into smaller lots or parcels or divided among different owners, any owner, mortgagee or lien holder of parcel(s) desiring to have the total assessment apportioned between said smaller lots or parcels may make an application to the city council for a segregation of the assessment and a determination of the amount due on the portion owned by him or her.

B. Applications for the segregation of liens shall be filed with the finance director and shall

describe tract(s), lot(s), or parcel(s) to be segregated and the parcel(s). Applications shall include county records recording information of the document evidencing applicant's interest. The application shall also be accompanied by a fee as established by resolution of the council, which fee or fees may be revised by resolution of the council at any time.

C. Upon receipt of the application, the finance director shall cause a segregation of the total assessment to be calculated according to the method of apportionment used in the original improvement assessment, unless inappropriate because of special circumstances, and then the assessment shall be prorated according to the value of each parcel or lot or a combination of said methods. The value of each lot may be determined by the assessed value, either proposed or determined by the county assessor, or by appraisals of the said parcels. The applicant may be required to pay for appraisal costs.

D. No requested segregation shall be granted unless the segregation complies with ORS 92.010 to 92.160, applicable city ordinance provisions, and all applicable acknowledged comprehensive plans.

E. If the city council determines that the requested segregation complies under subsection D for this section, it shall order the segregation by resolution describing each parcel, the owner of each parcel, and the amount of the assessment levied against each parcel. The resolution will become effective upon receipt from the applicant of an executed agreement acknowledging the validity of the assessment(s) as segregated and waiving any and all errors or irregularities in the proceedings and upon receipt of all past due payments on the total assessment of the entire tract or parcel involved. There after, a copy of the resolution shall be filed with the finance director who shall cause any necessary changes or entries to be made in the city lien docket.

16.08.070 Violation--Penalty. In addition to remedies provided by state law, violation of this title constitutes an infraction and may be prosecuted under the provisions of Chapter 9.36.

## Chapter 16.12

### DESIGN STANDARDS

#### Sections:

- 16.12.010 Principles of acceptability.
- 16.12.020 Streets.
- 16.12.030 Blocks.
- 16.12.040 Lots.
- 16.12.050 Lot grading.
- 16.12.060 Building lines.
- 16.12.070 Large lot subdivision.
- 16.12.080 Land for public purposes.

16.12.010 Principles of acceptability. Subdivisions and partitions shall conform with the comprehensive plan, and zoning title, applicable provisions of other city ordinances, state law and the standards established by this chapter. Locations and standards related to transportation and community facilities shall be based on the provisions of the comprehensive plan.

16.12.020 Streets. A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of vacant inaccessible land. Where location is not shown on the comprehensive plan the location of streets shall either :

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or conform to a plan for the neighborhood adopted by the planning commission to meet a particular situation where physical conditions make continuance or conformance to existing streets impracticable.

2. Minimum street widths. Street right-of-way and roadway (curb-to-curb) widths shall be adequate to fulfill city specifications as provided for in Section 16.24.040 and, unless otherwise indicated on the comprehensive plan or a neighborhood plan adopted by the planning commission, shall not be less than the minimum widths shown in the following table:

<u>Type of Street Improvement Type</u>	<u>Minimum ROW</u>
Highways- Four 12 foot moving two-way lanes two-way -One 16 foot median strip -Two 4 foot bike lanes -Two 5 foot sidewalks -Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb -Two curbs and gutters	100 feet -
Local Arterial 80-100 foot moving lanes -Two 4 foot bike lanes -Two 5 foot sidewalks -Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb	-Two to four 12

-Two curbs and gutters

Collector	60 feet	-
Two 12 foot moving lanes		
-Two 4 foot bike lanes		
-Two 8 foot parking lanes		
-Two 5 foot sidewalks		
-Two curbs and gutters		

Minor Street	50 feet	-Two 10
foot moving lanes		
-One 8 foot parking lane		
-Two 5 foot sidewalks		
-Two curb and gutters		

Short and cannot	40 feet	-Two 10
foot moving		
be extended over		
1,800 feet		
foot parking lane		
-Two 5 foot sidewalks		
-Two curb and gutters		

3. Reserve strips. Reserve strips or street plugs controlling access to streets shall be required when necessary to insure street extensions and the widening of half streets. The reserve strip shall normally be one foot in width and under the ownership of the city.

4. Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "t" intersections shall, wherever practical, leave a minimum distance of two hundred feet between the center lines of streets having approximately the same direction, and in no case shall be less than one hundred feet.

5. Future extensions of streets. Where necessary to give access or to permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead end streets may be approved without a turnaround.

6. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case, less than sixty degrees unless there is a special intersection design. The intersection of arterial or collector streets with other arterial or collector streets shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a

minimum corner radius of twenty feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twenty feet.

7. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

8. Half-streets. half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half-streets.

9. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of six hundred feet, and shall serve no more than eighteen dwelling units. A cul-de-sac shall terminate with a turnaround radius of forty five feet or greater.

10. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to the established pattern in the city and surrounding area and shall be subject to the approval of the planning commission.

11. Grades and curves. Grades shall not exceed six percent on arterials, ten percent on collector streets or twelve percent on other streets. Center line radii of curves shall not be less than three hundred feet on arterials, two hundred feet on collectors and continuing residential streets, or one hundred feet on other streets and alleys. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept steeper grades and sharper curves.

12. Access streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the planning commission may require access streets, reverse frontage lots with suitable depth, screen planting contained in a non access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

13. Streets adjacent to railroad right-of-way. Wherever the proposed subdivision or partition contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad.

14. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the planning commission. The corners of alley intersections shall have a radius of not less than twelve feet.

15. Private streets. Private streets shall be prohibited unless the following conditions exist:

- a. The proposed partitioning could not be further divided at a later date;
- b. The parcel(s) created by the partition could not be served by a proposed or potential public street system;
- c. No private street shall be longer than three hundred feet and shall serve no more than three parcels.



16. Access to subdivision. All major means of access to a subdivision or partition should be from existing streets fully improved to City standards where available, and which, in judgment of the City engineer, have the capacity to carry all anticipated traffic from the development. (Amended by Sec. 8, Ord. No. 1061, 1993).

16.12.025 Underground Utilities. All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision or partition shall be permitted, except that in the case of a partition in an area where underground utility service is not presently provided, permanent service may be supplied by means of overhead wires or cables. (Amended by Sec. 9, Ord. No. 1061, 1993).

16.12.030 Blocks. A. 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.

B. Size. No block shall be more than twelve hundred feet in length between corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. A block shall have a sufficient width to provide for two tiers or building sites unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities, shall be dedicated wherever necessary. The easements shall be at least twelve feet wide and centered on rear or side lot lines, except for utility pole tie-back easements which may be reduced to six feet in width.

2. Watercourses. If a subdivision or partition is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a stormwater easement or dedicated drainage right-of-way. The drainage easement or dedication shall conform substantially with the lines of the watercourse, with such additional width as is necessary to assure ease of channel maintenance, to provide for any possible flooding, to assure that the channel will not be encroached upon by fences and other improvements and, where feasible, to encourage multiple use of the drainage channel and related area for purposes such as utility strips, transportation corridors for bicycle or pedestrian use, or as natural greenways. Specifications for widths and improvements for watercourses shall be provided by the city engineer as outlined in Section 16.24.040

3. Pedestrian or bicycle ways. Where desirable for public convenience, a pedestrian or bicycle way not less than twenty feet in width may be required to connect to a cul-de-sac, or pass through unusually long or oddly shaped blocks, or to improve traffic circulation to schools, parks, shopping areas or other community facilities.

16.12.040 Lots. A. Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain a part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the residential lot size and width standards of the zoning title. Lot depth shall not exceed two and one-half times the average width. Following are exceptions to the above:

1. In areas that will not be served by a public sewer, minimum lot sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of topography and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank. Where public sewers are not available, larger lots and building site locations shall be required so that the area is capable of being re-subdivided when sewers are provided;

2. Where property is zoned and planned for business or industrial use, other widths and areas 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 service and parking facilities required by the type of use and development contemplated.

B. Access. Each lot, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least twenty-five feet.

C. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

D. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

E. Flag lots shall be prohibited unless there is no other way of providing access to property. The thin strip of land which provides access to the major portion of the lot from the street shall not be used in determining lot size, lot width or yard requirements.

16.12.050 Lot Grading. Lot grading shall conform to Chapter 70 of the city building code.

16.12.060 Building Lines. If special building setback lines are to be established in the land division, they shall be shown on the subdivision or partition plat, or, if temporary in nature, they shall be included in the deed restrictions. (Amended by Sec. 10, Ord. No. 1061, 1993).

16.12.070 Large Lot Land Division. In subdividing or partitioning tracts into large lots or parcels which at some future time are likely to be re-divided, the approving authority may require that the blocks be of such size and shape, be so divided into lots or parcels, and contain such building site restrictions as will provide for and opening of streets at intervals which will permit a subsequent division of any lot or parcel into lots or parcels of smaller size. (Amended by Sec. 11, Ord. No. 1061, 1993)

16.12.080 Land for public purposes. If the city has an interest in acquiring any portion of the proposed subdivision or partition for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, then the planning committee may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed two years, at a cost not to

exceed the value of the land prior to subdivision.

## Chapter 16.16

### TENTATIVE PLAN

#### Sections:

- 16.16.010 Background information.
- 16.16.020 Pre-application review.
- 16.16.025 Procedure
- 16.16.030 Tentative plan review criteria.
- 16.16.040 Tentative plan conditions of approval
- 16.16.050 Tentative plan submittal
- 16.16.060 Development phasing
- 16.16.080 Duration of plan approval
- 16.16.090 Extension to tentative plan approval

16.16.010 Background Information. The city shall make available to a land divider (or his agent) such background information as may be on city file relating to the general area of a proposed plat and to the relationship of the comprehensive plan, the zoning title and other city plans, policies or regulations to this area. The land divider shall also be advised of the design and improvement standards and other requirements established by the city in connection with the review and approval of plats.

16.16.020 Pre-application Review. The land divider shall submit a sketch to the city planner of a tentative scheme for the layout of property to be subdivided. The city planner shall forward a copy of the proposal to the city engineer for review and may schedule a pre-application conference. Following preliminary review, the land divider may proceed to prepare a tentative plat for submission to the approving authority.

#### 16.16.030 Procedure. A. TENTATIVE SUBDIVISION PLANS.

1. Referral. Upon receipt of a completed application for tentative subdivision approval, the City Planner shall furnish one copy of the tentative plan to each of the following agencies: Pacific Power and Light, PTI, Northwest Natural Gas, TCI Cable, School District, U.S. Postal Service, county surveyor, and the State Highway Department (if the proposed division is within two hundred feet from a state highway). The City Planner shall also forward one copy of the tentative plat to the City Engineer, Fire Chief, and Police Chief for review and comment. These agencies shall be given at least 14 working days to review the tentative plan, suggest revisions and return the

recommendations to the city. All other interested parties requesting notice shall be given an opportunity to review and comment on the plan in a similar manner. No response from an agency shall be considered to be approval by the agency of the tentative plan as approved by the Planning Commission.

2. Approval Authority. The planning commission shall have the authority to take action on a tentative subdivision plat after holding a public hearing in accordance with the procedures set forth in Section 17.12.130 of this code.

3. Notice and Procedures. Notification of the hearing shall be by posting the property to be divided with at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and owners of property within 100 feet of the entire contiguous site for which the application is made; and publication of notice in a newspaper of general circulation in the city. All notices of hearing shall be posted, mailed and published at least fourteen days prior to the date of the scheduled hearing. The notice and procedures used by the city shall:

- a. Provide a 14 day period for submission of written comments prior to the decision;
- b. State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period;
- c. List, by commonly used citation, the applicable criteria for the decision;
- d. Set forth the street address or other easily understood geographical reference to the subject property;
- e. State the place, date and time that comments are due; state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost;
- f. Include the name and phone number of a local government contact person;
- g. Provide notice of the decision to the applicant and any person who submits testimony verbally or in writing, including an explanation of appeal rights; and
- h. Briefly summarize the local decision making process.

4. Decision. Within thirty days following the public hearing, the planning commission shall take action on the tentative plan as submitted, or as it may be modified. If the planning commission does not approve the plan, it shall express its disapproval and its reasons therefor.

Approval of the tentative plan shall indicate approval of the final plat if there is no substantial change in the plan of the subdivision as approved by the planning commission and if the land divider complies with the requirements of this chapter and of the provisions of ORS 92.010.160.

The action of the planning commission shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, one copy shall be retained by the City Engineer, and the other shall be retained by the planning commission.

## B. TENTATIVE PARTITION PLANS

1. Referral. Upon receipt of a completed application for tentative partition approval, the City Planner shall furnish one copy of the tentative plan to each of the following agencies: Pacific Power and Light, PTI, Northwest Natural Gas, TCI Cable, county surveyor, and the State Highway Department (if the proposed partition is within two hundred feet from a state highway). The City Planner shall also forward one copy of the tentative plan to the City Engineer, Fire Chief, and Police Chief. The Planning Commission will be notified of the tentative plan submittal at their next

regularly scheduled meeting. These agencies shall be given at least 14 working days to review the tentative plan, suggest revisions and return the recommendations to the city. All other parties requesting notice shall be given an opportunity to review and comment on the plan in a similar manner.) No response from an agency shall be considered to be approval by the agency of the tentative plan as approved by the City Manager.

2. **Approval Authority.** The City Manager shall have the authority to take action on tentative partition plans after notice has been given in accordance with this section. At the City Manager's discretion a tentative partition plan may be referred to the Planning Commission for review.

3. **Notice and Procedures.** Notification of the hearing shall be by posting the property to be divided with at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and owners of property within 100 feet of the entire contiguous site for which the application is made; and publication of notice in a newspaper of general circulation in the city. All notices of hearing shall be posted, mailed and published at least fourteen days prior to the date of the scheduled hearing. The notice and procedures used by the city shall:

- a. Provide a 14 day period for submission of written comments prior to the decision;
- b. State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period;
- c. List, by commonly used citation, the applicable criteria for the decision;
- d. Set forth the street address or other easily understood geographical reference to the subject property;
- e. State the place, date and time that comments are due; state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost;
- f. Include the name and phone number of a local government contact person;
- g. Provide notice of the decision to the applicant and any person who submits testimony verbally or in writing, including an explanation of appeal rights; and
- h. Briefly summarize the local decision making process.

4. **Decision.** The City Manager shall take action on the tentative plan as submitted, or as it may be modified. If the City Manager does not approve the plan, he/she shall express its disapproval and its reasons therefor.

The action of the City Manager shall be noted on three copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the applicant, one shall be retained by the City Engineer, and the other shall be retained by the planning commission.

**16.16.040 Tentative Subdivision or Partition Plan Review Criteria.** Approval of a tentative subdivision or partition plan will be granted if the approving authority finds that the proposal substantially conforms to the applicable provisions of this title, the zoning ordinance and the Comprehensive Plan, and that the applicant has met all of the following criteria which apply to the development:

- A. The information required by this Chapter has been provided;
- B. The design and development standards of the City of Sweet Home, and this Chapter have

been met where applicable;

C. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code;

D. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

E. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances;

F. The location and design allows development to be conveniently served by various public utilities;

G. Any special features of the site (such as topography, floodplain, wetlands, vegetation, historic sites and/or lands within the Development Limitations Combining zone: have been adequately considered, utilized, and/or protected.

H. If the preliminary plan provides for development in more than one phase, the approving authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

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

16.16.060 Tentative Subdivision or Partition Plan Submittal. All applications for a tentative partition or subdivision approval must include a complete application form and 15 copies of a plan showing the following details. The tentative plan need not be a finished drawing but it shall show all pertinent information to scale.

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

B. If the detailed map does not show the following information, a vicinity map at a scale of 400 feet to the inch shall be prepared showing:

1. All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial or collector streets.
2. Name of the record owners of all contiguous land parcels.
3. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

C. The tentative plan shall be drawn to a standard engineer's scale where 1 inch equals 20-100 feet.

D. The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county and shall be subject to approval by the County Surveyor.

E. Date, north point, and scale of drawing.

F. Names and addresses of owner or owners, subdivider, surveyor, and design engineer if

applicable.

G. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; railroad right-of-way and other important features, such as city boundary lines.

H. The location on the site and in the adjoining streets or property of existing and proposed sewers and water mains and services, culverts, ditches and drain pipes, electric gas and telephone conduits with invert elevations of sewers at points of proposed connections.

I. Contour lines having the following minimum intervals: One foot contour intervals for ground slopes less than five percent. Two feet contour intervals for ground slopes between five and ten percent. Five feet contour levels for ground slopes exceeding ten percent. The elevations of all control points which are used to determine the contours.

J. Approximate location of areas subject to inundation or storm water overflow with approximate high water elevation.

K. Location, width, direction and flow of all water courses.

L. Location of properties within the 100-year flood plain and other areas subject to flooding or ponding.

M. Location of any wetlands identified on the State of Oregon Map.

N. Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees over 12" in diameter measured at 4-1/2 feet from the ground.

O. Existing uses of the property and adjacent property within 100 feet including location of all existing structures to remain on the property.

P. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.

Q. Zoning on and adjacent to the tract.

R. Any proposed streets: location, widths, names, grade, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the City.

S. Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of the easements.

T. The location, approximate dimensions and square footage of lots and the proposed lot and block numbers.

U. Sites, if any allocated for purposes other than single-family dwellings.

V. Land to be deeded to the city or other public agency for parks or other public purposes.

W. Statement indicating whether a water right or permit is appurtenant to the subject property. Certificate or permit number must be listed if appurtenant.

X. The following additional information must be submitted with the tentative plan:

1. The names and addresses of all owners within 100 feet of the proposed land division. The mailing list must be certified by the applicant as accurate and complete as found from current County Assessor records.

2. Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.

3. All public improvements proposed to be installed and the approximate time of installation

including the method of financing.

4. Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berm, etc.). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances,. If however, the nature of the improvement is such that it its impractical to prepare all necessary details prior to approval of the tentative plat, the additional details shall be submitted at least 30 days prior to approval of the final plat.

16.16.070 Development Phasing. A tentative subdivision plat may provide for platting in as many as three phases. The tentative plat must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase. Time limitations for the various phases must meet the following requirements:

- A. Phase 1 final plat shall be approved within twelve months of preliminary approval.
- B. Phase 2 final plat shall be approved within twenty-four months of preliminary approval
- C. Phase 3 final plat shall be approved within thirty-six months of preliminary approval.

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

If any time limitation is exceeded, approval of the tentative subdivision plat , or of the phase of the tentative subdivision plat, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new administrative action.

16.16.090 Extensions to Tentative Plan Approval. An applicant may request an extension of a tentative plan approval, or, if the preliminary plan provides for phased development, and extension of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an administrative action, and shall be submitted to the approving authority in writing, stating the reason why and extension should be granted.

The approving authority may grant an extension of up to 12 months of a preliminary subdivision plan approval, or if the tentative plan provides for phased development, an extension of up to 12 months of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation. Further extensions of up to one year each may be granted by the approving authority if extraordinary circumstances are shown by the applicant.

(Amended by Sec. 12, Ord. No. 1061, 1993)

## Chapter 16.20



## FINAL PLAT

### Sections:

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

16.20.010 Procedure. A. FINAL SUBDIVISION PLAT. 1. Within six months after approval of the tentative plat, the subdivider shall prepare a final plat in conformance with the approved tentative plan, the provisions of this chapter and the provisions of ORS 92.010 to 92.160. If the subdivider wishes to proceed with the subdivision after the expiration of the six month period following approval of the tentative plan by the planning commission, the applicant must resubmit the tentative plan to the city planner and make any revisions considered necessary to meet changed conditions.

Upon receipt of the final plat and accompanying data by the city planner, the plat shall be forwarded for review by the city engineer and county surveyor. The city engineer and city planner shall review the plat in accordance with subsection 16.20.020. The county surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The city engineer and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

If it is determined that there has not been full conformity, the city engineer and city planner shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.

If it is determined that full conformity has been made, the city engineer and city planner shall advise the chairperson of the planning commission. The city engineer and the chairperson of the planning commission may then sign the plat without further action by the planning commission. However, the planning commission chairperson may elect to submit the plat to the planning commission for further review. When submitted to the planning commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the planning commission, the action shall be reported to the planning commission at the next regular meeting.

In the absence of the chairperson, his/her duties shall and powers with respect to action on the final plat shall be vested in the vice-chairperson.

Approval of a final plat shall not constitute or effect an acceptance by the city of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat for the purpose of maintenance or construction by the city.

Prior to recording of the final plat, the subdivider must apply for approval of all public officials, as specified in ORS 92 as amended. Signatures on the final plat by a majority of the board

of county commissioners shall constitute approval of the plat by them. The subdivider shall then immediately take the approved final plat to the office of the county clerk and have it recorded.

An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy may be a photocopy or a tracing with black india ink upon a good quality of mylar or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copies shall be identified as an exact copy of the plat by the engineer or surveyor who caused the plat to be made.

**B. FINAL PARTITION PLAT. Submission.** Within six months after approval of the tentative plat, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this chapter and the provisions of ORS 92.010 to 92.160. If the applicant wishes to proceed with the partition after the expiration of the six month period following approval of the tentative plan by the City Manager, the applicant must resubmit the tentative plan to the City Planner and make any revisions considered necessary to meet changed conditions.

Upon receipt of the final plat and accompanying data by the city planner, the plat shall be forwarded for review by the city engineer and county surveyor. The city engineer and city planner shall review the plat in accordance with subsection 16.20.020. The county surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The city engineer and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

If it is determined that there has not been full conformity, the city engineer and city planner shall advise the land divider of the changes or additions that must be made and afford the land divider an opportunity to make such changes or additions.

If it is determined that full conformity has been made, the city engineer and city planner shall advise the City Manager. The city engineer and the city manager may then sign the plat without further action. If the plat is signed without further review by the planning commission, the action shall be reported to the planning commission at the next regular meeting.

In the absence of the City Manager, his/her duties shall and powers with respect to action on the final plat shall be vested in the City Engineer.

Approval of a final plat shall not constitute or effect an acceptance by the city of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat for the purpose of maintenance or construction by the city.

**16.20.020 Final Plat Review Criteria.** Approval of a final subdivision or partition plat will be granted if the review body finds that the applicant has met the following criteria:

A. The final plat is in substantial conformance with the tentative plat.

- B. Conditions of approval attached to the tentative plat have been satisfied.
- C. All required improvements have been constructed and accepted by the City Engineer.

16.20.030 Final Plat Submittal. A partition or subdivision final plat must include the

following information:

- A. The date, scale, north point, legend, and controlling topography such as creeks, ditches, highways, and railroad right-of-way.
- B. Legal description of the tract boundaries.
- C. Name and address of the owner(s), subdivider, and surveyor.
- D. Reference points of existing surveys identified, related to the plat by distances and bearings and referenced to a field book or map as follows:
  - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
  - 2. Adjoining corners of adjoining subdivisions or existing surveys.
  - 3. City boundary lines when crossing or adjacent to the subdivision.
  - 4. All permanent monuments within the subdivision.
- E. National Geodetic Survey Control points as recorded in the County Surveyor's office; description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- F. The location and width of streets and easements intercepting the boundaries of the tract.
- G. The 100 year flood plain for any body of water or natural drainage way together with the method or source of such determination.
- H. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest hundredth foot.
- I. The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the center line. For streets on curvature, curve data shall be based on the street center line and, in addition to the center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
- J. Public utility and private easements, clearly identified and, if already of record, their recorded reference. Where possible, the bearing, and sufficient ties to locate the easement with respect to the land division, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified
- K. Lot numbers beginning with the number "1" and continuing consecutively through the subdivision. No block numbers or letters will be used unless the subdivision is a continued phase of a previously recorded subdivision of the same name that has previously used block numbers or letters.
- L. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale, the following phrasing shall be used when identifying open space dedications:
  - 1. Common open Space - shall be used to identify those parcels of land created for the purpose

of common ownership, enjoyment and maintenance by an approved homeowners association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.

2. Public Open Space - shall be used when identifying those parcels of land dedicated to the City for open space purposes.

3. Open Space Easement - shall be used to identify that portion of a lot, or lots that have established an open space easement agreement with the City.

M. Special building setback lines and solar easements, if any, which are to be made a part of the subdivisions deed restrictions. These must be shown in writing on the face of the plat, not graphically shown.

N. The following certificates, which may be combined where appropriate:

1. A certificate signed by the City Engineer and City Planner certifying City approval.

2. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.

3. A certificate signed and acknowledged as above, dedicating to the public all land shown on the final plat intended for public access, use, or benefit.

4. A certificate signed by the surveyor responsible for the survey and final map, the signature accompanied by seal, attesting that applicable requirements of City, state and county requirements have been met.

5. A certificate signed by the county surveyor.

6. Other certifications as appropriate.

All signatures on the original subdivision or partition plat must be in permanent black india type ink.

O. Filing of separate legal documents to achieve any of the above requirements (A through N) may be permitted by the City Planner when it can be shown that placing such information on the final plat is not required to achieve the purposes of this code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described area shall be marked with colored ink (other than black) on the City copy. A description of or reference to any other restrictions attached to the subdivision approval shall also be noted on the city copy.

P. Supplementary Information.

1. A copy of any deed restrictions.

2. A copy of any dedication requiring separate documents.

3. Legal documents conveying property to the city.

4. Assurance satisfactory to the City Engineer that improvements installed by the applicant will be in conformity with the standards of the city and that streets, utilities and pedestrian ways will be improved.

5. Financial assurances for all required improvements per Chapter 16.24 of this Title.

6. Boundary and lot closure computations and total area of each lot, parcel and open space dedication, in square feet or acres.

7. Title Report.

Q. For subdivisions, all monumentation shall comply with the standards established in ORS 92.060. Witness corners may be set when it is impractical or impossible to set a monument in its true

position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number. Unless waived by the City Engineer, the intersection of all street centerline's shall be monumented according to County specifications.

16.20.040 Filing of Final Subdivision or Partition Plat. A. The land divider 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 sixty days after the date of the last required signature has been obtained. The final plat must also be submitted to the State of Oregon Water Resources Department if water right or permit is appurtenant.

Prior to recording of the final plat, the applicant must apply for approval of all public officials, as specified in ORS 92 as amended. Signatures on the final plat by a majority of the board of county commissioners shall constitute approval of the plat by them. The applicant shall then immediately take the approved final plat to the office of the county clerk and have it recorded.

Approval of the final plat shall be null and void if the plat is not recorded within ninety days after the date of signature by the City Manager. However, the subdivider may submit a request for a time extension from the City Manager.

An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy may be a photocopy or a tracing with black india ink upon a good quality of mylar or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copies shall be identified as an exact copy of the plat by the engineer or surveyor who caused the plat to be made.

(Amended by Sec. 13, Ord. No. 1061, 1993).

## Chapter 16.24

### IMPROVEMENTS

#### Sections:

16.24.010 Agreement for improvements.

16.24.020 Developer's performance guarantee.

16.24.030 Procedures.

16.24.040 Specifications.

16.24.050 Improvements in subdivisions.

16.24.060 Improvements and requirements for partitions.

16.24.010 Agreement for improvements. Before planning commission approval is certified on the final plan, the land divider shall either install required improvements, enter into an agreement with the city regarding improvements, or have all or part of the improvements constructed under an assessment district procedure. Repair of existing streets and other public facilities damaged in the

development of the subdivision shall be a part of any improvement agreement. The agreement shall provide for a reasonable amount of time for the repair of streets. The three optional procedures are more fully described as follows:

A. The land divider may elect to install the required improvements and make the needed repairs;

B. The land divider may elect to execute and file with the city manager an agreement between himself and the city, specifying the period within which the 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 land divider. A performance guarantee as provided for in Section 16.24..020 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions;

C. The land divider may elect to have all or part of the improvements constructed under an assessment district procedure. Under this procedure the land divider shall enter into an agreement with the city proposing the establishment of the district for the improvements to be constructed, a schedule when improvements are to be installed, and the extent of the plat or partition to be improved. The city reserves the right, under the assessment district procedure, to limit the extent of the improvements in a subdivision or partition during a construction year and may limit the area of the final plat to the area that is to be improved. A performance guarantee may be required under the assessment district procedure.

16.24.020 Developer's performance guarantee. A. When required under provisions of Section 16.20.010, the land divider shall file with the agreement, as a performance guarantee to assure his full and faithful performance thereof, one of the following;

1. 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;

2. In lieu of said bonds, the land divider may:

- a. Deposit with the city cash money in amount fixed by the city engineer;
- b. Certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses , said money to be released only upon authorization of the city engineer as in the case with cash; or
- c. Bonds, in an amount fixed by the city engineer and in a form approved by the city attorney.

B. Such assurance of full and faithful performance shall be for a sum determined by the city manager as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the city for the difference.

D. A performance guarantee shall remain in effect for one year after improvements are

installed in order to correct any defects which may have taken place.

(Amended by Sec. 14, Ord. No. 1061, 1993).

**16.24.030 Procedures.** In addition to other requirements, improvements installed by a land divider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this chapter and improvement standards and 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 reviewed for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the final plat. All plans shall be prepared on materials in accordance with requirements of the city;

B. Improvement work shall not commence until after the city is notified; and if work is discontinued for any reason, it shall not be resumed until after the city is notified;

C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change;

D. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made;

E. A map showing public improvements as built shall be filed with the city upon completion of the improvements.

**16.24.040 Specifications.** The city engineer shall prepare and submit to the city council specifications to supplement the standards of this chapter based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

A. Streets including related improvements such as curbs, shoulders and sidewalks;

B. Surface drainage and storm sewer facilities;

C. Sidewalks and related facilities in pedestrian or bicycle ways;

D. Sewers and sewage disposal facilities;

E. Public water supplies and water distribution systems;

F. Tests of streets and utilities after completion of the improvements to determine the quality of work performed.

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

A. **WATER SUPPLY SYSTEM.** Water lines and fire hydrants serving each lot in the land division and connecting the land division to city mains shall be installed. The design shall be to city standards, shall be approved by the city engineer, and shall take into account provisions for extension beyond the land division and to adequately grid the city system.

B. **SANITARY SEWER SYSTEM.** Sanitary sewers shall be installed to serve the land

division and to connect it to existing mains. In the event it is impractical to connect the land division to the city trunk system, the approving authority may authorize the use of septic tanks approved by the county health department if lot areas are adequate considering soil and water conditions and other physical characteristics of the area. In this event, sewer laterals designed for future connection to a sewage disposal system shall be installed and sealed. Design shall be to City standards, shall be approved by the city engineer, and shall take into account the capacity and grade to allow for desirable extension beyond the land division. If required, sewer facilities will, without further sewer construction, directly serve property outside the land division, the following arrangements will be made to equitably distribute the costs. If the area outside the land division to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the planning commission may recommend to the city council construction as an assessment project with such arrangement with the land divider as is desirable to assure financing his share of the construction.

**C. SURFACE DRAINAGE AND STORM SEWER FACILITIES.** Grading shall be performed and drainage facilities shall be provided within the land division and to connect the area drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall be to city standards, shall be approved by the city engineer, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draping through the subdivision and to allow extension of the system to serve such areas. If necessary, provision shall be made for retention storage areas designed and constructed to standards as provided by the city engineer.

**D. STREETS.** Public streets, including alleys, within the land division, and public streets adjacent but only partially with the land division shall be improved. Improvements shall be made to the paving line of existing streets which intersect with streets in the land division. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments on all property corners shall be installed at each street intersection. Street center lines, crosswalks, bikeways, and other traffic control symbols shall be marked.

**E. SIDEWALKS AND BICYCLE ROUTES.** Sidewalks and bicycle routes shall be installed as required in Section 16. 12.020.(A)(2) except that for highways or arterials or for special type industrial areas, the approving authority may approve a land division without sidewalks if alternative pedestrian routes are available. If appropriate to the extension of a system of bicycle routes, existing or planned, the approving authority may require the installation of separate bicycle lanes within streets and separate bicycle paths.

**F. STREET NAME SIGNS.** Traffic control devices and street name signs, designed to city specifications, shall be installed at all street intersections and elsewhere as required by the city.

(Amended by Sec. 15, Ord. No. 1061, 1993).

(SHMC 16.24.060 deleted by Sec. 16, Ord. No. 1061, 1993).



Chapter 16.28  
EXCEPTIONS AND VARIANCES

Sections:

16.28.010 Exceptions in case of planned unit development.

16.28.020 Variance application.

16.28.030 Conditions for granting a variance.

16.28.040 Planning commission action on variances.

16.28.010 Exceptions in case of planned unit development. A subdivision or partition which constitutes all or part of a planned unit development shall conform to the standards of the city zoning title. The standards of this chapter may be modified to conform to the planned unit development section of the zoning title. however, subdivisions or partitions shall be required to meet the standards of state law and the provisions for final plats or maps and for improvement as specified by this chapter.

16.28.020 Variance application. When necessary, the planning commission may authorize variances to the requirements of this chapter. Application for a variance shall be made by petition of the land divider, stating fully the grounds for the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan and shall be considered by the planning commission along with the tentative plan.

16.28.030 Conditions for granting a variance. Before a variance may be granted, the planning commission shall first determine that all of the following circumstances exist:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control, project costs shall not be considered as an exceptional or extraordinary circumstance;

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners for other property in the same vicinity possess;

C. The variance would not be materially detrimental to the purposes of this chapter, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

D. The variance requested is the minimum variance which would alleviate the hardship.

16.28.040 Planning commission action on variances. In acting to grant, modify or deny a

variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The secretary of the planning commission shall keep the findings on file as a matter of public record. Within five days of the date of action on the variance by the planning commission, the commission shall transmit a copy of the action on the variance to the land divider.

## Chapter 16.32

### PROPERTY LINE ADJUSTMENTS

#### Sections:

16.32.010 Procedure

16.32.020 Review Criteria

16.32.030 Submittal Requirements

16.32.040 Recording Requirements

16.32.010 Procedure. A. REFERRAL. Upon receipt of a completed application for a property line adjustment, the city planner shall furnish one copy of the application for review by the city manager and city engineer for review and comment.

B. APPROVAL AUTHORITY. The City Planner shall have the authority to take action on a request for a property line adjustment after it has been reviewed by the city manager and city engineer.

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

1. The property line adjustment does not create a new lot or a land-locked parcel.
2. The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code or the Structural Specialty Code.
3. The adjusted properties comply with applicable portions of the comprehensive Plan.
4. The adjusted properties comply with any previous requirements or conditions imposed by a review body.
5. Lot line adjustments shall be surveyed and monumented except when the adjusted line is a distance of even width along the common boundary.

16.32.030 Submittal Requirements. An application for a property line adjustment consists of a completed application form, signed by all property owners involved in the proposed adjustment, and a map showing the following details:

1. The scale, north point and date of the map.
2. The tax map and lot number identifying each parcel involved in the adjustment.
3. The location, width and purpose of any easements and driveway access to public right-of-

way, existing or proposed.

4. The area, before and after the property line adjustment, of each parcel.
5. The proposed property lines and dimensions of each parcel.
6. Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone
7. Adjacent rights-of-way with width shown.
8. The legal description for each parcel involved in the adjustment describing their new boundaries.

16.32.040 Recording Requirements. Property line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

(Amended by Sec. 17, Ord. No. 1061, 1993).

Section 18. SHMC 17.04.030 shall be amended to include the following definition:

"Hard surfaced" means asphaltic concrete, Portland cement or an equivalent substance approved by the City Engineer but shall not include gravel.

Section 19. SHMC 17.32.030(D) shall be deleted.

Section 20. SHMC 17.32.020 shall be amended by adding the following subsection:

I. Antique shop or secondhand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

Section 21. SHMC 17.44.030(E) which requires a conditional use permit for a caretaker's residence and conflicts with SHMC 17.08.030(G) shall be deleted.

Section 22. SHMC 17.08.140(A)(1)-(2) shall be amended to read as follows:

1. All parking areas and driveway approaches shall have surfacing which is durable and dust free. All parking areas, except those in conjunction with a single-family dwelling, two-family dwelling, or residential facility, shall be designed or graded so as not to drain storm water over

the sidewalk or onto any abutting public or private property.

2. In the C-1 and C-2 zones, service drives and parking spaces shall be hard surfaced and shall be clearly and permanently marked.

Section 23. SHMC 17.08.140 shall be amended by adding the following subsection:

J. All areas located within the C-1 zone are exempt from the off-street parking space requirements of this section, but where parking is provided, it shall meet all other requirements of this section.

Section 24. SHMC 17.08.140(A) shall be amended by adding the following subsections:

7. Where parking or loading areas abut a public right-of-way there shall be provided a minimum five foot wide landscaped buffer.

Section 25. SHMC 17.08.140(B) shall be amended by adding the following subsection:

3. Parking areas with access to arterial or collector streets shall be so designed as to connect with existing or future parking areas on adjacent sites thereby eliminating the necessity of utilizing the arterial or collector street for cross movements.

Section 26. SHMC 17.08.140(A)(5) shall be amended to state the following:

All off-street parking lots must be designed in accordance with city standards for stalls and aisles as set forth in the following table:

Parking	Angle	Stall	
	Stall (Degree)	Aisle	Curb
	Width curb	to	Width Length
	0		
	8'0"	8.0	
	12.0	22.0	
	45		
	9'6"	20.1	
	13.0	13.4	
	60		
	9'6"	21.2	

18.0	11.0
90	
9'6"	19.0
24.0	9.5

For two-way circulation the minimum aisle width shall be 20 feet, adequate ingress, egress and turnaround space shall be provided.

No portion of a parking space or aisle shall be located in a required landscaped yard.

Section 27. SHMC 17.08 shall be amended by adding the following section:

17.08.145 Accesses and Driveways. Proposed accessways onto a public street shall be subject to issuance of a public works permit and review by the city planner. In addition the following specific requirements shall apply to all accessways, approaches, curb cuts, and driveways:

A. APPROACHES. Approaches to improved city streets and alleys, and those scheduled for improvement within three years, shall be hard surfaced and constructed in accordance with city design standards. Approaches shall be at least 20 foot deep, measured from the existing roadway.

B. CONSTRUCTION SPECIFICATIONS. A driveway and sidewalk area used as a part thereof shall be designed and constructed in accordance with plans and specifications on file in the office of the city engineer. Such designs, plans and specifications are by reference incorporated in and made a part of this code.

C. DRIVEWAY WIDTH AND PLACEMENT. (1) If only one driveway is desired, the maximum width of the driveway at the edge of the roadway or curblines is 20 feet for property with less than 50 feet of frontage, 25 feet for property with between 50 and 75 feet of frontage, and 30 feet for properties with more than 75 feet of frontage.

(2) If more than one driveway is desired for properties with 50-100 feet of frontage, the maximum width for each driveway is 20 feet and no more than two driveways may be permitted.

(3) There shall be a minimum separation of 22 feet between all driveways except for single and two-family dwellings.

(4) For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.

(5) One-way driveway approaches, except for those used in conjunction with a single-family dwelling, shall be clearly marked or signed as approved by the City Engineer and shall not be less than 10 feet in width. Two-way driveways shall not be less than 20 feet in width.

D. DISTANCE FROM INTERSECTION. All driveways shall be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than the following measured from the nearest curb return radius:

Local Street	20
Collector Street	30
Arterial Street	40

Where streets of different functional classification intersect, the distance required shall be that of the higher classification.

E. NUMBER OF ACCESSES PERMITTED. Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.

F. DOUBLE FRONTAGE PROPERTIES. Properties which have frontage on more than one street may be restricted to access on the streets of a lower classification through site plan review or other review procedures.

G. JOINT ACCESS ENCOURAGED. Common accessways at a property line shall be encouraged and in some instances may be required in order to reduce the number of access points to streets construction of common accessways shall be preceded by recording of joint access and maintenance easements.

H. MAXIMUM SLOPE. Access and approach grades shall not exceed 10% slope except as otherwise approved by the city engineer.

I. ACCESS TO STATE HIGHWAYS. Access to designated State Highways shall be subject to the provisions of this Chapter in addition to requirements of the Highway Division, State Department of Transportation. Where regulations of the City and State may conflict the more restrictive requirements shall apply.

Section 28. SHMC 17.56.060(C)(1) and SHMC 17.80.080(I)(3) shall be amended to state the following:

Be a 1976 or later model with an Oregon Department of Commerce " Insignia of Compliance" which indicates conformance with Housing and Urban Development (HUD) standards.

Section 29. SHMC 17.12.010 shall be amended to read as follows:

An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the city manager, the city planning commission or the city council. A quasi-judicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the city manager, the planning commission or the city council. A request for a quasi-judicial zone map amendment by a property owner shall be accomplished by filing an application with the city planner at least 25 days prior to the planning commission meeting and using forms prescribed pursuant to Section 17.12.100.

Section 30. That SHMC 17.12 be amended by adding the following section:

17.12.025 Review Criteria For Map Amendments. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

(A) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

(B) The proposed amendment is orderly and timely, considering the pattern of

development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;  
© Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Section 31. SHMC 17.12.110 shall be amended to read as follows:

Filing Fees. The city council shall establish application fees and fee policies by separate resolution for the performance of the actions and reviews required by this title.

Section 32. Subsection 17.24.030(E) shall be deleted.

Section 33. Subsection 17.12.070(B) shall be amended to state the following:

Notice of the application shall be provided to all adjacent property owners within 300 feet of the subject property, unless the applicant submits a signed petition indicating approval of all legal property owners within the 300 foot region. Unless such a petition is presented, the permit will not be issued until 10 days after the required notices are mailed to adjacent properties. If the city receives any written objections during this 10 day period, a public hearing will be held before the Planning Commission to consider the objections.



Section 7. Street Functions and Standards #5 of the Sweet Home Comprehensive Plan and SHMC 16.12.020(A)(2) shall be amended to read as follows:

Minimum street widths. Street right-of-way and roadway (curb-to-curb) widths shall be adequate to fulfill city specifications as provided for in Section 16.24.040 and, unless otherwise indicated on the comprehensive plan or a neighborhood plan adopted by the planning commission, shall not be less than the minimum widths shown in the following table:

<u>Type of Street Improvement Type</u>	<u>Minimum ROW</u>	
Highways- Four 12 foot moving	100 feet	-

two-way  
lanes

two-  
way

- One 16 foot median strip
- Two 4 foot bike lanes
- Two 5 foot sidewalks
- Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb
- Two curbs and gutters

Local Arterial 80-100 feet -Two to four 12  
foot moving lanes

- Two 4 foot bike lanes
- Two 5 foot sidewalks
- Two 8 foot parking lanes or two 5 foot planting strips between the sidewalk and the curb
- Two curbs and gutters

Collector 60 feet -

- Two 12 foot moving lanes
- Two 4 foot bike lanes
- Two 8 foot parking lanes
- Two 5 foot sidewalks
- Two curbs and gutters

Minor Street 50 feet -Two 10  
foot moving lanes

- One 8 foot parking lane
- Two 5 foot sidewalks
- Two curb and gutters

Short and cannot 40 feet -Two 10  
foot moving

- be extended over lanes
- 1,800 feet -One 8  
foot parking lane
- Two 5 foot sidewalks
- Two curb and gutters

