



SUBDIVISION ORDINANCE

NO 739

TABLE OF CONTENTS

ARTICLE I.....	1
INTRODUCTORY PROVISIONS	1
Section 1.010. Purpose.....	1
Section 1.020. Scope of Regulations.....	1
Section 1.030. Definitions.....	1
ARTICLE II.....	3
ORDINANCE COMPLIANCE.....	3
Section 2.010. Scope of Regulations.....	3
Section 2.020. Compliance with Ordinance.....	3
Section 2.030. Approval Required Before Creating Street to partition Land.....	3
Section 2.040. Sales of Lots Prohibited Until Approval Obtained:	3
Section 2.050. Prohibition of Sales of Lots Prior to Recording Plat.....	4
ARTICLE III.....	4
PRELIMINARY SUBDIVISION PLAT	4
Section 3.010. Conceptual Subdivision Sketch.....	4
Section 3.020. Submission of Preliminary Subdivision Plat.....	4
Section 3.030. Information on Preliminary Subdivision Plat.....	4
Section 3.040. Preliminary Review of Proposal.....	6
Section 3.050. Tentative Approval of Preliminary Subdivision Plat.....	6
ARTICLE IV	7
FINAL SUBDIVISION PLAT.....	7
SECTION 4.010. Submission of Final Plat.....	7
Section 4.020. Information on Final Subdivision Plat.....	7
Section 4.030. Supplementary Information with Final Plat.....	8
Section 4.040. Technical Review.....	9
Section 4.050. Approval of Final Plat.....	9
ARTICLE V	9
PROCEDURE FOR RECORDING OF FINAL SUBDIVISION PLAT AND FOR PROVIDING IMPROVEMENTS.....	9
Section 5.010. Recording of Final Plat.....	9
Section 5.020. Improvements Agreements.....	10
Section 5.030. Bond.....	11
Section 5.040. Land Use Review Payments.....	11
ARTICLE VI	11
PARTITIONING.....	11
Section 6.010. Purpose of Partitioning Review.....	11
Section 6.015. Acknowledgement from Oregon Water Resources Department.....	11
Section 6.020. Partitioning Procedures.....	11
Section 6.040. Approval and Recording of Final Plat for a Major or Minor Partition.....	13
Section 6.050. Filing Fees.....	14
Section 6.060. Standards.....	14
Section 6.070. Improvements.....	14
ARTICLE VII.....	14
DESIGN STANDARDS	14
Section 7.010. Principles of Acceptability.....	14
Section 7.020. Streets.....	14
Section 7.030. Blocks.....	17
Section 7.040. Lots.....	18
Section 7.050. Building Lines.....	18
Section 7.060. Large Lot Subdivision.....	18
Section 7.070. Land for Public Purposes.....	19
ARTICLE VIII.....	19
IMPROVEMENTS.....	19
Section 8.010. Improvement Procedures.....	19
Section 8.020. Specifications for Improvements.....	20
Section 8.030. Improvement Requirements.....	20

TABLE OF CONTENTS

ARTICLE IX	21
EXCEPTIONS AND VARIANCES.....	21
Section 9.010. Exceptions in Case of Large Scale Development.....	21
Section 9.020. Variance Application.....	22
Section 9.025. Variance Public Hearing Notification.....	22
Section 9.030. Conditions for Granting a Variance.....	22
Section 9.040. Planning Commission Action on Variances.....	22
ARTICLE X	22
PROPERTY LINE ADJUSTMENT	22
Section 10.010. Statement of Purpose.....	22
Section 10.020. Application Procedure.....	22
Section 10.030. Review Procedures.....	23
Section 10.040. Standards for Evaluating Property Line Adjustments.....	23
Section 10.050. Final Approval Process.....	23
ARTICLE XI	24
GENERAL PROVISIONS	24
Section 11.010. Appeal.....	24
Section 11.020. Interpretation.....	24
Section 11.030. Validity	24
Section 11.040. Penalty.....	24
Section 11.050. Severability.....	24
Section 11.060. Repeal	24
Section 11.070. Savings Clause.....	24
Section 11.080. Effective Date.....	24

ORDINANCE NO. 739

AN ORDINANCE ESTABLISHING SUBDIVISION AND OTHER LAND PARTITIONING STANDARDS AND PROCEDURES FOR THE CITY OF HARRISBURG; PROVIDING PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCE NO. 599 AND 709; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisburg finds it necessary to update the subdivision ordinance in order to make land use planning more efficient, and

WHEREAS, the Planning Commission and City Council want to better provide for the long range plans for the city and it's citizens,

NOW THEREFORE, the City of Harrisburg ordains as follows:

ARTICLE I
INTRODUCTORY PROVISIONS

Section 1.010. Purpose. The purpose of this ordinance is to establish standards and procedures for the subdividing and partitioning of land within the jurisdiction of the City of Harrisburg. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation and proper use of land; and in general to protect the public health, safety and welfare.

Section 1.020. Scope of Regulations. Subdivision and partition plats shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide or partition land shall submit preliminary plats and final documents for approval as provided in this ordinance and the state law.

Section 1.030. Definitions. Unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings:
Building line. A line on a plat indicating the limit beyond which buildings or other structures may not be erected.

Bulb-Outs. A concrete traffic structure intended to make pedestrian street crossings safer and to reduce traffic speeds. They involve extending the curb and walkway a few feet into the street area, and are located at intersections or in the middle of long blocks.

(Bulb-out description added by Ordinance No. 838, 01/11/2006)

City. The City of Harrisburg, Oregon.

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

Days. For the purposes of this ordinance, days refer to calendar days. If the final day for action coincides with a holiday or weekend, the deadline for that action shall be the next city hall work day.

Easement. A grant of the right to use a strip of land for specific purposes.

Flooding. The rise of the waters of a natural stream which periodically covers an area of land that is not usually under water.

Lot. A unit of land that is created by a subdivision of land. In common usage and in some sections of this ordinance, the terms lot and parcel may be interchangeable.

- a. Corner lot. A lot at least two adjacent sides of which abut streets other than alleys provided the angle of intersection of the two adjacent streets does not exceed 135 degrees.
- b. Through lot. A lot having frontage on two parallel or approximately parallel streets, other than alleys.

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

Partition land. To divide land into two or three parcels of land within a calendar year but does not include:

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,

An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or

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 comprehensive plan.

Partition, Major. A partition which includes the creation of a street.

Partition, Minor. A partition which does not include the creation of a street.

Partition Plat. A final map and other writing containing all the descriptions, locations, provision, and information concerning a major or minor partition.

Pedestrian way. A right-of-way for pedestrian traffic.

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

Planning Commission. The planning commission of the city.

Plat. The map or plan of the subdivision or partition that is presented for approval.

Property Line. The division of land between two units of land.

Property Line Adjustment. The relocation of a common property line between two abutting properties.

Right-of-way. The area between boundary lines of a street or other easement.

Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.

Sidewalk. A pedestrian walkway with permanent surfacing.

Street. The entire width between the right-of-way lines of a public or private way for vehicular and pedestrian traffic that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

- a. Alley. A narrow street through a block primarily for access by service vehicles to back or side of properties fronting on another street.
- b. Arterial. A street which is used primarily for through traffic, or which, by its location will likely be needed for such use in the normal growth of the area.
- c. Collector. A street supplementary to the arterial street system and a means of intercommunication between the system and smaller areas; used partly by through traffic and partly for access to abutting properties.

- d. Cul-de-sac (dead-end street). A short street with one end open to traffic and the other terminated by a vehicle turn-around.
- e. Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- f. Minor street. A street intended primarily for access to abutting properties.

Subdivide land. To divide a parcel of land into four or more parcels for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the subdivision.

Subdivision Plat. A final map and other supplemental information containing all the descriptions, locations, specifications, dedications, provisions and other information concerning a subdivision.

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

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

ARTICLE II ORDINANCE COMPLIANCE

Section 2.010. Scope of Regulations. Subdivision can partition plats shall be approved by the city 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 ordinance. Subdivisions and partitions shall also conform with the provisions of Ors Chapter 92 and the comprehensive plan for the city, and shall result in lots and parcels complying with the zoning ordinance and other requirements of the city in effect at the time of subdivision or partition.

Section 2.020. Compliance with Ordinance. No person shall subdivide or partition land except in accordance with this ordinance and its amendments and in accordance with the rules and regulations promulgated by the city council and the planning commission in administering this ordinance. No person shall create any landlocked parcel as a result of subdivision or partition.

Section 2.030. Approval Required Before Creating Street to partition Land. No person shall create a street for the purpose of partitioning an area or tract of land without the approval of the city as provided in this ordinance.

Section 2.040. Sales of Lots Prohibited Until Approval Obtained:

1. No person shall sell any lot in any subdivision with respect to which approval is required by this ordinance, until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

2. A person may negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plat is required by this ordinance prior to the approval of the tentative plat for the major and minor partition; buy no person may sell any parcel in a major partition or in a minor partition for which approval of a tentative plat is required by this ordinance or regulation adopted under Ors 92.044 or 92.046, respectively, prior to such approval.

Section 2.050. Prohibition of Sales of Lots Prior to Recording Plat.

1. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county.

2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of such subdivision before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plat for such subdivision.

ARTICLE III
PRELIMINARY SUBDIVISION PLAT

Section 3.010. Conceptual Subdivision Sketch. A subdivider shall submit a sketch to the city of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation, with City staff, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

Section 3.020. Submission of Preliminary Subdivision Plat. The subdivider shall prepare a preliminary subdivision plat and other supplementary material as may be required to indicate the general program and objectives of the project.

1. At least 34 copies of the preliminary subdivision plat and supplementary material shall be submitted to the city recorder at least 60 days prior to the planning commission meeting when the proposal is to be considered.

2. The city shall not accept the preliminary plat until the city planner determines that all data required by Section 3.030 has been made available.

3. At the time of acceptance of the application for a preliminary subdivision plat, the city recorder shall collect such filing fees as the city council shall designate by resolution.

4. At the time of preparation of the preliminary subdivision plat, the subdivider shall get approval from Linn County for the proposed name of the subdivision (Section 3.020 Amended by Ordinance No. 838, adopted January 11th, 2006)

Section 3.030. Information on Preliminary Subdivision Plat. The following information shall be shown on the preliminary subdivision plat or shall accompany it when it is submitted for approval.

1. Scale. The preliminary subdivision plat shall be drawn on a sheet 17 x 28 inches in size or multiples thereof at a scale of one inch equals 100 feet. The scale may be modified if necessary but only to multiples of 100 feet.

2. General Information. The following information shall be shown on the preliminary subdivision plat:

- a. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission, the county surveyor and the county assessor.
- b. Date, north point, and scale of drawing.
- c. Appropriate identification clearly stating the map is a preliminary plat.
- d. Location of the subdivision sufficient to define the location and boundaries of the proposed tract.

- e. Names and addresses of the owner, subdivider, and surveyor.
 - f. In a residential subdivision, one or more sites for the grouping of multiple mailboxes.
3. Proposed plan of land subdivision. The following information shall be included on the preliminary subdivision plat:
- a. The location of street right-of-ways, with street names.
 - b. The location, width and purpose of easements.
 - c. The location, approximate dimensions and square footage of lots and the proposed lot and block numbers.
 - d. Sites, if any, allocated for purposes other than single-family dwellings.
 - e. Land to be deeded to the city, school district, or other public agency for schools, parks or other public purpose.
4. Supplemental information. The following plans or information shall be required to supplement the preliminary subdivision plat. This information can be provided on a sheet 11 x 17 inches in size.
- a. If the subdivision plat pertains to only part of the tract owned or controlled by the subdivider, provide a sketch of a tentative layout for streets in the unsubdivided portion.
 - b. A vicinity map, showing existing subdivisions and non-subdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect existing streets and utilities.
 - c. Proposed Covenants, Conditions, and Restrictions (CCR) that apply to the development.
 - d. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.
 - e. Plans for on-site water supply, sewage collection and storm water drainage facilities. These plans shall include interfaces with current City infrastructure. Plans for water systems shall include location of fire hydrants within the subdivision.
 - f. Proposals for other improvements such as electric utilities, curbs, sidewalks or street paving.
 - g. The bench mark used for the development shall be shown. At least one permanent bench mark shall be established.
 - h. Provide a proposed street lighting plan for city review and approval to be incorporated into the street improvement project.
 - i. The location, widths, approximate grads and radii of curves, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, corners, city boundary lines and monuments.
 - j. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:
 - i. For slopes of less than 5 percent: Show the direction of slope by means of arrows or other suitable symbol, together with not less than four spot elevations per acre, evenly distributed.
 - ii. For slopes over 5 percent: Two feet.
 - k. The location of at least one temporary bench mark within the plat boundaries.
 - l. The location and direction of water courses and drainage channels. The location of areas subject to flooding.

- m. Natural features, such as rock outcropping, marshes, wooded areas and isolated preservable trees

[Section 3.030.3.f added by Ordinance No. 847, approved on October 11th, 2006, and effective November 11th, 2006]

- n. Existing uses on the property, including location of all existing structures to remain on the property after plating.

Section 3.040. Preliminary Review of Proposal.

1. Upon acceptance of the Preliminary Plat, the city recorder shall provide one copy of the preliminary subdivision plat and supplementary material to each of the following:

Harrisburg City Staff (4 copies total)

Qwest (2 copies)

Pacific Power and Light (2 copies)

Northwest Natural Gas

Harrisburg School District No. 7

Harrisburg Rural Fire Protection District

Linn Soil and Water Conservation District

Linn County Surveyor

Linn County Assessor

Linn County Road Department

Linn County GIS

Oregon State Highway Division, if the proposal is within 200 feet of a state highway.

Comcast

The Mayor and City Council Members (8) copies

Each Planning Commission member (8) copies

2. These officials and agencies shall be given a reasonable period of time, not to exceed 15 days, to review the plat and to suggest any revisions that appear to be indicated in the public interest.

(Section 3.040 Amended by Ordinance No. 838, Adopted January 11th, 2006)

Section 3.050. Tentative Approval of Preliminary Subdivision Plat.

1. The Planning Commission shall consider tentative approval of the preliminary plat at a Public Hearing.

2. Within 35 days from the date of the first planning commission meeting at which the proposed plat is considered, the planning commission may approve the preliminary plat as submitted or as it may be modified, or disapprove the preliminary plat as submitted.

If the planning commission does not approve the plat, it shall express the reasons therefore. A planning commission decision (approval, approval with modifications, or disapproval) shall be rendered within 90 days from the date of the first planning commission meeting at which the proposed plat is considered.

3. The planning commission may approve Conditions of Approval, to accompany the approval; or approval with modifications, of the preliminary subdivision plat, at the time of the approval; or approval with modifications; or direct staff to prepare conditions of approval for review and approval at a subsequent planning commission meeting.

4. Approval of the preliminary plat shall indicate approval of the final plat if there

is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance, the comprehensive plan and ORS 92.

5. The action of the planning commission shall be noted on two copies of the preliminary subdivision plat, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, and the other shall be retained by the city.

ARTICLE IV FINAL SUBDIVISION PLAT

SECTION 4.010. Submission of Final Plat.

1. Within six (6) months after approval of the preliminary plat the subdivider shall prepare a final subdivision plat in conformance with the preliminary subdivision plat as approved, the provisions of this ordinance and of ORS 92.010 to 92.160. The subdivider shall submit the original drawing as required by ORS 92.080 and any supplementary information to the city recorder for review and approval.

2. If the subdivider wishes to proceed with the subdivision after the expiration of the six (6) month period following approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revisions considered necessary to meet changed conditions.

Section 4.020. Information on Final Subdivision Plat. In addition to that otherwise specified by ORS 92 and ORS 209.250, the following information shall be shown on the final plat:

1. The date, scale, north point, and legend.
2. Legal description of the tract boundaries.
3. Name of the owner, subdivider, and registered professional land surveyor.
4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.
 - c. City boundary lines when crossing or adjacent to the subdivision.
 - d. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
5. The exact location and width of street right-of-ways and easements intersecting the boundary of the tract.
6. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arc points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks may be used.
7. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The location, dimensions and purpose of all recorded public and private easements, along with the county clerks recording reference, together with sufficient ties to locate the easement with respect to the subdivision, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
8. Lot numbers beginning with the number "1" and numbered consecutively in each block. The area of each lot shall be shown.

9. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering of the original subdivision.

10. Identification of land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

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

- a. A certificate signed and acknowledged by parties having any record title interest in the land subdivided, consenting to the preparation and recording of the plat.
- b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the lot owners in the subdivision, their licensees, visitors, tenants and servants.
- c. An affidavit of the licensed land surveyor having surveyed the land represented in the subdivision plat, to the effect that the surveyor has correctly surveyed the property in accordance with ORS 92.060 and 92.070.
- d. A certificate with the seal of and signed by, the licensed land surveyor responsible for the survey and final map.
- e. Other certifications now or hereafter, required by law.

12. All other requirements of ORS 92.050, 92.060 and 92.070 shall be indicated on the final plat and met in preparing the plat.

Section 4.030. Supplementary Information with Final Plat. The following data shall accompany the final plat:

1. Addresses of the owner, subdivider, and surveyor.
2. Survey requirements:
 - a. A complete and accurate survey of the land to be subdivided shall be made by a registered surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying.
 - b. Traverses of the exterior boundaries of the proposed subdivision and of each block and lot shall close within the limit of error as specified by ORS 92.050.
3. A copy of any deed restrictions applicable to the subdivision.
4. A copy of any dedication requiring separate documents.
5. A certificate by the city recorder that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving conditional approval of the preliminary plat.
 - b. An agreement has been executed as provided in Sections 5.020 and 5.030 to assure completion of required improvements.
 - c. Certifications or statements pertaining to the availability of domestic water supply and sewage disposal systems to serve each lot as outlined in ORS 92.090.
6. Street and sanitary sewer profiles, and specification for all improvements.
7. 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 street center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

8. Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract.

Section 4.040. Technical Review.

1. Upon receipt of the final subdivision plat and accompanying data it shall be reviewed by the city engineer and the County Surveyor.

2. The city engineer shall review the final map and documents to determine that the plat conforms with the approved preliminary plat and the provisions of ORS Chapter 92 and this ordinance. The city may make checks in the field to verify that the map is sufficiently correct on the ground, and city representatives may enter the property for this purpose.

3. The county surveyor shall examine the plat for compliance with requirements for survey accuracy and completeness and shall collect such fees for this purpose as are provided for by state law.

4. If it is determined that there has not been full conformity, the city recorder 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 shall so certify.

Section 4.050. Approval of Final Plat. If it is determined that the final plat conforms fully with the approved preliminary plat and all applicable regulations and standards, the city recorder shall advise the chairman of the planning commission. The chairman of the planning commission and the city engineer may then sign the plat without further action by the planning commission.

If the final plat is not in full conformance, it shall be submitted to the planning commission. If the final plat is referred to the chairman of the planning commission for signature without submission to the planning commission, the chairman 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. In the absence of the chairman, his duties and powers with respect to action on final plats shall be vested in the vice-chairman.

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

ARTICLE V

PROCEDURE FOR RECORDING OF FINAL SUBDIVISION PLAT AND FOR PROVIDING IMPROVEMENTS.

Section 5.010. Recording of Final Plat.

1. Prior to recording of the final plat, the subdivider must apply for approval of all public officials, as specified in ORS Chapter 92. 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 take the approved final plat to the office of the County Clerk and have it recorded.

2. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the planning commission chairman. However, if

the subdivider submits a request for a time extension to the planning commission, the commission may grant such additional time as circumstances warrant.

3. 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 type ink upon a good quality of Mylar or other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copy shall be certified as an exact copy of the plat by the surveyor who caused the plat to be made.

4. If, after a final plat has been recorded, it has not been developed within a five (5) year period from the date of recording, the plat shall be resubmitted to the city for review and approval. Action on the resubmittal shall be in relation to current requirements of ORS Chapter 92, this ordinance, the comprehensive plan, other city ordinances and the development pattern in the surrounding area.

5. A reconsidered final plat shall be reviewed by the planning commission. The commission shall either approve the plat as originally plated or it shall require that the plat be revised and resubmitted as a tentative plat following all ordinance requirements for that purpose. For purposes of this section, a plat is developed only when all required public improvements have been installed.

Section 5.020. Improvements Agreements.

1. Before city approval is certified on the final subdivision plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the city recorder an agreement between the subdivider and the city, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

2. Construction cost estimates for streets, storm drainage, sanitary sewers, and water systems shall be provided for city review and approval, as part of the agreement process. One, or all, of the following agreements may be required by the City:

- a. A notarized MUTUAL IMPROVEMENT AGREEMENT shall be executed with the city, for on-site (and off-site improvements, required by the City for approval of the subdivision proposal) infrastructure improvements that are not completed prior to submittal of the final subdivision plot for approval.
- b. A PUBLIC IMPROVEMENT AGREEMENT AND CERTIFICATION, with a completed PROJECT FEE DEPOSITS form shall be executed with the City, and the total amount indicated on the form shall be deposited with the City, before the project improvement drawings are submitted for review and approval.
- c. A UTILITIES AGREEMENT shall be agreed to in principal, prior to the beginning of improvements construction, specifying the financial obligations for both the City and the Developer, for off-site improvements and/or on-site infrastructure upsizing or upgrading required by the City. Specific numbers will be added to the agreement when final construction costs are agreed to by both parties and final execution of the agreement will be completed.

Section 5.030. Bond.

1. The subdivider shall file with the Mutual Improvement Agreement, to assure his full and faithful performance thereof, one of the following:
 - a. A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the city attorney.
 - b. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed to accordance with the agreement.
 - c. Cash.
2. Such assurance of full and faithful performance shall be for sum determined by the city engineer as sufficient to cover the cost of the improvements and repairs, including related city expenses.
3. If the subdivider 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 by the city, the city shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.
4. A Warranty Bond shall be filed with the City, upon Final City acceptance of the improvements and prior to connection to any City utilities of those improvements. The bond shall remain in effect for one (1) year after the improvements are accepted in order to correct any defects which may have taken place.

Section 5.040. Land Use Review Payments. City charges related to the project shall be paid in a timely manner. City approval of the plat or necessary permits, City Engineer inspection of improvements, final improvements acceptance, etc. shall be contingent on the Developer being up-to-date on Land Use Review charges owed to the City.

ARTICLE VI PARTITIONING

Section 6.010. Purpose of Partitioning Review. Section 6.010 to 6.070 prescribes procedures and standards governing the partitioning of land. Partitioning requirements are established to insure that the parcels which are created will have adequate access and public utilities, and that the opportunity for the full and orderly development of the surrounding area will be maintained.

Section 6.015. Acknowledgement from Oregon Water Resources Department. Any person proposing a partition shall file a statement of water right and if a water right is appurtenant, a copy of the acknowledgement must be attached before the county recording officer may accept the partition plat.

Section 6.020. Partitioning Procedures. Any division of land that is within the definition of a major or minor partition shall be submitted to the city for review and approval. There shall be submitted to the city an application for approval of a preliminary plat for a partition.

1. The application for a partition shall include:
 - a. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient

description to define the location, boundaries and dimensions of the tract to be partitioned.

- b. Name and address of the owner(s) of record (verified by a title company for a Major Partition due to the creation of a city street), and the person who prepared the partition.
- c. The parcel layout, showing dimensions and size of parcels.
- d. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
- e. Identification of street or vehicular access easement intended to serve the partition and including location, widths, and names of streets.
- f. Identification of existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.
- g. The street and lot pattern in the area surrounding the partition.

2. Thirty four (34) copies of the preliminary Major partition plat shall be submitted to the city at least 60 days prior to the planning commission meeting at which the partition request shall be heard. (Note: For a minor partition this requirement is three (3) copies and ten (10) days.)

- a. For a Major Partition, the city shall forward notification to:

Harrisburg City staff (4 copies total)

Qwest (2 copies)

Pacific Power and Light (2 copies)

Northwest Natural Gas

Harrisburg School District, #7

Harrisburg Rural Fire Protection District

Linn Soil and Water Conservation District

Linn County Surveyor

Linn County Assessor

Linn County Road Department

Linn County GIS

Oregon State Highway Division, if the proposal is within 200 feet of a state highway.

Comcast

The Mayor and City Council members (8 copies)

Each Planning Commission member (8 copies)

3. Consideration of a preliminary plat for a major partition shall take place at a Public Hearing. Consideration of a preliminary plat for a minor partition shall take place at a public meeting. Owners of all property abutting the proposed partition shall be notified of the meeting.

4. Within 35 days following the public meeting, the planning commission shall either approve the preliminary plat for the partition as submitted, approve it with conditions and/or modifications, or deny it.

In taking action on the partition the planning commission shall base the decision on findings related to the following criteria:

- a. The partition is consistent with the standards of this ordinance and the zoning ordinance.
- b. Vehicular access to the parcels to be created is adequate. (Criteria and Findings apply for a Major Partition)
- c. All necessary public utilities can be provided to the parcels to be created.
- d. Full and orderly development to the surrounding area can be maintained.

5. The planning commission may approve Conditions of Approval, to accompany the approval, or approval with modifications, of the preliminary partition plat, at the time of the approval, or approval with modifications, or direct staff to prepare conditions of approval for review and approval at a subsequent planning commission meeting.
 6. If the partition is approved, two (2) copies of the approved preliminary plat shall be signed by the chairman of the planning commission, with any conditions or modifications of approval noted. One copy shall be retained by the city recorder and one copy shall be returned to the applicant.
 7. If the partition is not approved, the preliminary partition plat shall not be signed and one copy shall be returned to the applicant with a letter stating the findings for denial.
 - a. The applicant may then either modify the preliminary plat for resubmittal, or appeal the planning commission decision in accordance with the appeal procedures specified in this ordinance.
 - b. The city council may uphold the decision of the planning commission, approve the application with conditions and/or modifications or approve the application as proposed. If the application is approved, copies shall be forwarded or retained as outlined in Section 6.020 (6).
- (Section 6.020 Amended by Ordinance No. 838, Adopted January 11th, 2006)

Section 6.040. Approval and Recording of Final Plat for a Major or Minor Partition.

1. Requirements for Final Map. The final plat for a major or minor partition shall be the survey map which has been recorded with the Linn County Surveyor in accordance with county and state regulations that is to be submitted for recording in the office of the Linn County Clerk. Prior to recording of the survey map, all deeds, dedications, easements, and agreements shall be submitted to the city for approval. The final map shall be a transparent copy and two prints of the recorded survey map. It shall be prepared to meet the requirements specified by ORS 92, and ORS 209.250 and shall include the following:
 - a. The recorded survey map of the parcels being offered for sale prepared by a Registered Land Surveyor. The survey map shall indicate the location of all interior and exterior monuments.
 - b. A legal description of the parcels being offered for sale.
 - c. A signature of the owner(s) declaring the ownership and consenting to said partition.
 - d. A designated space for approval signatures of the chairman of the planning commission, the city engineer, and the county surveyor.
 - e. The recording numbers of all deeds, dedications, easements and agreements approved as part of this petitioning process.
 - f. A notarized declaration that the partition is to take place as indicated.
 - g. Proper identification of all required reserve strips.
2. Procedure for Approval of Final Partition Plat.
 - a. The final plat shall be submitted to the city recorder within six (6) months of the date of approval of the tentative plat.
 - b. The city recorder shall coordinate the process of final plat review and approval.
 - c. Prints of the final plat for review and approval shall be forwarded to the city engineer, the community development superintendent, and the county surveyor. The city engineer and community development

superintendent shall review the plat for agreement with the approved partition and other city requirements or conditions of approval. The county surveyor shall review the plat for compliance with County and State survey requirements.

- d. If it is determined that there has not been full conformity with the approved tentative plat, the city recorder shall advise the applicant of the changes that must be made and shall afford the applicant an opportunity to make such changes.
- e. If it is determined that the final partition plat conforms fully with the approved tentative plat and with all applicable regulations and standards, the city recorder shall notify the city engineer and chairman of the planning commission. The city engineer and the planning commission chairman shall then sign the final plat.
- f. The original signed final plat shall be forwarded to the county surveyor for final approval and signature.
- g. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the planning commission chairman. However, if the subdivider submits a request for a time extension to the planning commission, the commission may grant such additional time as circumstances warrant.

(Section 6.040 Amended by Ordinance No. 838, Adopted January 11th, 2006)

Section 6.050. Filing Fees. At the time of application for partition, the city recorder shall collect such filing fees as the city council shall designate by resolution.

Section 6.060. Standards. The design standards for a subdivision as shown in Section 7.010 to 7.070 shall apply to a partition. Application for a variance shall be in accord with Section 9.010 to 9.040 of this ordinance.

Section 6.070. Improvements. When a partition is being approved, the city shall determine whether or not any or all of the improvements as specified in Section 8.010 to 8.030 are needed to serve property in a partition. If the city finds that any or all of the improvements are needed, the city shall require that the improvements be accomplished according to one of the following:

1. The standards and procedures of Sections 8.010 to 8.030.
2. The property owners shall sign and have recorded with the city a waiver of remonstrance against the city for future improvements in order that they be installed as part of an improvement project affecting other properties in the immediate vicinity.

ARTICLE VII DESIGN STANDARDS

Section 7.010. Principles of Acceptability. Subdivisions and partitions shall conform to the comprehensive plan and to other plans and ordinances adopted by the city council. Subdivisions and partitions shall conform to the requirements of State law and the standards established by this ordinance.

Section 7.020. Streets.

1. General. The location, width and grade of street shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets. Where location

is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall either:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b. Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where physical conditions make continuance or conformance to existing streets impractical.
2. Minimum right-of-way and roadway widths.
- a. The following classifications apply:
 - (i) Major Arterial Street: A major facility for moving large volumes of inter-area traffic primarily carrying through traffic. An arterial is intended to provide for the majority of regional travel passing through an area as well as the majority of local trips entering and leaving the urban area. It should also provide continuity for all rural arterials which intercept the Urban Growth Boundary and should include connections to all collectors.
 Arterials generally emphasize mobility over land access. Access to arterials should be managed to protect the mobility function of the street as much as possible.
 Note: Any arterial street shall afford greater visibility than a residential street.
 - (ii) Minor Arterial street: A two/three lane facility that is designed to carry through traffic, places more emphasis on land access; and, offers a lower level of traffic volume and mobility than major arterials. Although a minor arterial is intended to provide more access than a major arterial, mobility is still the primary function of the street, and should be preserved as much as possible.
 - (iii) Collector street: A facility connecting intra-area traffic to the arterial system. Collectors provide links between an area or neighborhood and the arterial system. They supply abutting property with the same degree of land service as a local street but are usually given priority over local streets in any traffic control installation. Collectors penetrate into all areas of the city, gathering traffic, and channeling it to arterials.
 Note: A collector street shall afford greater visibility than a residential street.
 - (iv) Residential/local Street: Primarily provides access to abutting properties and is protected from through traffic. Residential/local streets entail all those not otherwise defined as arterials or collectors. While connectivity is encouraged for all streets, through traffic movement is not the intended purpose of a residential/local street.
 - b. The width of streets and roadways shall be adequate to fulfill city specifications as provided for in Section 8.020 of this ordinance and, unless otherwise indicated on a comprehensive plan, shall not be less than the minimums shown in the following:
 - c. Unless otherwise indicated on a comprehensive plan, shall not be less than the minimums shown in the following:

Width of each of the following (in feet)	Local		Collector		Minor Arterial		Major Arterial	
	R/W	Street	R/W	Street	R/W	Street	R/W	Street
Extra R/W	.5		1		1		1	
Bike lane					5	5	6	6
Planter or utility	5.5		6		7		7-8	
Sidewalk	5		5.5		6		6-8	
Parking lane	7	7	7.5	7.5	7.5	7.5	7.5	7.5
Travel or turn lane	9	9	9	9	10	10	12	12

Notes regarding the above chart:

- g. "R/W" refers to right-of-way.
- h. "Extra R/W" refers to a space that will normally be left between the property line and a sidewalk to avoid accidentally constructing a sidewalk on private property.
- i. The Planning Commission will determine if a right-of-way design will include bike lanes, parking lanes, and other amenities, as well as the number of travel and turn lanes.
- j. The Planning Commission shall take into consideration future usage.
- k. No public street or alley shall be less than 20 feet in width.

Where existing conditions such as the size or shape of land parcels make it infeasible to provide buildable lots, the planning commission may accept a narrower right-of-way, ordinarily not less than 50 feet.

3. Reserve strips. Reserve strips or street plugs controlling the access to streets shall be required for the protection of the public welfare or of substantial property rights.

- a. The reserve strip shall normally be one (1) foot in width.
- b. The reserve strip shall be deeded to the City by a recorded instrument separate from the plat and shall be shown on the plat as a reserve strip.

4. Alignment. As far as 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 whenever practical; leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and other wise shall not be less than 125 feet.

5. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision, and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

6. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical but in no case shall the acute angles be less than 60 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 100 feet of tangent adjacent to the intersection. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersections. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

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, 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 subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be plated within such tract. Reserve strips and street plugs may be required to preserve the objectives of half street.

9. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 300 feet unless environmental features or permanent obstacles require a depth greater than 300 feet. Cul-de-sacs will not be permitted where the street would logically connect to a future street that has not been constructed. In these cases, for the case of future connectivity, the street shall be stubbed out.

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 shall be subject to the approval of the planning commission.

11. Curves. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets.

12. Streets adjacent to railroad right-of-way. Whenever the proposed subdivision 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 of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

13. Bulb-outs.

- a. All residential neighborhoods shall have a 5 foot bulb-out on each side of an intersection.
- b. A mid-block bulb-out shall be required if a block length exceeds 630 feet.

14. Mailbox clusters. In a residential subdivision, mailboxes shall be installed by the developer in clusters of locked mailboxes—groupings of multiple mailboxes—as approved by the United States Postal Service and the City. The mailboxes shall not reduce the intended width of the public sidewalk.

(Section 7.020 Amended by Ordinance No. 838, adopted January 11th, 2006) [Section 7.020.14 added by Ordinance No. 847, approved October 11th, 2006, and effective November 11th, 2006]

Section 7.030. Blocks.

1. Size and width. No block length shall be more than 630 feet. Except where cul-de-sacs are used, block perimeters will not exceed 1,800 feet.

- a. Exceptions to the maximum block length will be considered when due to environmental constraints or permanent obstacles in the built environment, when a longer block length is necessary. The exception will be considered on a case-by-case basis, with the difficulty of building around the environmental or built environmental feature the determining factor in permitting block length longer than minimum requirements.
- b. When an exception to maximum block lengths is approved, pedestrian access ways will be required in order to provide direct access to the sidewalk.

2. Easements.

- a. Utility lines. Easements for sewers, water mains, electric lines or other public facilities shall be dedicated whenever necessary. All public utilities shall be underground.
- b. Water courses. If a subdivision or partition is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course and such further width as will be adequate for the purpose.
- c. Pedestrian ways. Pedestrian walkways and access ways shall be included wherever possible to connect a new development to existing sidewalk networks.
- d. Bicycle Access. New development should accommodate safe and convenient pedestrian and bicycle access to surrounding residential and commercial development.

(Section 7.030 Amended by Ordinance No. 838, Adopted January 11th, 2006)

Section 7.040. Lots.

1. 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.
 - a. No lot shall be dimensioned to contain part of an existing or proposed street.
 - b. Lot depth shall not exceed two-and-a-half times the average width.
 - c. These minimum standards shall apply with the following exceptions:
 - (i) In areas that will not be served by a public water supply or by a public sewerage system, minimum lot sizes shall conform to the requirements of the Linn County Environmental Health Program.
 - (ii) In areas served by a public water supply and a public sewerage system, lot sizes and widths shall conform to the city zoning ordinance standards.
 - (iii) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.
2. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.
3. 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 orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
4. 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.

Section 7.050. Building Lines. If special building setback lines are to be established in the subdivision, they shall be included in the deed restrictions.

Section 7.060. Large Lot Subdivision. Lot dimensions must comply with the minimum standards of this ordinance and the zoning ordinance. When lots are more

than double the minimum area designated by the City, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. A conversion plan shall be submitted showing how future development of the parcels to be created will take place to satisfy the needs of the city for full and orderly development of the surrounding area.

Section 7.070. Land for Public Purposes. If the city has an interest in acquiring any portion of the proposed subdivision 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 reasonable assurance that steps will be taken to acquire the land, then the planning commission may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed two years.

ARTICLE VIII IMPROVEMENTS

Section 8.010. Improvement Procedures. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the city and shall be installed in accordance with the following procedure:

1. Work shall not be commenced until the final plat and supplemental information has been reviewed for adequacy and approved by the city.
2. Work shall not be commenced until the city has been notified in advance; and, if work 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.
3. The City engineer and Public Works Superintendent shall be notified of the project construction schedule and provided at least eight (8) normal working hours notice in advance of any testing procedures or change in the submitted work schedule. This applies to any corrective measures taken by the developer, as well.
4. The City shall be notified prior to the placement of concrete for all sidewalks, approaches and driveways, in a street right-of-way.
5. Required improvements shall be inspected by and constructed to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
6. The City Public Works Superintendent shall be notified of all intended sanitary sewer lateral connections to establish a mutual inspection time for a City employee to witness and monitor the connections and procedures. All taps or additional connections required for an existing sanitary sewer main shall be made only by City personnel or a retained representative.
7. The City Public Works Superintendent shall be notified of intended installation of water service to individual building lots. City personnel shall install water meters and property owner shut-off valves, in the meter box, for residential dwellings.
8. Disconnection of service and a \$1,000.00 fine, may be imposed, for any sewer or water connection made to the existing or future City utilities without prior City approval and City inspection at the time of connection.
9. Underground utilities, sanitary sewers and storm drains installed in street right-of-ways by the subdivider 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.

10. Dry Utilities (gas; electric; television; telephone; etc.) shall be installed prior to acceptance of the improvements by the City.
11. One transparency and three (3) prints of a map showing public improvements as-builts shall be filed with the city recorder upon completion of the improvements.
12. On a weekly basis, clean the subdivision constructed and existing streets by a street sweeper, or other means approved by the city. Any damage to the subdivision streets prior to acceptance by the City of Harrisburg shall be restored, at the developers' expense, as directed by the city.

Section 8.020. Specifications for Improvements. The city engineer shall prepare and submit to the city council specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

1. Streets, including related improvements such as curbs, shoulders, median strips and sidewalks.
2. Drainage facilities.
3. Sidewalks in pedestrian ways.
4. Sewers and sewage collection facilities.
5. Public water supplies and water distribution systems.

Section 8.030. Improvement Requirements. Necessary improvements shall be installed at the expense of the subdivider/developer. The following requirements apply:

1. Water supply. Lots within a subdivision or partition shall be served by a public domestic water supply system and shall be constructed conforming to city and state specifications.
2. Sewerage. Lots within a subdivision or partition shall be served by the city sewage collection system. The sewage collection system constructed within the subdivision/partition shall conform to city and state specifications. The design shall take into account provision for extension beyond the development and will provide sufficient stubs for future division of lots.
3. Drainage. Such grading shall be performed and drainage facilities installed conforming to city specifications as is necessary to provide proper drainage within the subdivision or partition and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage systems or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
4. Streets. The subdivider shall grade and surface all streets within the subdivision to the roadway widths specifications of this ordinance.
 - a. Curbs and gutters shall be placed along both sides of each street and shall be designed and constructed to city specifications.
 - b. At the commencement of construction on any subdivision, all curbs, gutters and streets shall be installed in full.
 - c. Any curb, gutter or street that, due to extraordinary circumstances cannot be constructed in a timely fashion prior to commencement of other works, shall be funded by a deposit with the city of Harrisburg of twice the estimated amount of money required for completion of said work. Interest earned and any refund from said deposit for work done shall be paid to the depositor.
 - d. Travel lanes shall be twelve (12) feet wide. Travel lanes for streets less than 400 feet may be ten (10) feet wide.

- e. Six (6) foot wide bike lanes, including the striping, shall be installed on both sides of the street.
 - f. Provisions for on-street parking shall not be required. If the subdivider/developer wants to provide on-street parking that will be in addition to other roadway requirements.
 - 5. Sidewalks. Sidewalks shall be installed in accordance with city standards and provision of this ordinance.
 - 6. Bench Marks. Bench Marks shall be installed in accordance with city standards and state law.
 - 7. Signs. Install appropriate traffic signage and sign posts according to city standards and project approvals.
 - 8. Vehicle guard barriers. A vehicle guard barrier, approved by the city, shall be installed across reserve strips.
 - 9. Fire hydrants. Fire hydrants shall be installed in accordance with city standards and as approved by the City Engineer. The location will be coordinated with the Fire Chief and Superintendent of Public Works.
 - 10. Street Lighting. Street lights shall be installed in accordance with a city approved street lighting plan, prior to acceptance of improvements for a subdivision or major partition. All street lights shall be equal to or compatible to the existing city system.
 - 11. Mailboxes shall be installed according to United States Postal Service standards, and according to the Conditions of Approval, before occupancy is allowed.
 - 12. Prior to issuance of building permits, the City Engineer must have accepted the public improvements or the City Engineer must have agreed in writing that the public improvements are completed sufficiently to allow connection to said improvements. A cash deposit, controlled by the City, may be required of the developer to provide assurance that any unfinished improvements will be completed.
 - 13. The developer shall maintain streets clean of debris until the City accepts maintenance responsibility in writing.
 - 14. Prior to the City accepting public improvements, the developer shall:
 - a. Identify all property corners, interior and exterior, in their final location in a manner acceptable to the City Engineer.
 - b. Provide lien release for subcontractors, and
 - c. Provide "as-built" plans of the final design of the public improvements.
 - 15. Bonds. A Warranty Bond, equal to ten (10) per cent of the estimated construction costs listed in the Development Agreement or verified actual construction costs shall be filed with the city, upon final city acceptance of the improvements and prior to connection of those improvements to any city facilities. The bond shall remain in effect for one (1) year after the improvements are accepted in order to correct any defects which may have taken place.
 - 16. Easements. Easements for dry utilities (gas; electric; television; telephone; etc.) shall be provided unless there is sufficient space to install the dry utilities in the right-of-way.
- (Section 8.030 Amended by Ordinance No. 838, adopted January 11th, 2006)

ARTICLE IX EXCEPTIONS AND VARIANCES

Section 9.010. Exceptions in Case of Large Scale Development. The planning commission may modify the standards and requirements of this ordinance if the subdivision or partition comprises a complete neighborhood unit, a large-scale shopping center or a planned industrial area. The planning commission shall determine that such

modifications are not detrimental to the public health, safety and welfare and that adequate provision is made within the development for traffic circulation, open space and other features that may be required in the public interest.

Section 9.020. Variance Application. When necessary, the planning commission may authorize conditional variances to the requirements of this ordinance. Application for a variance shall be made by petition of the subdivider or partitioner, stating fully the grounds for the application. The petition shall be filed with the preliminary plat of the subdivision or partition. A planning commission decision on a variance request shall be rendered after a Public Hearing.

Section 9.025. Variance Public Hearing Notification. Variance notification procedures shall be in accordance with the City of Harrisburg, Zoning Ordinance No. 386, Sections 10.070 through 10.077.

Section 9.030. Conditions for Granting a Variance. Before a variance may be granted, the planning commission shall first determine that all of the following conditions exist:

1. That there are special conditions affecting the property that are not common to all property in the area.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
3. That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety or welfare or injurious to other property in the vicinity.

Section 9.040. Planning Commission Action on Variances. In granting a variance, the planning commission shall make a written record of its findings and shall specifically describe the variance and any conditions which the commission may designate. The secretary of the planning commission shall keep the findings on file as a matter of public record.

ARTICLE X PROPERTY LINE ADJUSTMENT

Section 10.010. Statement of Purpose. The purpose of this article shall be to provide the city staff the authority to review all property line adjustments within the city of Harrisburg in order to ensure compliance with the comprehensive plan and all applicable city ordinances.

Section 10.020. Application Procedure.

1. For all property line adjustments a complete application shall be filed with the city recorder. A site plan is required which shows all the property line dimensions; location of improvements with dimensions from property lines; and, the area and dimensions to be added or reduced from each parcel.
2. The applicant shall provide a preliminary plan of the proposed property line adjustment showing how the property lines will be modified. Additional information required shall be specified in the application.

Section 10.030. Review Procedures.

1. Within 21 days of the city recorder's receipt of a completed property line adjustment application, the City Administrator or City Recorder shall determine whether or not the application is in conformance with all the standards specified in Section 10.050 of this article.

a. The property line adjustment must comply with established minimum parcel sizes, established setbacks, parcel width and depth standards and other applicable development standards in the zoning ordinance and the subdivision ordinance.

2. A property line adjustment is considered a ministerial act and does not require that notice be provided to any party except the applicant and the landowner, if different from the applicant. A property line adjustment will be approved when the nondiscriminatory standards in Section 10.040 are met.

3. If the application complies with all of the standards in Section 10.040, the City Administrator or City Recorder shall grant tentative approval.

Section 10.040. Standards for Evaluating Property Line Adjustments.

1. In reviewing requests for property line adjustments, all of the following standards shall be met prior to the City Administrator or City Recorder approving the property line adjustment:

a. The lot being reduced in size through the property line adjustment meets the minimum area requirement if located within a zoning district which has a minimum lot size. If the zoning district does not have a minimum lot size, the acreage of the lot(s) will not be reduced more than one percent in size.

b. The lot(s) being reduced in size meets the width, depth and frontage standards of the zoning district in which it is located. If prior to the application, the lot did not meet width, depth and/or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards.

c. The amended lot lines do not encroach on the location of an existing subsurface sewage disposal system; replacement area; well; or, easements. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements.

d. The property line adjustment does not create any additional lots.

e. The property line adjustment does not create building encroachments into specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.

f. The property line adjustment does not eliminate vehicular access for any of the parcels.

g. Verification of ownership for each property must be presented to the city recorder.

h. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change.

Section 10.050. Final Approval Process.

1. A final property line adjustment plan shall be submitted to the city for review and approval. If applicable, one copy of the plan showing the location and dimensions of any structure, appurtenances, and/or easements, applicable to

each parcel, shall be prepared for city staff review. A signature block, for city approval, shall be indicated, on the plan. If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for city staff review.

2. A metes and bounds description shall be prepared for city staff review which describes the area to be added or reduced from each parcel. This information shall be recorded in deed form for future ownership and taxing considerations.

3. Compliance with any conditions of approval must be demonstrated.

4. The City Administrator or City Recorder shall render a decision within 30 days of receiving the final lot line adjustment plan.

5. Notice of the approval or denial shall be provided to the applicant and landowner, if different from the applicant.

ARTICLE XI GENERAL PROVISIONS

Section 11.010. Appeal. Appeal procedures shall be in accordance with the appeal procedures of City of Harrisburg, Zoning Ordinance No. 386, Section 10.025, (3) through (8).

Section 11.020. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 11.030. Validity. If any provision of this ordinance shall for any reason be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of the ordinance.

Section 11.040. Penalty. Any person violating any of the provisions of this ordinance shall be subject to the provisions of ORS 92.990.

Section 11.050. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 11.060. Repeal. Ordinance No. 599 enacted April 10, 1991 and Ordinance No. 709, enacted April 10, 1996, are here repealed.

Section 11.070. Savings Clause. The repeal of any ordinance by the aforesaid section shall not preclude any action prior to the effective date of this ordinance.

Section 11.080. Effective Date. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment.

Passed by the Council on January 14, 1998