

ORDINANCE NO. 94-1003

AN ORDINANCE AMENDING TITLE 16: SUBDIVISIONS, CHAPTER 16.04: GENERAL PROVISIONS, OF THE OREGON CITY MUNICIPAL CODE, 1991; AND REPEALING TITLE 16: SUBDIVISIONS, CHAPTER 16.08: ADMINISTRATION, CHAPTER 16.12: PRELIMINARY APPROVAL PROCEDURE, CHAPTER 16.16: FINAL APPROVAL PROCEDURE, CHAPTER 16.20: DESIGN STANDARDS, CHAPTER 16.24: IMPROVEMENTS, AND CHAPTER 16.28: MINOR PARTITIONS, ENACTING NEW CHAPTERS 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, AND ENACTING A NEW CHAPTER 16.32: PROPERTY LINE ADJUSTMENTS, AND DECLARING AN EMERGENCY.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the 1991 and 1993 Oregon Legislative Assemblies enacted several pieces of legislation, most notably SB 548, pertaining to the local land use decision making process and local regulation of subdivision and partitioning applications; and

WHEREAS, some of the changes adopted by the 1991 and 1993 Legislative Assemblies must be adopted by local governments and incorporated into local zoning ordinances, while others are discretionary; and

WHEREAS, the City Commission, upon the advice of staff and the Planning Commission and after providing the opportunity for comment on these issues from the public, deems it necessary to amend the Oregon City Zoning Ordinance to incorporate some of the land use provisions enacted by the 1991 and 1993 Legislative Assemblies.

Therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 16: SUBDIVISIONS, Chapter 16.04: GENERAL PROVISIONS, Section 16.04.020, SCOPE, of the Oregon City Municipal Code, 1991, shall be amended to read as follows:

16.04.020 Scope. Subdivision plats and partition maps shall be approved by the Planning Commission or Principal Planner in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street shall submit tentative plans and final documents for approval as provided in this Chapter and ORS Chapter 92.

Section 2. That Title 16: SUBDIVISIONS, Chapter 16.04: GENERAL PROVISIONS, Section 16.04.030: DEFINITIONS, of the Oregon City Municipal Code, 1991, is hereby amended to delete the definitions for "major partition," "minor partition," "partition land," "plat", "reserve strip" and "subdivision" and add the following definitions to read as follows:

"Partition" means either an act of partitioning land or an area or tract of land partitioned.

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

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

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

3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Oregon City Comprehensive Plan and applicable state statutes. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

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

"Plat" includes a final subdivision plat, replat or partition plat.

"Principal Planner" means the senior planner in the Planning Division of the City of Oregon City, or his/her designee.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties.

"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.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street along the center line or running across the end of a street at right angles to the center line which, when deeded to the City, prevents the abutting property owner from using the street for access to develop the abutting property without first making the appropriate dedication from his/her land.

"Subdivision" means either an act of subdividing land or an area or tract of land into four or more parcels within a calendar year.

"Subdivision plat" includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Section 3. That Title 16: SUBDIVISIONS, Chapter 16.08: ADMINISTRATION, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.08

ADMINISTRATION

Sections:

16.08.010	Fees.
16.08.020	Variations and exceptions.
16.08.030	Public hearings.
16.08.040	Appeals.
16.08.050	Severability.
16.08.060	Nuisance--Violation--Penalty.

16.08.010 Fees.

A. Filing Fees. The City Commission shall establish by resolution filing fees for partitions, subdivisions, and property line adjustments. These fees shall be paid to the City at the time of application for the action requested. Filing fees shall not be refundable, except as provided in Title 17, Section 17.50.480(C).

B. Technical Plan Check and Inspection Fees. The City Commission shall establish by resolution a plan check and inspection fee which shall be a percentage of the actual construction costs of roads, water, sewer and storm drainage facilities. This fee shall be paid to the City for costs of review of plans and inspection of public improvements.

C. Other Fees. The fees required by this Chapter are in addition to any fees charged by any other department or agency.

16.08.020 Variations and exceptions. Where the Planning Commission finds that extraordinary physical circumstances inherent in the land and peculiar to the applicant's site could result in extraordinary hardship from strict compliance with these regulations, and where it finds further that such circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience, and that a variation or exception to these regulations is in the public interest, it may vary the regulations so that substantial justice is done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these regulations. In granting variations and exceptions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified. Variations and exceptions shall only be considered at an advertised public hearing pursuant to Title 17, Sections 17.50.210 through 17.50.250 and 17.50.270.

16.08.030 Public hearings. Public hearings for subdivisions shall be governed by Title 17, Section 17.50.230. Partitions may be decided without a hearing or referred to the Planning Commission for a hearing pursuant to Title 17, Section 17.50.490.

16.08.040 Appeals. Appeals of decisions on subdivision applications shall be governed by Title 17, Sections 17.50.210 through 17.50.250 and 17.50.270. Appeals of decisions on partition applications shall be governed by Title 17, Section 17.50.490.

16.08.050 Severability. If any section, subsection or other portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate provision of this Chapter and such holding shall not affect the validity of the remaining portions of this Chapter.

16.08.060 Nuisance--Violation--Penalty. Any act or omission in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Title shall constitute a civil infraction, subject to the code enforcement procedures of Title 1, Chapters 1.16 and 1.20.

Section 4. That Title 16: SUBDIVISIONS, Chapter 16.12: PRELIMINARY APPROVAL PROCEDURE, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.12

PRELIMINARY APPROVAL PROCEDURE FOR SUBDIVISIONS

Sections:

16.12.010	Preapplication review.
16.12.020	Findings--Approval.
16.12.030	Submission requirements.
16.12.040	Application.
16.12.050	Development impact statement--Form.
16.12.060	DIS - - Hydrological/geological/geotechnical considerations--Designated areas.
16.12.070	DIS--Hydrological/geological/geotechnical considerations.
16.12.080	DIS--Vegetation and animal life considerations.
16.12.090	DIS--Atmospheric considerations.
16.12.100	DIS--School considerations.
16.12.110	DIS--Coordination considerations.
16.12.120	DIS--Transportation considerations.
16.12.130	DIS--Public considerations.
16.12.140	Mapping requirements.
16.12.150	Preliminary plan of subdivision.
16.12.160	Bylaws requirements.
16.12.170	Master plan.
16.12.180	Distribution of plans.
16.12.190	Preliminary subdivision approval.

16.12.010 Preapplication review. An applicant to subdivide land shall confer with the Principal Planner pursuant to Title 17, Section 17.50.030. The Principal Planner shall explain the review procedures and identify relevant Comprehensive Plan policies and land use regulations, including Facility Master Plan requirements and design standards. The City Engineer shall attend the preapplication review to answer questions and provide information of a technical nature.

16.12.020 Findings--Approval. The Planning Commission shall approve the preliminary plan for a proposed subdivision only upon findings that the subdivision as proposed or modified will satisfy the requirements of this Title and will be in compliance with the Comprehensive Plan. Such findings shall include the following:

A. Conformity with the policies in the City's Comprehensive Plan, all of which are incorporated into this ordinance by this reference;

B. Conformity with the subdivision, zoning and other ordinances and regulations of the City, including requirements of the underlying zone and any applicable overlay zones or supplemental zoning regulations; and

C. Conformity with ORS 92.010 to 92.160.

The Commission may impose any conditions of approval it deems necessary to ensure conformance with these requirements and standards.

16.12.030 Submission requirements. The requirements of Section 16.12.040 through 16.12.180 of this Chapter shall be met at least thirty days prior to Planning Commission consideration of the subdivision application.

16.12.040 Application. A completed form, furnished by the City, shall be filed with the Principal Planner together with twenty-one copies of the preliminary subdivision plat. In addition, the applicant shall file a written statement explaining how the applicable review criteria described in Section 16.12.020 are met.

16.12.050 Development impact statement--Form. A. All subdivision proposals shall include a Development Impact Statement (DIS). The DIS shall be in written form, with two copies submitted to the Principal Planner. The DIS shall be reviewed by the Principal Planner, City Engineer, City Public Works Director, and the agencies identified in Section 16.12.180. Reviewing agencies shall have fifteen days to reply or comment on the completed impact statement.

B. Following agency response to the DIS, or upon expiration of the time limit for a response, the Principal Planner shall analyze the DIS and the responses thereto. The analysis shall be included in the staff report and shall point out the merits or demerits of the proposed development.

C. The Principal Planner shall transmit to the Planning Commission, together with the staff report, a copy of the DIS and information pertaining to the DIS that has been received from all appropriate agencies.

D. The Principal Planner may waive the submission of information for a specific requirement of Sections 16.12.070 through 16.12.130 upon determination either that the specific information is not necessary to evaluate the application properly or that a specific approval standard is not applicable to the application. The waiver of any requirement of Section 16.12.070 or 16.12.120 shall be made only with the concurrence of the City Engineer. If submission of information is waived, the Principal Planner shall, in the staff report, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged before the review authority and may be denied by the review authority or a subsequent review authority.

16.12.060 DIS--Hydrological/geological/geotechnical considerations --Designated areas. The Development Impact Statement's provisions with respect to hydrological or geological/geotechnical considerations, as applicable, shall be utilized only in the following areas, as designated by the city Comprehensive Plan or zoning ordinance or otherwise demonstrated:

A. Areas indicated on floodplain maps as being within the one-hundred year floodplain;

B. Areas identified as unstable slopes, as defined in Title 17, Section 17.44.020.

C. Areas identified on the Seismic Conditions map in the Comprehensive Plan or any superseding document adopted by the City as subject to earthquake and seismic conditions.

D. Areas designated as being within the Water Resources Overlay District.

16.12.070 DIS--Hydrological/geological/geotechnical considerations. The Development Impact Statement shall contain an assessment of the following points in order to demonstrate conformance with the criteria of Section 16.12.020:

A. Hydrologic consideration shall include the effect upon the watershed in which the project is located; the effect upon the immediate area's storm water drainage pattern of flow; the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the ground water supply.

B. Geologic considerations shall include a description of geologic formations, bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; structural data including bedding, jointing, and shear zones; off-site geologic conditions that may pose a hazard to the site or that may be affected by on-site development; cross sections showing subsurface structure, logs of subsurface explorations and analysis if necessary to evaluate the site; and signature and certification number of an engineering geologist registered in the State of Oregon.

C. Geotechnical considerations shall include strength properties of surface and subsurface soils with regard to stability of slopes; appropriate types of foundations together with bearing values and settlement criteria for foundation design; soil erosion potential, permeability and infiltration rates; excavation, filling and grading criteria including consideration of alternatives to cuts or fills to avoid or minimize impacts and recommended final slopes; surface and subsurface drainage and water table elevations; planting and maintenance of slopes; other identified soil or subsurface constraints together with recommendations to alleviate or minimize their effects; and signature and seal of a geotechnical engineer registered in the State of Oregon.

16.12.080 DIS--Vegetation and animal life considerations. Vegetation and animal life considerations shall include identification and assessment of effects of the proposed development upon: vegetation, unique vegetation communities, and areas of low revegetation potential, on or immediately adjacent to the site; high brush fire or forest fire potential on or immediately adjacent to the site; highly productive habitats for game and nongame wildlife on or immediately adjacent to the site; and threatened and endangered animal species on or within 100 feet of the perimeter of the site. These considerations shall apply only to those areas inventoried and mapped in the City Comprehensive Plan or identified on Metro's Grfeenspace Masterplan Habitat Inventory Map as possessing, or reasonably affecting the following resources: fish and wildlife habitats, scenic views and sites, vegetation around water areas, park lands and proposed park acquisition areas.

16.12.100 DIS--School considerations. School considerations shall include a detailed statement of the impact of the proposed development upon public school enrollments of the school district in which the project is located, and a statement from the relevant school district or districts regarding their ability to assimilate the students from the proposed development. Insufficient school capacity shall not be grounds for denial of a subdivision proposal if the proposal otherwise satisfies all other applicable review criteria.

16.12.110 DIS--Coordination considerations. Coordination considerations shall include summaries of contacts made with electrical, gas and telephone utilities and City or other public agency contacts regarding availability and adequacy of water, sewage disposal, police and fire services and storm drainage facilities. The Principal Planner shall assist the applicant in making such contacts.

16.12.120 DIS--Transportation considerations. A. Transportation considerations shall include a discussion of the roads or routes of transportation in reference to right-of-way width, roadway width, roadway access, construction standards, and the ability of the roads and intersections to accommodate the anticipated amount of travel that will be generated by the proposed development. The Oregon City Transportation Master Plan shall provide the baseline for this discussion. The Principal Planner or City Engineer may require preparation of a Traffic Impact Study, by a licensed traffic engineer per City guidelines, where in his/her opinion there is a reasonable likelihood that safety or capacity improvements may be required or where the public agency with jurisdiction over an affected roadway indicates a need for a study to properly evaluate the development proposal.

B. Transportation considerations also shall include consideration of mass transit and its availability, bicycle paths or ways and pedestrian access. All subdivision applications shall facilitate safe and convenient bicycle and pedestrian access within and from the proposed subdivision to nearby shopping areas, industrial parks, transit stops and neighborhood activity centers such as schools and parks. This shall be accomplished by providing direct routes of travel which are reasonably free from hazards such as types and levels of automobile traffic that interfere with or discourage pedestrian or bicycle travel for short trips.

16.12.130 DIS--Public considerations. Public considerations shall include an analysis of the timing of the project in terms of the ability to provide the proposed subdivision with an adequate level of public facilities and services.

16.12.140 Mapping requirements. The preliminary subdivision shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plan of a subdivision shall be drawn at a minimum scale of one inch equals one hundred feet.

- A. Proposed name of the subdivision.
- B. Date, north point and scale of drawing.
- C. Appropriate identification of the drawing as a preliminary plan.
- D. A vicinity map showing the location of the subdivision sufficient to define its location and boundaries and Clackamas County tax assessment map numbers of the tract boundaries.
- E. Names and addresses of the owner, subdivider and licensed engineer or surveyor.
- F. The location, widths and names of both opened and unopened streets on or within 100 feet of the perimeter of the tract, together with easements and other important features such as section lines, section corners, City boundary lines and monuments.
- G. Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:
 - 1. For slopes of less than ten percent, two feet.
 - 2. For slopes of ten percent to twenty percent, five feet.
 - 3. For slopes of over twenty percent, ten feet.
 - 4. Where lots are to be created on slopes in excess of 25 percent, cross sections of those lots shall be provided.
- H. The location, dimension and direction of water courses and the location of areas subject to flooding.
- I. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- J. Existing uses of the property and location of existing structures to remain on the property after platting.

16.12.150 Preliminary plan of subdivision. The following information shall be included on the preliminary plan of a subdivision:

- A. The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of existing streets to proposed streets, as shown on any preliminary plan or, if no complete preliminary plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation.

B. The location, width and purpose of proposed easements, including any easements for bicycle or pedestrian travel.

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

D. Proposed sites, if any, allocated for purposes other than single-family dwellings.

E. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, telephone lines, gas lines, electric lines and television cable lines, if any.

F. A vicinity map showing existing subdivisions and unsubdivided or unpartitioned land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

G. A general plan for domestic water supply lines and related water service facilities.

H. Proposals for sewage disposal, storm water drainage, detention and storm water quality facilities, and flood control.

I. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil, if required by the City Engineer.

J. Proposals for other improvements such as private utilities and sidewalks.

16.12.160 Bylaws requirements. Two copies of a preliminary draft of the Home Owners Association Contracts and Bylaws, if any, shall be submitted with the preliminary subdivision .

16.12.170 Master plan. Where the land to be subdivided contains only a portion of contiguous property in common ownership on or after January 1, 1994, the Planning Commission shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

16.12.180 Distribution of plans. The Principal Planner shall assign the proposed subdivision a permanent file number and shall submit copies of the proposal, along with the Development Impact Statement, to the following agencies, as well as any others which would be concerned with a specific application.

A. Public or private utility districts or agencies.

B. School, water, fire, irrigation, drainage or water control district officials, as appropriate, and any other affected special district.

C. State and federal departments or agencies when the proposed subdivision would have a substantial impact upon their responsibility.

D. The neighborhood association within whose boundaries the proposed subdivision would be located.

16.12.190 Preliminary subdivision approval. A. Before the Planning Commission may act on a preliminary subdivision plan, it shall hold a public hearing thereon as provided in Section 16.08.030.

B. Except as provided by subsection C of this Section, the Planning Commission shall consider the preliminary subdivision plan and render a decision within 90 days following the date the formal application is deemed complete.

C. When the Planning Commission determines that further information is necessary to take proper action on the preliminary subdivision, or where a continuance is requested by the applicant or by a party to the review proceeding as authorized by state law, the Commission may continue action on the plan beyond the 90-day period provided by subsection B of this Section.

D. If the Planning Commission finds that the preliminary subdivision plan meets the criteria contained in this Chapter and is in accordance with the provisions of the City zoning ordinance, the Planning Commission shall approve the application, either with or without amendments and conditions. Conditions imposed shall be governed by Title 17, Section 17.50.310 of this Code. Unless otherwise noted in the conditions of approval or as provided in Section 16.24.020(K), the applicant shall bear the entire expense of complying with the conditions imposed. In all cases, the Planning Commission shall justify the action of approval, approval with amendments or conditions, or denial with findings and conclusions related to the requirements and standards in Section 16.12.020.

16.12.200 Sale of Lots Prohibited. No person shall sell any lot in any subdivision with respect to which approval is required under this Title until final approval has been obtained and the subdivision has been recorded. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved. The sale of any lot shall conform with the requirements of state law.

Section 5. That Title 16: SUBDIVISIONS, Chapter 16.16: FINAL APPROVAL PROCEDURE, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.16

FINAL SUBDIVISION APPROVAL PROCEDURE

Sections:

16.16.010	Minimum improvements--Requirements.
16.16.020	Conditional acceptance.
16.16.030	Final subdivision--Application--Approval.
16.16.040	Final plat requirements--Generally.
16.16.050	Final plat requirements--Specific requirements.

16.16.010 Minimum improvements--Requirements.

A. The developer, prior to requesting final approval of a subdivision, shall elect to carry out the minimum improvements as required in Chapter 16.24 by one of the following methods:

1. By furnishing the City with surety in the form of a performance bond, funds in escrow, a performance guarantee/letter of commitment from a lending institution, an irrevocable letter of credit, or other guarantee satisfactory to the City Attorney, in which assurance is given to the City that the installation of the minimum improvements will be carried out as provided in Chapter 16.24 and under the supervision of the City Engineer; or

2. By actually installing the minimum improvements required hereunder in accordance with the provisions of Chapter 16.24 and under the supervision of the City Engineer.

B. The amount of any surety required under this Section shall be based on the approved final engineering plans and shall be equal to no less than 110 percent of an approved engineering cost estimate or contractor's bid.

C. Those improvement items which are not under City jurisdiction shall be improved pursuant to the procedures established by the responsible jurisdiction.

16.16.020 Conditional acceptance. The developer of any subdivision shall construct, maintain, repair, replace and be responsible for any damage to curbs, sidewalks, driveway approaches and pavement; keep pavement areas free of debris, dirt and foreign material at all times; and ensure the efficient operation of the sumps and catch basins and all drainage and erosion control facilities included in the subdivision. These obligations and responsibilities shall be binding for a period of time not exceeding two years from the effective date of the surety, or until such earlier time as houses have been constructed upon ninety percent of the lots within the subdivision. However, under no circumstances shall the maintenance period be less than one (1) year.

16.16.030 Final subdivision -- Application -- Approval. The following procedure shall be followed when submitting a final subdivision for approval:

A. The subdivider shall submit to the Principal Planner the final subdivision plat, which shall comply with the provisions of this Chapter. The Principal Planner and City Engineer shall inspect the plat for conformance with this Title, other applicable Titles, and with the preliminary subdivision approved by the Planning Commission, including any conditions attached thereto. After finding that the final subdivision plat is fully conforming, the chairperson of the Planning Commission shall signify approval by signing the recorder's plat sheet and exact duplicate.

B. The final subdivision plat shall be submitted to the following listed departments or agencies for their inspection. At such time as each department or agency is satisfied with the final subdivision, the authorized person in each department or agency shall signify their approval with written comment. If no comment is received within fifteen days, approval will be assumed for the plat as submitted:

1. Public or private utility districts or agencies;
2. All other agencies, when appropriate, as required by state statute;

C. Concurrent with submittal of the final subdivision plat, the subdivider shall submit final engineering plans and construction management plans including required erosion control and resource protection provisions to the City Engineer. When final subdivision plat requirements have been met and the final engineering plans have been approved, the City Engineer shall approve and sign the plat sheet.

D. After all other officials have signified approval of the subdivision, it shall be submitted to the county for recording. At such time as the county clerk is satisfied with the subdivision, he shall signify recording by written notification to the City. The City Recorder shall also assign a permanent file bearing the county's permanent file number to the subdivision and place it within the permanent file records of the City Recorder's office.

E. Approval of the plat shall be null and void if the plat is not filed in the county recorder's office within ninety days after the date the last required approving signature has been obtained.

16.16.040 Final plat requirements--Generally.

A. The final subdivision plat shall be drawn in Black India Ink or by other permanent process of like quality on a recorder's plat sheet and shall contain the information certificates and statements required by this Title. The plat scale shall be a minimum of one inch equals one hundred feet. If more than one sheet is required, the sheets shall be numbered and indexed.

B. All documents, maps and survey books shall contain the name of the subdivision, the subdivider and the name of the registered land surveyor. All signatures placed on the final plat shall be original signatures and shall be in Black India Ink or by other permanent process of like quality.

C. An exact reproducible copy of the final subdivision shall be filed with the City Engineer's office and be the property of the City. The recorder's plat sheet shall be filed with the county.

16.16.050 Final plat requirements--Specific requirements. The final subdivision plat shall contain, or be accompanied by, all of the following information:

A. The City Planning file number, located just below the title block.

B. A tie to the City's GPS Geodetic Control Network. This shall include (1) ties to at least two control monuments showing measured distance and bearing between the two control monuments tied and record distance and bearing; (2) State Plane Coordinates for control points tied; and (3) scale factor to convert ground measured distances to grid distances.

1. Based on the tie to the City's GPS Geodetic Control Network, a State Plan Coordinate shall be shown on the initial point.

2. The bearings for the plat shall be based on the City's GPS Geodetic Control Network.

C. The lines and names of all streets or other public ways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the subdivision.

D. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet.

E. All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field.

F. Suitable primary control points or monuments, approved by the City Engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat map shall be referred.

G. Street centerline control based on recorded City control surveys for street centerlines, if applicable.

H. The locations of all permanent monuments.

I. The names or official reference numbers of all recorded subdivisions or partition plats immediately adjacent to the subdivision.

J. The date, true north point and scale.

K. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a registered land surveyor of the state, and to close with an error of not more than one foot in four thousand feet.

L. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat.

M. All homeowners agreements, articles and bylaws. These matters shall be checked by the City Attorney for conformance with state and City laws. The Principal Planner shall also assure that the articles follow the intent of this Title. After these assurances are gained, the matters shall be recorded with the filing of the final plat.

N. The following declaration:

"Know all people by these presents that _____, owner(s) of the land depicted hereon, does (do) hereby make, establish and declare the attached plat of " _____ " as described in the accompanying surveyor's certificate to be a true and correct map and plat

thereof, all lots (and tracts) being of the dimensions shown hereon and all streets of the widths thereon set forth, and I (we) do hereby dedicate to the use of the public as public ways forever, all streets (and reserve strips), and hereby grant all easements as shown or stated on said map, (and hereby grant Tracts "_____") to the City of Oregon City for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs, or trees that may exist or be placed in these easements. The public is required to give adequate notice before such activities are commenced and shall limit activities to that necessary to achieve the purpose of maintaining said utilities, and does further state that _____."

O. The description in the surveyor's certification of the tract of land subdivided shall be a metes and bounds description.

P. The location of reserve strips. Tracts granted as reserve strips for future street extensions shall be automatically dedicated to the public as public ways forever upon dedication of the future street extensions.

Section 6. That Title 16: SUBDIVISIONS, Chapter 16.20: DESIGN STANDARDS, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.20

DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

Sections:

16.20.010	General provisions.
16.20.020	Street design--Generally.
16.20.030	Street design--Minimum right-of-way.
16.20.040	Street design--Reserve strips.
16.20.050	Street design--Alignment.
16.20.060	Street design--Extensions.
16.20.070	Street design--Intersection angles.
16.20.080	Street design--Additional right-of-way.
16.20.090	Street design--Half street.
16.20.100	Street design--Cul-de-sac.
16.20.110	Street design--Street names.
16.20.120	Street design--Grades and curves.
16.20.130	Street design--Railroad right-of-way.
16.20.140	Street design--Access control.
16.20.150	Street design--Alleys.
16.20.160	Blocks--Generally.
16.20.170	Blocks--Length.
16.20.180	Blocks--Width.
16.20.190	Blocks--Pedestrian walks.

16.20.200	Building sites.
16.20.210	Building site--Access.
16.20.220	Building site--Through lots.
16.20.230	Building site--Lot and parcel side lines.
16.20.240	Building site--Solar access.
16.20.250	Building site--Grading.
16.20.260	Building site--Building lines.
16.20.270	Building site--Division of lots.
16.20.275	Building site--Protection of trees.
16.20.280	Land for public purposes.
16.20.290	Easements.
16.20.300	Water resources.

16.20.010 General provisions. All land divisions shall be in conformance with the design standards established by this Title and with applicable standards in the City's Public Facility Master Plan and Public Works design standards. In reviewing applications for land divisions, the reviewing body shall take into consideration other approved land divisions on adjacent properties. All street, sewer, water, drainage and utility plans require final approval by the City Engineer prior to construction.

16.20.020 Street design--Generally. The location, width and grade of streets shall be considered in relation to: existing and planned streets; topographical conditions; public convenience and safety; existing and identified future transit routes; and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in the development plan, the arrangement of streets 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 area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

16.20.030 Street design--Minimum right-of-way. A. Unless otherwise indicated on the preliminary plan, the street right-of-way and pavement widths shall not be less than the minimum width in feet shown in the following table:

Type of Street	Minimum Right-of-Way Width	Required Pavement Width
Major arterial	80--100 feet	52--64 feet
Minor arterial	60--80 feet	40--52 feet
Collector street	60--70 feet	36--44 feet
Local street	50--60 feet	32--36 feet
Constrained local street	40 feet	24--28 feet

Radius for turn-around at end of cul-de-sacs	54 foot radius	45 feet
Alleys	20 feet	16 feet

B. Specific right-of-way and pavement widths shall be recommended by the City Engineer and set by the Planning Commission during development review.

C. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, the review authority may apply the constrained local street standard, which ordinarily shall not be less than forty feet. If necessary, slope easements may be required.

16.20.040 Street design--Reserve strips. Reserve strips controlling access to streets shall be required when deemed necessary by the City Engineer for the protection of public safety and welfare. The strips shall be deeded to the public for future street purposes.

16.20.050 Street design--Alignment. As far as is practicable, streets other than local or constrained streets shall be in alignment with existing streets by continuation of the center lines thereof. For local streets, staggered street alignment resulting in "T" intersections shall, wherever practicable, 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. For collectors and arterials, the minimum distance between local streets intersecting the collector or arterial shall be five hundred feet between center lines, provided, however, that the review authority may approve a lesser distance upon findings that such lesser distance will not pose a safety hazard.

16.20.060 Street design--Extensions. Where necessary to give access to or permit a satisfactory future partition of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end street may be approved with a temporary turnaround as approved by the City Engineer. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

16.20.070 Street design--Intersection angles. Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. However, in no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of 25 feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, the intersection of more than two streets at any one point will not be approved.

16.20.080 Street design--Additional right-of-way. During consideration of the preliminary plan for a subdivision or partition, the Planning Commission shall determine whether existing streets adjacent to or within the tract meet minimum street width requirements of this Code and City

construction design standards. Where such streets fail to meet minimum street width requirements, the Planning Commission shall require dedication of additional right-of-way sufficient to achieve conformance with Code standards, which dedication shall be shown on the final plat. Where streets fail to meet City construction design standards, the Planning Commission shall require such improvements as are necessary to meet City standards.

16.20.090 Street design--Half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformance with other requirements of these regulations and upon determination by the Planning Commission that 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 divided, the other half of the street shall be provided within such tract. Reverse strips and street plugs may be required to preserve the objectives of half streets.

16.20.100 Street design--Cul-de-sac. A permanent cul-de-sac shall be as short as possible, shall have a maximum length of seven hundred fifty feet, and shall serve building sites for not more than twenty-five dwelling units. A permanent cul-de-sac shall generally have a circular turnaround, but the City Engineer may approve other designs providing adequate emergency vehicle turnaround.

16.20.110 Street design--Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established pattern in the City and shall be subject to the approval of the City Engineer.

16.20.120 Street design--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 major arterials, two hundred feet on secondary arterials or one hundred feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City Engineer may accept steeper grades up to 15 percent and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least one-half percent.

16.20.130 Street design--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. 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.

16.20.140 Street design--Access control. Where a subdivision or partition abuts or contains an existing or proposed arterial or collector street, the Planning Commission or Principal Planner may require: access control; reverse frontage lots with suitable depth; screen planting or wall contained in a nonaccess reservation along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic.

16.20.150 Street design--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 ten feet. Alleys also may be permitted in residential districts.

16.20.155 Street Design--Transit. Within subdivisions that can be adequately served by transit, streets shall be designed and laid out in a manner that promotes transit use. Where appropriate, separate bicycle and pedestrian ways shall be provided to minimize the travel distance to transit routes and stops.

16.20.160 Blocks--Generally. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

16.20.170 Blocks--Length. In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic and the type of land use proposed. Block lengths shall not ordinarily exceed one thousand five hundred feet or be less than five hundred feet in length.

16.20.180 Blocks--Width. Except for reverse frontage lots, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed.

16.20.190 Blocks--Pedestrian walks. A pedestrian walk right of way not less than ten feet wide shall be provided through, at approximately the midpoint of any block exceeding one thousand feet in length where such a walk is deemed essential to provide circulation or pedestrian access to schools, playgrounds, shopping centers and other community facilities. The walk shall be paved to a minimum width of five feet in accordance with City regulations.

16.20.200 Building sites. The size, width, shape and orientation of building sites shall be appropriate for the location of the subdivision or partition, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

A. Where property is zoned and planned for commercial or industrial use, the Planning Commission may approve other widths in order to carry out the City's Comprehensive Plan. 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. Minimum lot sizes contained in Title 17 are not affected by those provided herein.

16.20.210 Building site--Access. Each lot in a subdivision shall abut upon a street other than an alley for a width of at least forty-five feet, and upon a cul-de-sac for a width of at least thirty feet.

16.20.220 Building site--Through lots. Through lots and parcels 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 non-vehicular access strip and/or a planting screen easement 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.

16.20.230 Building site--Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

16.20.240 Building site--Solar access. The lines of lots and parcels, as far as is practicable, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the long axis in the east-west direction permitting sunlight access three hours before and after solar noon. Easements necessary to assure solar access may be required for subdivision or partition approval.

16.20.250 Building site--Grading. Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, and the City's Residential Lot Grading Criteria policy.

16.20.260 Building site--Building lines. Any special building setback lines established in a subdivision or partition shall be shown on the subdivision or partition plat.

16.20.270 Building site--Division of lots. Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this Chapter, the hearings body shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

16.20.275 Building site--Protection of trees. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees six inch caliper or greater measured four feet from ground level shall be preserved wherever practicable outside the building area. Where the Principal Planner determines that it is impracticable or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings at least 2" - 2 1/2" in caliper. Where this requirement would cause an undue hardship, the Planning Commission may modify the requirement in a manner which, in its judgment, reasonably satisfies the purpose and intent of this Section. The Planning Commission may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturalist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturalist.

16.20.280 Land for public purposes. If the City has an interest in acquiring a portion of a 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 reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision or partition be reserved for public acquisition, for a period not to exceed two years.

16.20.290 Easements. The following shall govern the location, improvement and layout of easements:

A. **Utilities.** Utility easements shall be provided ten feet in width along rear and front property lines and five feet in width along side property lines where deemed necessary by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block to block within the subdivision or partition and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. **Unusual Facilities.** Easements for unusual facilities such as high voltage electric transmission lines, drainage canals or pondage areas shall be of such width as the responsible agency determines is adequate for the purpose, including any necessary maintenance roads. These shall be shown upon the final plat or map, and, if necessary, fully designated upon an additional map.

C. **Watercourses.** Where a subdivision or partition is traversed or bounded by a watercourse, drainage way, wasteway, channel or stream, a storm water easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainage way, wasteway, channel or stream, and is of such width for construction, maintenance and control as will be adequate for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, stream back easements may be required for pedestrian or bicycle paths.

D. **Access.** When easements are used to provide vehicular access to lots within a subdivision or partition, the construction standards, but not width standards, for the easement shall meet City specifications. The minimum width of the easement shall be twenty feet. The easements shall be installed by the developer and inspected by the City Engineer. Such easements may also be used for utility placement.

E. **Resource Protection.** Easements or other protective measures may also be required as the Principal Planner or Planning Commission deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.20.300 Water Resources. Any subdivision or partition which contains or lies within 100 feet of a wetland, water course or water area shall comply with the requirements of the Water Resources Overlay District, Title 17, Chapter 17.49.

Section 7. That Title 16: SUBDIVISIONS, Chapter 16.24: IMPROVEMENTS, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.010	Minimum improvements--Procedures.
16.24.020	Minimum improvements--Subdivisions and partitions.
16.24.030	Road improvement standards and requirements.

16.24.010 Minimum improvements--Procedures. In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations or at his own option shall conform to the requirements of this Title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works design standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City Engineer. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plan of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or review authority, the developer's project engineer also shall inspect construction.

C. Where erosion control or resource protection facilities or measures are required, such measures shall be installed prior to any grading or other development or site alteration of the property. Underground utilities, waterlines, 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 the lot lines.

D. A detailed map showing public improvements as built shall be filed with the City Engineer upon completion of the improvements.

E. The review authority may regulate the hours of construction to minimize adverse impacts on adjoining residences or neighborhoods.

16.24.020 Minimum improvements--Subdivisions and partitions. The following improvements shall be installed at the expense of the applicant:

A. Streets. Public streets, including alleys, within the subdivision or partition, and those portions of public streets adjacent but only partially within the subdivision or partition, shall be improved or, for a partition, an agreement not to remonstrate against the formation of and participation in a local improvement district for street improvements shall be signed. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement survey, the developer shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

B. **Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the subdivision or partition and to connect the subdivision or partition drainage to drainage ways or storm sewers outside the subdivision or, for a partition, an agreement not to remonstrate against the formation of and participation in a local improvement district for storm drainage improvements shall be signed. Drainage facilities shall be designed in accordance with City Drainage Master Plan requirements and Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook (1991 or as subsequently amendedA), and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow exztension of the system to serve such areas. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Clackamas County's Surface Water Quality Facilities Technical Guidance Handbook (1991 or as subsequently amended) or other adopted standards subsequently adopted by the City Commission. Final design shall be approved by the City Engineer before construction is begun.

C. **Sanitary Sewers.** Sanitary sewers shall be installed to serve all lots or parcels within a subdivision or partition and to connect those lots or parcels to existing mains. Design in areas identified in Section 16.12.060 shall include maximum practicable protection of the natural resources. Design shall take into account provisions for extensions beyond the subdivision or partition. Permits from all affected jurisdictions shall be obtained prior to final approval and prior to commencement of construction. Design shall be approved by the Cikty Engineer before construction is begun.

D. **Water System.** Water lines and fire hydrants serving each building site in the subdivision or partition and connecting the subdivision or partition to City mains shall be installed or, for a partition, an agreement not to remonstrate against the formation of and participation in a local improvement district for water improvements shall be signed. Design shall take into account provisions for extensions beyond the subdivision or partition to adequately grid the City system.

E. **Sidewalks.** Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision or partition. In the case of major or minor arterials, the Planning Commission may approve a subdivision or partition without sidewalks if alternative pedestrian routes providing a direct route of travel between destinations and sufficient to meet the needs of pedestrians considering destination and length of trip are available. The review authority may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application, or, for a partition, it may require the signing of an agreement not to remonstrate against the formation of and participation in a local improvement district for sidewalk improvements within that area.

F. **Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. **Street Name Signs and Traffic Control Devices.** Street name signs shall be installed at the developer's expense at all street intersections. Traffic control devices shall be installed at the developer's expense as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations.

H. **Street Lights.** Street lights shall be installed at the developer's expense and shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

I. **Bench Marks.** At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

J. **Other.** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

K. **Oversizing of Facilities.** All facilities and improvements shall be designed to City standards as set out in the City's Facility Master Plan, Public Works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The City may require oversizing of facilities to meet standards in the City's Facility Master Plan or to allow for orderly and efficient development. Where oversizing is required, the developer may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds availability, or provide for recovery of costs from intervening properties as they develop.

16.24.030 Road improvement standards and requirements.

A. All proposed subdivisions or partitions which have a need for public roads shall be developed as City roads, regardless of the average lot size within the development.

B. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions; provided, however, that the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

C. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivisions or partitions, a copy of a preliminary plan and the proposed deed shall be submitted to the Principal Planner and City Engineer at least ten days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Chapter 16.20 and this Chapter, may be approved with conditions necessary to preserve these standards.

D. Before the Planning Commission approves the creation of any street, it shall hold a public hearing thereon, following procedures thereon as established in Chapter 16.08.

Section 8. That Title 16: SUBDIVISIONS, Chapter 16.28: MINOR PARTITIONS, of the Oregon City Municipal Code, 1991, is hereby repealed in its entirety and replaced with the following:

Chapter 16.28

PARTITIONS

Sections:

16.28.010	General provisions.
16.28.020	Preapplication review.
16.28.030	Submission requirements.
16.28.040	Minimum standards of design.
16.28.050	Frontage width.
16.28.060	Accessway requirements.
16.28.070	Pavement requirements.
16.28.080	Width/depth requirements.
16.28.090	Conformance.
16.28.100	Sale of a parcel prohibited.
16.28.110	Recording requirements.
16.28.120	Final plat requirements.
16.28.130	Appeal requirements.

16.28.010 General provisions. A. Applications for partitions shall be reviewed by the Principal Planner. Review shall be governed by Title 17, Section 17.50.490. Approval shall be granted only upon determination of compliance with the provisions of this Chapter.

B. If a parcel of land to be partitioned, being large in size, is divided into more than two parcels within any calendar year, the Principal Planner may require full compliance with all requirements for a subdivision plat if, in his/her judgment, the entire parcel is in the process of being subdivided.

16.28.020 Preapplication review. An applicant to partition land shall confer with the Principal Planner pursuant to Title 17, Section 17.50.030. The Principal Planner shall explain the review procedures and identify relevant Comprehensive Plan policies and land use regulations, including Facility Master Plan requirements and design standards. The City Engineer shall attend the preapplication to answer questions and provide information of a technical nature.

16.28.030 Submission requirements. A. Five copies of all proposed land partitions shall be submitted to the Principal Planner. One copy shall be forwarded to the City Engineer.

B. All proposed partitions shall be presented in map form. The map shall be on a reproducible material. The maps shall be drawn at a minimum scale of one inch equals one hundred feet.

C. The map shall illustrate at a minimum the following information:

1. The name and address of the owner and the land surveyor or engineer, if any.
2. Clackamas County tax assessment map numbers of the land to be partitioned.
3. The map scale and true North point.
4. Approximate courses and distances of all parts of the partition.
5. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property.
6. The location, width and names of all existing or platted streets or other public ways and easements within the proposed partition and other important features, such as the general outline and location of permanent buildings, water courses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines.

D. A Development Impact Statement as described in Section 16.12.050 shall be submitted with any application made under this Chapter. The DIS shall address vegetable and animal life considerations as described in Section 16.12.080. The Development Impact Statement also shall address hydrological or geological/geotechnical considerations as described in Section 16.12.070 if the partition occurs in the following areas, as designated by the City's Comprehensive Plan, zoning or floodplain maps or as otherwise demonstrated:

1. Areas designated as being within the Floodplain Overlay District;
2. Areas identified as unstable slopes, as defined in Title 17, Section 17.44.020.
3. Areas designated as being within the Water Resources Overlay District.

If, on the basis of written findings and conclusions addressing this subsection, the reviewing body determines that the adverse impacts of the proposed partition outweigh its benefits, the proposal shall be denied.

16.28.040 Minimum standards of design. Partitions shall be designed pursuant to the design standards in Chapter 16.20.

16.28.050 Frontage width. A. Unless a joint accessway is provided pursuant to Section 16.28.060(B), all parcels of land that are created by a partition in a single-family or two-family zoning district shall have a minimum twenty feet of frontage on an existing public, county, state or federal road or street.

B. Except as set forth in subsection A. of this Section, all parcels of land that are created by a partition shall have a minimum of thirty feet of frontage on an existing public, county, state or federal road or street.

16.28.060 Accessway requirements. A. Flag lots may be permitted only where the configuration or topography of the property would otherwise preclude the partitioning and development of the property. The width of the accessway for flag lots shall be equal to or greater than the width of the street frontage.

B. A minimum of ten feet of accessway width and frontage width shall be provided for each residential unit or parcel served by the accessway. The total accessway and frontage width need not exceed the minimum average lot width requirement for the parcel. The number of units to be served shall not exceed six.

C. A minimum twelve foot wide fire access corridor shall be provided to all parcels created through the partitioning process. No vehicular obstruction, including trees, fences, landscaping, and structures shall be located within the fire access corridor.

D. The area of any accessway shall be excluded from calculations of a minimum lot area for any new parcels or lots.

16.28.070 Pavement requirements. A minimum of ten feet of paved driveway shall be provided for single-family units on parcels created through the partitioning process. If more than one unit will use the drive, a minimum of eight feet of pavement width shall be provided for each unit. No paved drive shall be required to exceed twenty-eight feet in width. If the proposed accessway exceeds one hundred fifty feet in length, it shall be paved to a minimum width of twenty feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire Chief.

16.28.080 Width/depth requirements. New parcels created through the partitioning process shall be exempt from the minimum average width and depth requirements of the zoning code. The minimum width and/or depth of any new parcel created through the partitioning process shall not be less than sixty feet.

16.28.090 Conformance. All parcels created shall conform to the requirements of this Title, ORS 92.010 to 92.160, the City Comprehensive Plan and zoning ordinance, and any other applicable City ordinances and regulations. The applicant shall submit a written statement addressing conformity with these standards.

16.28.100 Sale of a parcel prohibited. A person may negotiate to sell any parcel in a partition with respect to which approval under this Title is required prior to the approval of the tentative plan for the partition. However, no person may sell any parcel in a partition for which approval is required prior to the granting of such approval and the recording of the partition by the County Clerk. The sale of any parcel shall conform to the requirements of state law.

16.28.110 Recording requirements. The final partition plat shall meet all applicable requirements of ORS Chapter 92 and shall be signed by the presiding officer of the Planning Commission prior to recording at Clackamas County.

16.28.120 Final plat requirements. The final partition plat shall contain, or be accompanied by, the following information:

- A. The City Planning file number, located just below the title block.
- B. The lines and names of all streets or other public ways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the partition.
- C. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet.
- D. All dimensions along the lines of each parcel, in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any parcel line in the field.
- E. Suitable primary control points or monuments, approved by the City Engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat map shall be referred.
- F. Street centerline control based on recorded city control surveys for street centerlines, if applicable.
- G. The locations of all permanent monuments.
- H. The names or official reference numbers of all recorded subdivisions or partitions plats immediately adjacent to the partition.
- I. The date, true north point and scale.
- J. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a registered land surveyor of the state, and to close with an error of not more than one foot in four thousand feet.
- K. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat.
- L. The following declaration:

"Know all people by these presents that _____, owner(s) of the land depicted hereon and described in the accompanying surveyor's certificate, has caused the same to be partitioned and surveyed into parcels with easements as shown or noted hereon, and does (do) hereby dedicate to the use of the public all additional street right-of-way, and hereby grant(s) all easements as shown or stated on said map to the City of Oregon City for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way

responsible for replacing the landscaping, fencing or other structures, shrubs, or trees that may exist or be placed in these easements. The public is required to give adequate notice before such activities are commenced and shall limit activities to that necessary to achieve the purpose of maintaining said utilities, and does further state that _____."

M. The description in the surveyor's certification of the land partitioned shall be a metes and bounds description.

N. A tie to the City's GPS Geodetic Control Network if the partition can be subdivided in the future or if the City's GPA control monuments are in close proximity for tying as determined by the City Engineer.

16.28.130 Appeal requirements. Actions on partitions may be appealed to the Planning Commission pursuant to Title 17, Section 17.50.490.

Section 9. That Title 16: SUBDIVISIONS, of the Oregon City Municipal Code, 1991, is amended to add a new Chapter 16.32: PROPERTY LINE ADJUSTMENTS, to read as follows:

Chapter 16.32

PROPERTY LINE ADJUSTMENTS

Sections:

16.32.010	General provisions.
16.32.020	Preapplication review.
16.32.030	Submission requirements.
16.32.040	Contents of property line adjustment deed.
16.32.050	Survey.
16.32.060	Review and recording.

16.32.010 General provisions. Applications for property line adjustments shall be reviewed by the Principal Planner. Review shall be governed by Title 17, Section 17.50.490. Approval shall be granted only upon determination of compliance with the provisions of this Chapter.

16.32.020 Preapplication review. An applicant for a property line adjustment shall confer with the Principal Planner pursuant to Title 17, Section 17.50.030, to determine feasibility and procedures.

16.28.030 Submission requirements. The applicant shall submit two copies of the following documents to the Principal Planner, with one copy to be forwarded to the City Engineer.

- A. A completed application, on a form as provided by the Planning Division.
- B. A boundary survey as described in Section 16.32.050, unless exempt as provided therein.

C. Legal descriptions of the tract of land to be conveyed to create the adjusted property line and of the new resulting tax lots.

D. The proposed property line adjustment deed as provided in Section 16.32.040.

E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

16.32.040 Contents of property line adjustment deed.

A. In accordance with ORS 92.190(4), the proposed property line adjustment deed shall contain the names of the grantors and grantees, the legal description of the tract of land to be conveyed to create the adjusted line, references to the original recorded documents, and the signatures of all grantors and grantees, with proper acknowledgements.

B. The property line adjustment deed shall identify the City of Oregon City Planning file number and shall contain a statement declaring that the purpose of the deed is for a property line adjustment. Reference to the affected properties by map and tax lot shall be in addition to reference by legal description.

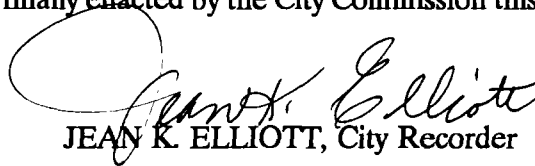
16.32.050 Survey. A. The adjustment shall be surveyed in accordance with ORS 92.060(7); provided, however, that the requirements of ORS 92.060(7); provided, however, that the requirements of ORS 92-060(7) shall not apply to the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

B. The adjustment survey shall include in its title the following: "PROPOSED PROPERTY LINE ADJUSTMENT SURVEY," shall identify the City Planning file number immediately below the title block, and shall be signed by the Principal Planner, together with the date of approval.

16.32.060 Review and recording. The documents effectuating the adjustment as approved shall be properly prepared, reviewed and approved by the City, and executed and recorded with Clackamas County within six (6) months following approval by the Principal Planner.

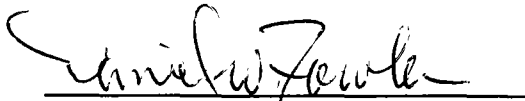
Section 10: Because this ordinance is necessary for the immediate preservation of the public health, safety and welfare of Oregon City, and because any delay in the effective date of this ordinance after its announcement may result in land use applications being submitted for areas which would otherwise be subject to this new regulation, and because any such applications would then not be subject to this ordinance, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Commission and approval by the Mayor.

Read for the first time at a regular meeting of the City Commission held on the 2nd day of February, 1994, and the foregoing ordinance was finally enacted by the City Commission this 2nd day of February, 1994.



JEAN K. ELLIOTT, City Recorder

ATTESTED to this 2nd day of February, 1994.



DANIEL W. FOWLER, Mayor

ORDINANCE NO. 94-1003

Effective Date: February 2, 1994