

Title 16

SUBDIVISIONS

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Chapter 16.04

INTRODUCTORY PROVISIONS

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- 16.04.010 Purpose.
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16.04.010 Purpose.

The purpose of this title is to establish standards and procedures for the subdivision and partitioning of land within the city. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land; to provide for the proper width and location of streets; to coordinate proposed development with the comprehensive plan for the city; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation, drainage 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. Standards and procedures for the subdivision and partitioning of land are intended to comply with the provisions of ORS Chapter 92. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 1.010, 1998)

16.04.020 Definitions.

As used in this title:

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

“City” means the city of Mill City, Oregon.

“City administrator” means the appointed city administrator for the city of Mill City, Oregon or the designee appointed by the city administrator to fulfill the responsibilities of the city administrator as specified by this title.

“City engineer” means a fully qualified professional engineer designated by the city council to fulfill the responsibilities of a city engineer as specified by this title.

“Common open space” means an area within a development designed and intended for use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

“Comprehensive plan” means the Mill City comprehensive plan which has been formally adopted by the city council; which is an expression of public policy in the form of policy statements, generalized plan maps, and standards and guidelines; which is the basis for more specific rules and land use regulations which implement the plan policies; and which is intended to assure that public actions are consistent and coordinated with the policies expressed through the comprehensive plan.

“Easement” means a grant of the right to use a strip of land for specific purposes. Areas along the line of public utilities that are outside of dedicated right-of-way. Easements shall be prepared on city forms granting rights along the public utility line to the city.

“Lot” means a single unit of land that is created by a subdivision of land. In common usage and in some sections of this title, the terms lot or parcel may be used interchangeably.

1. “Corner lot” means a lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty-five (135) degrees;

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

3. “Flag lot” means a lot which is connected to a street by a narrow strip of land which is used as access to the major portion of the lot.

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

“Partition” means either an act to divide land into two or three parcels of land within a calendar year or an area or tract of land divided by such an act.

Partition, Major. “Major partition” means a partition which includes the creation of a road or street.

Partition, Minor. “Minor partition” means a partition that does not include the creation of a way or street.

“Partition land” means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership. “Partition land” does not include:

1. A division of land resulting from a lien foreclosure;
2. Foreclosure of a recorded contract for the sale of real property;
3. The creation of cemetery lots;

4. 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 this title and Title 17 of this code; and

5. 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 plat” means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

“Pedestrian way” means a right-of-way for pedestrian traffic.

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

“Planning commission” means the planning commission of the city of Mill City.

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

“Public utility” means any city-owned or franchised utility.

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

“Right-of-way” means all land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public free of all encumbrances, within which the city shall have the exclusive right to install and maintain streets and public utilities.

“Roadway” means all of that portion of the right-of-way used, for vehicle movement, which exists between the curbs or proposed curbs or proposed curb lines.

“Sidewalk” means a portion of the street right-of-way or a separately dedicated right-of-way designated and designed for the use by pedestrians and non-motorized vehicles, normally in the form of a walkway or a raised path.

“Street” means any public highway, road, street, avenue, alley, easement or right-of-way used or to be used for vehicle movement. Full street improvements include curb and sidewalk on both sides, storm drainage and fully improved in accordance with the city public works design standards.

1. “Alley” means a public right-of-way not more than twenty (20) feet and not less than ten (10) feet in width, which intersects with a public street;

2. “Major collector” is used interchangeably with “local arterial” as defined in the comprehensive plan. Streets intended to carry heavy volumes of traffic to and from the highway, to and from major outlying areas, and to carry traffic out of the local area;

3. “Minor collector” is used interchangeably with “principal collector” as defined in the comprehensive plan. Streets intended to carry medium traffic loads between local streets and major collectors;

4. “Local street” means a street intended primarily to provide direct access to abutting land and which offers the lowest level of traffic mobility (i.e., light traffic volumes for short distances). Through traffic movement is deliberately discouraged.

“Subdivide land” means to divide an area or tract of land into four or more lots within one calendar year when such area or tract of land exists as a unit or contiguous units of land.

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

“Subdivision plat” means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 283 § 9, 2001; Ord. 274 § 1.020, 1998)

Chapter 16.08

TITLE COMPLIANCE

Sections:

- 16.08.010 Scope of regulations.
- 16.08.020 Compliance with title.
- 16.08.030 Approval required before creating street to partition land.
- 16.08.040 Sales of lots prohibited until approval obtained--Exceptions.
- 16.08.050 Prohibition of sales of lots prior to recording plat.

16.08.010 Scope of regulations.

Subdivision and partition plats shall be approved by the city in accordance with this title. A person desiring to subdivide or partition land shall submit tentative plats and final documents for approval as provided for in this title. Subdivisions and partitions shall also conform with the provisions of ORS Chapter 92 and the resulting lots and parcels shall comply with Title 17 of this code and other requirements of the city in effect at the time of subdivision or partition. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 2.010, 1998)

16.08.020 Compliance with title.

No land may be subdivided or partitioned except in accordance with this title and its amendments and with the rules and regulations as promulgated by the city council and the planning commission in administering this title. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 2.020, 1998)

16.08.030 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 council as provided in this title. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 2.030, 1998)

16.08.040 Sales of lots prohibited until approval obtained--Exceptions.

A. No person shall sell any lot in any subdivision with respect to which approval is required by this title until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plat has been approved.

B. 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 title prior to the approval of the tentative plat for the major and minor partition; but 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 title prior to such approval. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 2.040, 1998)

16.08.050 Prohibition of sales of lots prior to recording plat.

A. 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 in which the lot or parcel is situated.

B. No person shall sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision or partition 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 plan for such subdivision or partition. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 2.050, 1998)

Chapter 16.12

PRELIMINARY REVIEW

Sections:

- 16.12.010 Request for preliminary review.
- 16.12.020 Preliminary review procedure.
- 16.12.030 Limitation on preliminary review action.

16.12.010 Request for preliminary review.

Prior to filing a tentative plat of a subdivision the applicant shall request in writing that the city staff review the feasibility of the proposed subdivision. Prior to filing a tentative plat of a partition, the applicant may request in writing that the city review the feasibility of the proposed partition. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 3.010, 1998)

16.12.020 Preliminary review procedure.

The request shall be reviewed at the first convenient time and no more than thirty (30) days from receipt of application. The city administrator, city engineer, city attorney, or planning consultant, or any combination of these people, may conduct such review. The review date shall be mutually agreed upon by the applicant and city administrator at the time of submission of the application, but shall be during normal working hours. The person(s) designated during such review meeting, may give general guidance to the applicant by identifying potential problem areas and outlining procedures for application. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 3.020, 1998)

16.12.030 Limitation on preliminary review action.

The person designated shall not accept, deny or otherwise rule or decide upon the proposed plan at the review meeting and no action at said meeting shall constitute or be construed as an acceptance, denial, rule or decision thereon. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 3.030, 1998)

Chapter 16.16

SUBDIVISION PLAT APPROVAL PROCEDURE

Sections:

- 16.16.010 Background information.
- 16.16.020 Submission of tentative plat for proposed subdivision.
- 16.16.030 Filing fees.
- 16.16.040 Agency review of proposal.
- 16.16.050 Approval of tentative plat for proposed subdivision.
- 16.16.060 Submission of final plat.
- 16.16.070 Review and approval of final plat.
- 16.16.080 Time limit for development of a recorded final plat.

16.16.010 Background information.

The city shall make available to subdividers, or their agents, such background information as may be on file relating to the general area of a proposed plat and to the relationship of the comprehensive plan, Title 17 of this code, and other city plans, policies or regulations to this area. The subdivider shall also be advised of the design and improvement standards and other requirements established by the city and those of applicable roadway authority(ies), if different from the city, in connection with the review and approval of plats. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 4.010, 1998)

16.16.020 Submission of tentative plat for proposed subdivision.

The subdivider shall prepare a tentative plat of the proposed subdivision and other supplementary material as may be required in Chapter 16.20 of this title to indicate the general program and objectives of the project. At least fifteen (15) copies of the tentative plat shall be submitted to the city administrator. The city administrator shall not accept the tentative plat for review or hearing until it has been determined by the city administrator that the application is complete with all of the tentative plat map and supplemental information required by Chapter 16.20 of this title, and that the filing fee has been paid. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 4.020, 1998)

16.16.030 Filing fees.

At the time of the submission of the tentative plat, the city administrator shall collect fees for subdivision review and inspection. The fees shall be set in accordance with a fee schedule set by resolution of the city council, after recommendation by the planning commission. All fees which are paid shall be nonrefundable. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 4.030, 1998)

16.16.040 Agency review of proposal.

A. Pre-Application Coordination. Before the city may accept a tentative plat for review, the applicant shall meet with the city administrator, or his or her designee, to review the applicable city code requirements and procedures. The purpose of the pre-application meeting is to answer questions about city requirements and inform the applicant of any other requirements (e.g., those of outside agencies or service providers) that must be addressed before the city can accept a tentative plat application as complete and schedule a planning commission hearing. Subdivision applicants are also encouraged to contact neighboring property owners and residents to solicit their feedback on an initial plan before submitting a subdivision application to the city.

B. Within five days of acceptance of the tentative plat, the city administrator shall furnish one copy of the tentative plat to each of the following agencies: city public works supervisor, private utilities and service providers, School District 129J, the Oregon Department of Transportation (ODOT), if the proposed subdivision is within two hundred (200) feet of a state highway or of any road or street for which the ODOT has maintenance responsibility, the Mill City Rural Fire Protection District, the county surveyor, county public works department and county planning department of the county in which the proposed subdivision is located, and to all other affected city, county, state and federal agencies, special districts and utilities, as determined appropriate by the city administrator.

C. These agencies shall be given at least fifteen (15) working days to review the tentative plat, suggest revisions, request any additional information, and return the recommendations to the city. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 4.040, 1998)

16.16.050 Approval of tentative plat for proposed subdivision.

A. Hearing. Before the planning commission may act on a tentative plat, it shall hold a public hearing thereon in accordance with the provisions of Sections 17.64.080 and 17.64.090 of this code. The public hearing shall be held within thirty-five (35) days of the acceptance of the application by the city administrator. Hearing notice shall be provided by posting the property to be developed with at least one notice of the hearing giving the date, time, and place of hearing; notifying by mail the subdivider and all owners of property within five hundred (500) feet of the exterior boundaries of the property; and by publication of notice in a newspaper of general circulation in the city. Hearing notice shall be posted, mailed, and published at least ten (10) days prior to the date of the hearing. Failure of a property owner to receive the notice of the hearing shall not impair the validity of the hearing or of the action taken by the commission.

B. Within sixty (60) days following the public hearing, the planning commission shall take action on the tentative plat.

C. The planning commission may approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:

1. The subdivision is consistent with the provisions of this title and Title 17 of this code;
2. The applicable design standards of Chapter 16.40 are met or can reasonably be met through the imposition of conditions of approval;
3. Vehicular access intended to serve the property from the surrounding area is adequate and vehicular access within the subdivision is adequate to meet the needs of the proposed development;

4. All necessary public utilities are adequate to meet the needs of the proposed development without hindering service delivery or capacity in other parts of the city (See Chapter 16.40);

5. Drainage within the proposed development will not result in problems for the development of the surrounding area;

6. No landlocked parcels will be created. Full and orderly development of the surrounding area can be assured;

7. The physical characteristics of the property, such as potential soil erosion or landslides, drainage, flood plains, and potential natural hazards, have been considered and will not be detrimental to the property or to the surrounding area.

D. City Council Action on a Tentative Plat.

1. Notice of a planning commission decision to approve or deny an application for a tentative plat for a subdivision shall be sent to the city council. Within twenty-one (21) days of the date of planning commission decision, the city council will review the decision and determine the need for further public hearings. If the city council determines that further hearings are not necessary, or if the planning commission decision is not appealed, the decision of the planning commission will become effective immediately. A city council hearing on a tentative plat for a subdivision shall be held within thirty-five (35) days of the date the city council initially considered the planning commission decision and shall follow the same hearing and decisionmaking procedure as required for a planning commission hearing, except that the hearing notice shall be mailed or posted, and shall be published at least ten (10) days prior to the council hearing.

2. At the close of the city council public hearing, council action shall be to confirm, modify, or deny the planning commission decision. In taking action, the council decision shall be based on findings related to the criteria for planning commission review of tentative plats for subdivisions as specified in subsection C of this section. Any conditions of tentative plat approval shall also be expressed. Final council action on the tentative plat shall be within thirty-five (35) days following the public hearing.

E. Approval of the tentative plat shall indicate approval of the final plat if:

1. There is no change in the plan of the subdivision as approved by the city, or if such change is made it is limited to change(s) required through conditions of approval;

2. All applicable conditions of tentative plat approval have been met; and

3. If the subdivider complies with requirements of this title and of the provisions of ORS 92.010 to 92.160.

F. The action of the city shall be noted on three copies of the tentative plat, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, one to the city administrator and the other shall be retained by the planning commission. The applicant may be required to furnish additional copies at his or her own expense to other agencies or service providers, as applicable. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 4.050, 1998)

16.16.060 Submission of final plat.

A. Within one year after approval of the tentative plat, the subdivider shall prepare a final plat in conformance with the approved tentative plat, the provisions of this title and the provisions of ORS 92.010 to 92.160.

B. The subdivider shall submit the original drawing required by ORS 92.080 and any supplementary information to the city administrator for review and approval.

C. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following approval of the tentative plat, the subdivider must resubmit the tentative plat to the planning commission and make any revisions considered necessary to meet changed conditions. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 4.060, 1998)

16.16.070 Review and approval of final plat.

A. Upon receipt of the final plat and accompanying data it shall be reviewed by the city engineer and by the county surveyor of the county in which the proposed subdivision is located. The city engineer shall review the plat and documents to determine that it conforms with the approved tentative plat, with applicable conditions of approval, with the city public works design standards, and with the provisions of this title. The city engineer shall determine that either 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; or an agreement has been executed as provided in Sections 16.28.010 and 16.28.020 to assure completion of required improvements. Where the developer is required to complete improvements requested by a service provider other than the city (i.e., through conditions of approval), the city engineer shall consult such agency(ies) in determining that the applicable conditions have been met. The county surveyor shall examine the plat for compliance with the provisions of ORS 92 and ORS 209.250 and shall collect such fees for this purpose as are provided for by state law. The city engineer shall be assisted by the city administrator in his or her review of the subdivision. The city engineer and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

B. If it is determined that there has not been full conformity, the city administrator 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.

C. If it is determined that the final plat conforms fully with the approved tentative plat and all applicable conditions of approval, regulations and standards, the city administrator shall advise the chairperson of the planning commission. The city engineer and the chairperson of the planning commission may then sign the plat.

D. In the absence of the chairperson, the duties and powers with respect to action on final plats shall be vested in the vice chairperson.

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

F. Prior to recording of the final plat, the subdivision shall be approved by the appropriate city officials and by county officials as specified by ORS 92.100. Signatures on the final plat by a majority of the board of county commissioners shall constitute approval of the plat by them. The plat shall then be recorded in the office of the county clerk.

G. Approval of the final plat shall be null and void if the plat is not recorded within ninety (90) days after the date of signature by the planning commission chairperson. However, the subdivider may submit a request for the time extension from the planning commission, and the commission may grant such additional time as circumstances warrant.

H. An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy shall be of the same quality as the plat submitted to the county for recording. The copies shall be identified as an exact copy of the plat by the surveyor who caused the plat to be made. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 283 § 10, 2001; Ord. 274 § 4.070, 1998)

16.16.080 Time limit for development of a recorded final plat.

A. If after a final plat has been recorded, it has not been developed within a five-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 the subdivision ordinance, the comprehensive plan, other city land development ordinances, and land use patterns in the surrounding area.

B. A reconsidered final plat shall be reviewed by the planning commission at a public hearing.

C. The planning commission shall either approve the plat as originally platted or it shall require that the plat be revised, and resubmitted as a tentative plat following all ordinance requirements for that purpose.

D. For purposes of this section, a plat is developed only when all required public improvements have been installed. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 4.080, 1998)

Chapter 16.20

TENTATIVE PLAT REQUIREMENTS

Sections:

- 16.20.010 Scale.
- 16.20.020 General information.
- 16.20.030 Existing conditions.
- 16.20.040 Proposed plan of land to be subdivided.
- 16.20.050 Supplemental information.

16.20.010 Scale.

The tentative plat of the proposed subdivision shall be drawn on a sheet which is a minimum of eighteen (18) by twenty-four (24) inches in size at a scale of one inch equals one hundred (100) feet. The scale may be increased or decreased if necessary, but in all cases the scale to be used shall be a multiple of ten (10) feet. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 5.010, 1998)

16.20.020 General information.

The following general information shall be shown on the tentative plat of the proposed subdivision:

A. Proposed Name of the Subdivision. This name shall not duplicate nor resemble the name of another subdivision in either Linn or Marion County and shall be approved by the county surveyor of the county where the subdivision is located.

B. Date, north arrow and scale of drawing.

C. Appropriate identification clearly stating the proposal is a tentative plat.

D. A vicinity map showing the relationship of the proposed subdivision to surrounding development. This map shall include streets within five hundred (500) feet of the exterior boundaries of the proposed development.

E. Names and addresses of the owner, subdivider, and surveyor. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 5.020, 1998)

16.20.030 Existing conditions.

The following existing conditions shall be shown on the tentative plat of the proposed subdivision:

A. The location, widths, and names of both opened and unopened, dedicated or nondedicated, streets and driveway approaches, if any, within or adjacent to the tract, together with easements, dedications and other important features, such as section lines, corners, city boundary lines and monuments. The applicant may be required to show existing streets and/or driveway approaches located within two hundred (200) feet of the subject site where necessary to address applicable intersection spacing and/or access spacing standards.

B. 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 five percent: two-foot contour intervals;

2. For slopes of five to fifteen (15) percent: five-foot contour intervals;

3. For slopes of fifteen (15) to twenty (20) percent: ten (10) foot contour intervals;

4. For slopes of over twenty (20) percent: twenty (20) foot contour intervals.

C. The location and direction of drainage channels and the location of areas subject to flooding.

D. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

E. Existing uses of the property, including location of all structures on the property. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 5.030, 1998)

16.20.040 Proposed plan of land to be subdivided.

The following information shall be included on the tentative plat of the proposed subdivision.

A. The location, width, names, approximate grades and radii or curves of streets. The relationship of streets to any projected streets as shown on any comprehensive plan and as may be suggested by the planning commission in order to assure adequate traffic circulation.

B. The location, width and purpose of easements.

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

D. Sites, if any, allocated for purposes other than single-family dwellings; such areas may be contained within tracts with split-interest ownership and maintenance.

E. Land to be deeded to the city, school district or other public agency for schools, parks or other public purposes. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 5.040, 1998)

16.20.050 Supplemental information.

A. If the subdivision pertains to only part of the tract owned or controlled by the subdivider, the planning commission shall require a sketch of a tentative layout for streets and lots in the unsubdivided portion and extending to all abutting subdivisions and parcels.

B. Proposed covenants, conditions, and restrictions (CC&Rs) which are subject to review and approval by the city as part of the tentative plat approval process. CC&Rs are required for planned unit developments and projects containing common areas or other areas with split-interest ownership. CC&Rs shall at a minimum set forth the ownership, governance, funding, and on-going maintenance of all common areas. CC&Rs shall not conflict with city standards.

C. The location within the subdivision and in the adjoining streets and property of existing sanitary sewer lines, water mains, culverts, drain pipes and electric lines.

D. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

E. General utility plans for domestic water supply, sanitary sewers, surface drainage and storm sewer facilities, and street lighting, indicating how these utilities shall be provided.

F. Any proposals to phase development of the subdivision.

G. A site grading plan in accordance with the city public works design standards. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 283 § 11, 2001: Ord. 274 § 5.050, 1998)

Chapter 16.24

FINAL PLAT REQUIREMENTS

Sections:

16.24.010 Form and scale of final subdivision plat.

16.24.020 General information on final subdivision plat.

16.24.030 Certificates on final subdivision plat.

16.24.040 Supplementary information with final subdivision plat.

16.24.010 Form and scale of final subdivision plat.

A. The final subdivision plat shall be submitted in the form as required by ORS 92.080.

B. The scale of the final subdivision plat shall be one inch equals one hundred (100) feet, except that the scale may be increased or decreased to fit the legal size of eighteen (18) by twenty-four (24) inches. If the scale is changed, it shall be to multiples of ten (10) feet. In no case shall the scale be decreased to less than one inch equals two hundred (200) feet. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 6.010, 1998)

16.24.020 General information on final subdivision plat.

In addition to that otherwise specified by law, the following information shall be shown on the final subdivision plat:

- A. The date, scale, north arrow, legend, and existing features such as highways and railroads;
- B. Legal description of the subdivision boundaries;
- C. Name of the owner(s), developer and surveyor;
- D. The location by distance and bearings to the following. Distances shall be to the nearest one one-hundredth of a foot and bearings shall be to the nearest degree, minute, and second, with basis of bearings:
 1. Monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,
 2. Adjoining corners of adjoining subdivisions or existing surveys,
 3. City boundary lines when crossing or adjacent to the subdivision,
 4. All permanent monuments with the subdivision;
 - E. The exact location and width of streets and easements intersecting the boundary of the subdivision;
 - F. Subdivision, block and lot boundary lines and street right-of-way with dimensions and tangent bearings. Normal high water lines for any creek or other body of water when such information is available. Subdivision boundaries and street bearings shall be shown to the nearest second. Distance shall be shown to the nearest one one-hundredth of a foot;
 - G. The width of the portion of streets being dedicated and the width of any existing right-of-way. For streets on curvature, the following curve information shall be shown on the plat either on the face of the map or in a separate table:
 1. Arc length,
 2. Chord length,
 3. Chord bearing,
 4. Radius, and
 5. Central angle;
 - H. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision. One-foot reserve strips shall be dedicated by separate document;
 - I. 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 written statement of the easement shall be included. 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;
 - J. Lot numbers beginning with the number "1" and continuing consecutively. The area of each lot shall be shown;
 - K. Block numbers shall be used only in an addition to a subdivision of the same name and shall be a continuation of the numbering in the original subdivision;

L. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated;

M. Notations indicating any limitations on rights of access to or from streets, lots, or other parcels of land, if any are to be made a part of the subdivision restriction;

N. Building setback lines, if any are to be made a part of the subdivision restriction. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 6.020, 1998)

16.24.030 Certificates on final subdivision plat.

The following certificates, acknowledgments, and other requirements established by state law or this title shall appear on the final subdivision plat. Such certificates may be combined where appropriate.

A. A certificate signed and acknowledged by all parties having any recorded 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, streets, alleys, pedestrian ways, drainage channels, other dedications, easements and other rights-of-way intended for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

C. An affidavit of the licensed surveyor having surveyed the land represented in the plat to the effect that the surveyor has correctly surveyed the property in accordance with ORS 92.060 and 92.070.

D. A certificate of the licensed surveyor who prepared the survey and the final plat.

E. A certificate for execution by the chairperson of the planning commission on behalf of the planning commission.

F. If the plat includes the dedication of land to the city of Mill City, a certificate for execution by the mayor, on behalf of the governing body, accepting the dedication of land for public purposes.

G. Other certifications now or hereafter required by law.

H. Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 6.030, 1998)

16.24.040 Supplementary information with final subdivision plat.

The following data shall accompany the final subdivision plat:

A. Addresses of the owner(s), subdivider, and surveyor;

B. Survey requirement:

1. A complete and accurate survey of the land to be subdivided shall be made by a registered surveyor licensed to practice in the state, in accordance with standard practices and principles of land surveying,

2. Traverse of the exterior boundaries of the proposed subdivision and of each lot shall close within a limit of error as specified by ORS 92.050 and ORS 209.250;

C. A copy of any deed restrictions applicable to the subdivision;

D. A copy of any dedication requiring separate documents;

E. 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;

F. A certificate by the city administrator that the subdivider has complied with one of the following alternatives:

1. 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,

2. An agreement has been executed as provided in Sections 16.28.010 and 16.28.020 to assure completion of required improvements;

G. Detailed plans for utility facilities and for streets as required by the city public works design standards for review and approval by the city engineer. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 283 § 12, 2001: Ord. 274 § 6.040, 1998)

Chapter 16.28

IMPROVEMENT GUARANTEE

Sections:

16.28.010 Agreement for improvements.

16.28.020 Developers performance guarantee.

16.28.010 Agreement for improvements.

Before city approval is certified on the final subdivision plat, the subdivider shall either install required improvements, enter into an agreement with the city regarding improvements or have all or part of the improvements constructed under an assessment district procedure. Repair of existing streets and other public facilities damaged in the development of the subdivision shall be a part of any improvement agreement. The agreement shall provide for a reasonable amount of time for the repair of streets. The three optional procedures are more fully described as follows:

A. The subdivider may install the required improvements and make the needed repairs.

B. The subdivider may offer the city a bond, contract or other assurance specifying the period within which the required improvements and repairs shall be completed. The city will accept the bond, contract or other assurance, if it provides 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. A performance guarantee as provided for in Section 16.28.020 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

C. The subdivider may elect to have all or part of the improvements constructed under an assessment district procedure. Under this procedure, the subdivider shall propose an agreement with the city establishing a district for the improvements to be constructed, a schedule when improvements are to be installed, and the extent of the plat to be improved. The city reserves the right, under the assessment district procedure, to limit the extent of the improvements in a subdivision during a construction year, and may limit the area of the final plat to the area that is to be improved. A performance guarantee may be required under the assessment district procedure. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 7.010, 1998)

16.28.020 Developers performance guarantee.

A. When required under provisions of Section 16.28.010, the subdivider shall file with the bond, contract or other assurance, a performance guarantee to assure the subdivider's full and faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the city attorney;

2. In lieu of a surety bond the land divider may: (a) deposit with the city cash money in an amount fixed by the city council; (b) certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses, said money to be released only upon authorization of the city council as in the case with cash; or (c) bonds, in an amount fixed by the city council and in a form approved by the city attorney.

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

C. If the subdivider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, within a date established at time of approval, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the city for the difference.

D. A performance review shall be conducted by the city engineer within twelve (12) months of the time the improvements are installed. A written report of defects or a certification of approval shall be issued by the city engineer as the basis of determination of the performance guarantee. The report shall be reviewed and approved by the city council before going into effect. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 7.020, 1998)

Chapter 16.32

PARTITIONING

Sections:

- 16.32.010 Purpose of partitioning review.
- 16.32.020 General requirements for partitions.
- 16.32.030 Major partitioning procedure.
- 16.32.040 Minor partitioning procedure.
- 16.32.050 Approval and recording of final partition plat.

16.32.010 Purpose of partitioning review.

This chapter prescribes procedures and standards governing the partitioning of land. Partitioning requirements are established to insure that adequate public access and related utilities and facilities will be provided to parcels created by the partition and that the opportunity for full and orderly devel-

opment of the surrounding area will be maintained. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 8.010, 1998)

16.32.020 General requirements for partitions.

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

B. Standards. The design standards for a subdivision in Chapter 16.40 shall apply to partitions. Applications for variance shall be in accord with the procedures established in Sections 16.48.010 and 16.48.020.

C. Improvements. When a partition is being approved, the city shall determine whether or not any or all of the improvements as specified in Sections 16.44.010 through 16.44.030 are needed to serve the property in the partition. The city shall make one of the following determinations: (1) the improvements shall be accomplished concurrent with the subject partition; (2) the improvements shall be accomplished at some future time by either the owner, the city, or other service provider (e.g., per an adopted capital improvements plan); or (3) adequate public facilities exist to serve the proposed partition, consistent with the purpose in Section 16.32.010 and some or all of the improvements specified in Sections 16.44.010 through 16.44.030 are not needed.

1. If the city finds that any or all of the improvements are to be installed concurrent with the partition, the city shall require that the improvement be accomplished according to the standards and procedures of Sections 16.28.010 and 16.28.020, and in accordance with the city public works design standards;

2. If the city determines that a required improvement would be more appropriately completed at a future date because of circumstances related to development in the surrounding area and the current condition of utilities and streets, the city shall require a deferred improvement agreement, based on a recommendation by the city engineer, and in a form approved by the city attorney.

D. The county assessor is required by statute to provide notice to the city of all recorded documents which result in land partitions. A partition that has not been previously submitted, reviewed and approved pursuant to this title shall remain unapproved until the landowner has been notified of this title requirement and has complied with it in full. The landowner shall be subject to enforcement action by the city if the partition remains unapproved for more than one year after such notification. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 283 § 13, 2001: Ord. 274 § 8.015, 1998)

16.32.030 Major partitioning procedure.

A. Any major partition proposal shall be submitted to the planning commission for review and approval. There shall be submitted to the city an application, together with a filing fee, for approval of a tentative plat for a partition. The application shall include the following:

1. A map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned;

2. Name and address of the owner or owners of record, and of the person who prepared the partition;

3. The parcel layout, showing dimensions and size of parcels;

4. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development;

5. Identification of the street area and its relation to existing streets serving the property. Identification shall include location, widths and names of streets;

6. 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 drainage ways; street lighting; and location of power and telephone lines;

7. Vicinity map showing the street and lot pattern in the general vicinity.

B. Seven copies of the tentative plat shall be submitted to the city administrator. Within five days of acceptance of the tentative partition plat, all affected city, county, state, and federal agencies and special districts shall be notified of the application and shall be requested to review the partition proposal and submit their recommendations to the planning commission. In all cases, notifications shall be forwarded to private utilities and service providers, the Mill City Rural Fire Protection District, and to the county surveyor, county public works department and county planning department of the county in which the proposed major partition is located. Notification shall also be forwarded to the Oregon Department of Transportation (ODOT) if the proposed partitioning abuts a state highway. These agencies shall be given at least fifteen (15) days to review the tentative major partition plat, to suggest revisions, and to return recommendations to the city.

C. Before the planning commission may act on an application for a major partition, it shall hold a public hearing thereon in accordance with the provisions of Sections 17.64.080 and 17.64.090 of this code. The public hearing shall be held within thirty-five (35) days of the acceptance of the application by the city administrator. Hearing notice shall be mailed to the partitioner and to all owners of property within two hundred (200) feet of the exterior boundaries of the property to be partitioned at least twenty (20) days prior to the date of the hearing. Hearing notice shall also be published in a newspaper of general circulation within the city at least twenty (20) days prior to the date of hearing.

D. Within thirty-five (35) days following the public hearing, the planning commission shall take action on the tentative plat.

E. The planning commission shall either approve the tentative plat as submitted, approve it with modifications or conditions or deny it. The decision shall be based on findings related to the following criteria:

1. The major partition is consistent with the provisions of this title and Title 17 of this code;

2. The applicable design standards of Chapter 16.40 are met or can reasonably be met through the imposition of conditions of approval;

3. All necessary public utilities can be provided to the proposed parcels;

4. Full and orderly development of the surrounding area can be assured.

F. City Council Action on a Major Partition. Notice of a planning commission decision to approve or deny an application for a major partition shall be sent to the city council. Within twenty-one (21) days of the date of the planning commission decision, the city council will review the decision and determine the need for further public hearings. If the city council determines that no further hearings are necessary, or if the planning commission decision is not appealed, the decision of the planning commission will become effective immediately. A city council hearing on a major partition shall be held within thirty-five (35) days of the date the council initially considered the planning commis-

sion decision. The city council shall follow the same hearing and decisionmaking procedures as required for a planning commission hearing except that notice shall be published and mailed at least ten (10) days prior to the public hearing. Final action by the city council shall be within thirty-five (35) days of the date of the city council's public hearing. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 8.020, 1998)

16.32.040 Minor partitioning procedure.

A. Any division of land that is within the definition of a minor partition shall be submitted to the planning commission for review and approval. There shall be submitted to the city administrator an application for approval of a tentative plat for a minor partition. The application shall include the following:

1. The map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned;
2. Name and address of the owner or owners of record, and of the person who prepared the partition;
3. The parcel layout, showing dimensions and size of parcels;
4. The street and lot pattern in the immediate vicinity;
5. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.

B. Within five days of acceptance of the tentative plat, the city administrator shall furnish one copy of the tentative plat to each of the following agencies: city public works supervisor, private utilities and service providers, the Oregon Department of Transportation (ODOT), if the proposed subdivision is within two hundred (200) feet of a state highway or of any road or street for which the ODOT has maintenance responsibility, the Mill City Rural Fire Protection District, the county surveyor, county public works department and county planning department of the county in which the proposed partition is located, and to all other affected city, county, state and federal agencies, special districts and utilities, as determined appropriate by the city administrator.

C. The agencies listed in subsection B of this section, shall be given at least fifteen (15) working days to review the tentative plat, suggest revisions and return the recommendations to the city.

D. Consideration of an application for a minor partition by the planning commission shall take place at a public hearing. The hearing shall occur within thirty-five (35) days of the time the request has been accepted by the city administrator. Hearing notice shall be mailed to the partitioner and to all owners of property within two hundred (200) feet of the exterior boundaries of the property to be partitioned at least twenty (20) days prior to the date of the hearing. Hearing notice shall also be published in a newspaper of general circulation in the city at least twenty (20) days prior to the date of the hearing.

E. Within thirty-five (35) days following the public hearing, the planning commission shall take action on the tentative plat. In reviewing the application for a minor partition, the commission shall base the decision on findings related to the following criteria:

1. The minor partition is consistent with the standards of this title and Title 17 of this code;

2. The applicable design standards of Chapter 16.40 are met or can reasonably be met through the imposition of conditions of approval;

3. All necessary public utilities can be provided to the parcels to be created;

4. Full and orderly development to the surrounding area can be maintained.

F. The planning commission shall either approve the tentative plat as submitted, approve it with conditions and/or modifications, or deny it.

G. Notice of the planning commission decision to approve or deny an application for a minor partition shall be sent to the city council. Within twenty-one (21) days of the date of the planning commission decision, the city council will review the decision and determine the need for further public hearings. If the city council determines that no further hearings are necessary, or if the planning commission decision is not appealed, the decision of the planning commission will become effective immediately.

H. A city council hearing on a minor partition shall be held within thirty-five (35) days of the date the council initially considered the planning commission decision and shall follow the hearing and decisionmaking procedures required for the planning commission decision, except that the hearing notice shall be published and mailed at least ten (10) days prior to the public hearing. Final action by the city council shall be within thirty-five (35) days of the city council public hearing. The city council shall either confirm, modify, or deny the planning commission decision. Any conditions of approval shall also be expressed. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 8.030, 1998)

16.32.050 Approval and recording of final partition plat.

A. Upon approval of a tentative partition plat, three copies of the plat shall be signed, dated and conditions of approval noted. One plat shall be returned to the applicant, one retained by the city administrator, and one retained for planning commission files.

B. Final Partition Plat. The final partition plat shall be the survey map which has been recorded with the appropriate county surveyor in accordance with county and state requirements and that has been recorded in the office of the county clerk where the property is located. Prior to recording of the final partition plat, it shall be submitted to the city for approval. The final partition plat shall be prepared to meet the requirements of ORS 92.070, 92.080, and 209.250. An exact copy of the final approved and recorded plat shall be submitted to the city. The final plat shall be of the same quality as the plat submitted to the county for recording. The final plat shall include the following:

1. The 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;

2. A legal description of the parcels being offered for sale;

3. A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcels;

4. A notarized signature of the owner or owners declaring the ownership and consenting to recording the partition plat;

5. A designated space for approval signatures of the chairperson of the planning commission, the city engineer and the appropriate county surveyor. There shall also be a space for approval signatures of the appropriate board of county commissioners if right-of-way is to be dedicated for any roads under county jurisdiction;

6. The recording numbers of all deeds, dedications, easements, and agreements approved as part of the partitioning review;

7. An affidavit of the licensed surveyor having surveyed the land incorporated in the partition plat, that the surveyor has correctly surveyed the property in accordance with ORS 92.060 and 92.070.

C. Procedures for Approving Final Partition Plat. The final partition plat shall be filed with the city administrator who shall coordinate the process of final plat review and approval. This shall be accomplished within one year of approval of the tentative partition plat.

1. All final partition plats shall include the information and signatures required in this title;

2. Prints of the final partition plat for review and approval shall be forwarded to the city engineer and the appropriate county surveyor. The city engineer shall review the plat for agreement with the approved tentative partition plan and other city requirements or conditions of approval. The county surveyor shall review the partition plat for conformance with county and state survey requirements. City review shall occur within thirty-five (35) days from the time the final plat has been filed with the city;

3. If it is determined that there has not been full conformity with the approved tentative partition plat, the city administrator shall advise the applicant of the changes that must be made and afford the applicant an opportunity to make such changes. If it is determined that full conformity has been made, the city engineer shall so certify;

4. If it is determined that the final plat conforms fully with the approved tentative partition plat and all applicable regulations and standards, the city administrator shall advise the head of the planning commission. The city engineer and the head of the planning commission may then sign the plat;

5. Approval of a final partition plat shall not constitute or effect an acceptance by the city of the dedication of any street, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat, unless, on the face of the plat, there is a dedication of land for public purposes or any public or private easements created. Such declarations shall be consistent with the provisions of ORS 92.075;

6. The signed final partition plat and the signed copy shall be forwarded to the appropriate county surveyor for approval and signature;

7. Within forty-five (45) days of the final approval by the city, the developer shall submit the approved final partition plat to the appropriate county surveyor, who shall obtain the signatures of any county officials as required and shall record the plat with the appropriate county clerk. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 8.040, 1998)

Chapter 16.36

PROPERTY LINE ADJUSTMENTS*

Sections:

16.36.010 Statement of purpose.

16.36.020 Application procedures.

- 16.36.030 Review procedures.
- 16.36.040 Standards for evaluating property line adjustments.
- 16.36.050 Planning commission review.
- 16.36.060 Final approval process.
- 16.36.070 Verification of final decision.

* Prior ordinance history: Ords. 274 and 346.

16.36.010 Statement of purpose.

The purpose of this chapter is to provide the city with the authority to review all property line adjustments within the city in order to ensure compliance with the comprehensive plan and all applicable city ordinances. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.020 Application procedures.

A. For all property line adjustments, a complete application shall be filed with the city administrator. The application shall be accompanied by a filing fee in an amount set by resolution adopted by the city council. A site plan is required which shows all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.

B. 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. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.030 Review procedures.

A. Within twenty-one (21) days of the receipt of a completed property line adjustment application, the city administrator shall determine whether or not the application is in conformance with all the standards specified in Section 16.36.040.

B. 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 standards in Section 16.36.040 are met.

C. If the application complies with all of the standards in Section 16.36.040, the city administrator shall grant tentative approval and issue a written notice of decision. Notice of the approval or denial shall be provided to the applicant and to the landowner(s), if different from the applicant. This decision is subject to planning commission review in accordance with Section 16.36.050. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.040 Standards for evaluating property line adjustments.

A. In reviewing request for property line adjustments, the following standards shall be met prior to the city administrator approving the property line adjustment:

1. The lots being modified in size through the property line adjustment shall meet the minimum lot size, lot width, and lot frontage requirement of the zone in which they are located;

2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;
3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements;
4. The property line adjustment does not create any additional lots;
5. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment;
6. The property line adjustment does not eliminate all vehicular access for any of the parcels; vehicle access shall conform, or be made to conform, to the city's public works design standards and adopted access management requirements, if any. Where a property line adjustment involves a parcel with existing access to Oregon Highway 22, the city shall solicit comments from the Oregon Department of Transportation (ODOT); the agency shall be given fifteen (15) days in which to respond;
7. Verification of ownership for each property must be presented to the city administrator;
8. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.050 Planning commission review.

The staff decision on the property line adjustment is subject to the city planning commission review before it is final. Within thirty-five (35) days of the staff decision, the planning commission shall review the staff decision and determine the need for further review. If it is determined that further review is necessary, the planning commission shall consider the property line adjustment request at a public meeting. The planning commission may affirm, deny, or modify the staff action. If there is a difference between the decision of the city administrator and the planning commission, the decision of the planning commission shall be the final decision. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.060 Final approval process.

A. A lot line adjustment survey map shall be prepared for city review and submittal to the county surveyor. 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 administrator review.

B. A metes and bounds description shall be prepared for city staff review which describes the area to be added to or reduced from each parcel. 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 administrator review.

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

D. If the lot line adjustment survey map complies with the application as approved and all conditions of approval have been met, then the city administrator shall sign the survey map within thirty (30) days of receiving the final lot line adjustment survey. The applicant shall record the survey in the county surveyors office. (Ord. 353 § 1 Exh. A (part), 2008)

16.36.070 Verification of final decision.

A. Within one hundred twenty (120) days of approval of the lot line adjustment survey, the applicant shall provide evidence to the city that the boundaries of the parcels have been modified in accordance with city approval.

B. As required by ORS 92.060(7), an adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey shall be filed with the county surveyor. Evidence of approval shall be verification from the county recorder and from the county assessor that the property has been transferred from one party to the other, and that the land to be added to a parcel has been consolidated with that parcel. Evidence of approval shall also be a copy of the survey as filed with the county surveyor. (Ord. 353 § 1 Exh. A (part), 2008)

Chapter 16.40

DESIGN STANDARDS*

Sections:

- 16.40.010 Principles of acceptability.
- 16.40.020 Streets.
- 16.40.030 Blocks.
- 16.40.040 Lots.
- 16.40.050 Building lines.
- 16.40.060 Large lot subdivision.
- 16.40.070 Land for public uses and public open spaces.
- 16.40.080 Oregon Highway 22-Access Management Plan in Mill City conformity.

* Prior ordinance history: Ords. 274, 283 and 294.

16.40.010 Principles of acceptability.

Subdivisions and partitions shall conform with the comprehensive plan, Title 17 of this code, applicable provisions of other city ordinances, state law, and the standards established by this title. Locations and standards related to transportation and community facilities shall be based on the provisions of the adopted comprehensive plan. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.020 Streets.

A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of inaccessible land. Where location is not shown on the comprehensive plan, streets should be generally aligned to provide for the continuation of existing streets in surrounding areas. Streets should also be oriented to minimize construction costs and drainage problems. Street location and design shall be consistent with the city public works design standards. Where a project abuts Highway 22 or

affects access to the highway (i.e., new or modified access, or removal or consolidation of any highway access), conformity with the provisions of Section 16.40.080 is also required.

B. **Minimum Street Widths.** Street right-of-way and curb-to-curb widths shall be adequate to fulfill city specifications as provided for in Section 16.44.020 and in the city public works standards. Street widths shall be reviewed by the city engineer and the Mill City Rural Fire Protection District. Where existing conditions such as steep topography or the size and shape of existing lots make it infeasible to provide buildable lots, the city may approve a narrower right-of-way. No street shall have a right-of-way width narrower than forty (40) feet.

C. **Reserve Strips.** Reserve strips or street plugs controlling access to streets shall be required when necessary to insure street extensions and the widening of half streets. The reserve strip shall normally be one foot in width and under the ownership of the city. The one-foot reserve strip shall be dedicated by separate document.

D. **Alignment.** As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggering of T intersections at collectors and arterials shall be avoided within three hundred (300) feet of an opposing intersection. Intersections of local streets shall not be offset less than two hundred (200) feet from an opposing intersection.

E. **Future Extensions of Streets.** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

F. **Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles or ninety (90) degrees as practical except where topography requires a lesser angle, but in no case, less than seventy-five (75) degrees unless there is a special intersection design. The intersection of arterial or collector streets with other streets shall have at least one hundred (100) feet of tangent adjacent to the intersection as measured from the curb line of the intersected street. Other streets shall have at least fifty (50) feet of tangent adjacent to the intersection. Curb radii at intersections shall be in accordance with the city public works design standards.

G. **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.

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

I. **Cul-de-Sacs.** A cul-de-sac shall be as short as possible, have a maximum length of six hundred (600) feet, and serve no more than eighteen (18) dwelling units. The length of the cul-de-sac shall be defined as the distance from the centerline of the intersecting street to the centerline of the bulb. The design of the turn around at the end of the cul-de-sac shall be in accordance with the city public works design standards.

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

K. Grades and Curves. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets, or twelve (12) percent on other streets. Center line radii of curves shall not be less than three hundred (300) feet on arterials, two hundred (200) feet on collectors and continuing residential streets, two hundred fifty (250) feet on commercial or industrial streets, one hundred sixty (160) feet on cul-de-sac streets, and one hundred (100) feet on other streets and alleys. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept steeper grades and sharper curves. The city public works design standards shall apply to grades and curves.

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

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

N. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provision for access to off-street parking and loading facilities are approved by the planning commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

O. Access. If the proposed subdivision abuts an arterial, access shall conform to Title 17 of this code and be approved by the planning commission. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.030 Blocks.

A. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the topographical limitations of the area.

B. Size. No block shall be more than one thousand two hundred (1,200) feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. A block shall have a minimum length of six hundred (600) feet and shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The city public works design standards shall apply to easement width and other easement standards;

2. 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 dedicated drainage right-of-way. The drainage easement or dedication shall conform substantially with the lines of the water

course, with such additional width as is necessary to assure ease of channel maintenance, to provide for any possible flooding, to assure that the channel will not be encroached upon by fences and other improvements, and where feasible, to encourage multiple use of the drainage channel and related area for purposes such as utility strips, transportation corridors for bicycle or pedestrian use, or as natural greenways. Specifications for widths and improvements for water courses are contained in the city public works design standards and are applicable to drainage improvements within subdivisions and partitions;

3. Pedestrian or Bicycle Ways. Where designated by the comprehensive plan, the Oregon Highway 22-Access Management Plan in Mill City, or where desirable for public convenience, a pedestrian and/or bicycle way not less than ten (10) feet in width shall be required to connect to a cul-de-sac, to pass through unusually long or oddly shaped blocks, or to improve traffic circulation to schools, parks, shopping areas or other community facilities. Where a pedestrian way abuts commercially zoned property(ies) in the CH zone adjacent to Highway 22, it shall have a minimum width of twelve (12) feet, and shall contain both a pedestrian through-zone and a furnishings zone designed in accordance with city public works design standards. In any block over seven hundred fifty (750) feet in length, a pedestrian way shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred (1,200) feet, two pedestrian ways shall be provided. When essential for public convenience, pedestrian ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interest of traffic safety. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.040 Lots.

A. Size and Shape.

1. Lot size, width, shape and orientation shall be appropriate for the type of use contemplated. No lot shall be dimensioned to contain a part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the lot size and width standards of Title 17 of this code. Lot depth shall not exceed two and one-half times the average width;

2. Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the access, off-street service and parking facilities required by the type of use and development contemplated.

B. Access. Each lot shall abut upon a publicly owned street or easement of private access approved by the city other than alley, for a width of at least twenty-five (25) feet; where applicable, property access(es) shall conform to the provisions of Section 16.40.080, Oregon Highway 22-Access Management Plan in Mill City conformity.

C. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

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

E. Flag Lots. Flag lots shall be prohibited unless there is no other way of providing access to property. The thin strip of land which provides access to the major portion of the lot from the street shall be at least twenty-five (25) feet in width and shall not be used in determining lot size, lot width or yard requirements. No more than two access strips shall abut each other; all other access strips shall be separated from each other by not less than twenty-five (25) feet, as measured from the closest boundaries of said access strip. The city public works standards provides standards related to pavement width and related improvements.

F. Driveway Spacing. The subdivision or partition shall be designed by taking into consideration the driveway spacing requirements which are a part of the city public works design standards. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.050 Building lines.

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision or partition plat and shall be included in the deed restriction. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.060 Large lot subdivision.

In subdividing or partitioning tracts into large lots or parcels which at some future time may be redivided (e.g., after development, the remaining buildable area is at least twice the minimum size required under zoning), the planning commission shall require that the blocks be of such size and shape, be so divided into lots or parcels, and contain such building site restrictions as will provide for extension and opening of streets and extension of utilities at intervals which will permit a subsequent division of any lot or parcel into lots or parcels of smaller size. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.070 Land for public uses and public open spaces.

A. Where a proposed park, school, public utility facility, or other public use shown in the comprehensive plan is located in whole or in part within a subdivision, the planning commission may require the dedication or reservation of such area within the subdivision.

B. The provision of public open spaces for schools, parks and playgrounds is essential for the sound development of residential areas. The subdivider may be required to dedicate to the city, for public open space, an area of land, in a location determined as desirable by the planning commission.

C. The planning commission may also require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, public utility facilities or other public purposes.

D. No subdivider shall be required to dedicate more than forty (40) percent of the subdivider's land for all public purposes including streets, but not including utility easements or drainage ways. If greater land areas are required for public use, the planning commission may require the reservation of such areas for a period of two years during which time the appropriate agency may require such land at such prices as is established prior to final approval of the plat. (Ord. 353 § 1 Exh. A (part), 2008)

16.40.080 Oregon Highway 22-Access Management Plan in Mill City conformity.

A. All land divisions and lot line adjustments shall conform to the Oregon Highway 22-Access Management Plan in Mill City and subsections B through E of this section, the purpose of which is to:

1. Ensure that future roadway and access management needs are met;
2. Maintain functional use and highway safety;
3. Preserve the public investment in the highway; and
4. Improve the appearance of the community and provide for pedestrian circulation, in conformance with required landscaping and streetscape standards.

B. Highway Access Spacing Standards. All lots, parcels and tracts shall provide dimensions that accommodate state highway access spacing standards. The approval body may require changes to a proposed site plan, preliminary plat or property line adjustment to ensure compliance with the highway access spacing standards.

C. Access Management. Where an action is subject to the Oregon Highway 22-Access Management Plan in Mill City, the city may require one or more of the following to ensure its conformity to the plan:

1. The combining of existing highway approaches for joint use, or require joint use for new approaches, consistent with the Oregon Highway 22-Access Management Plan in Mill City;
2. The closure of approaches designated as “Temporary” as redevelopment occurs. The city may require an applicant to obtain a cross-access easement from an abutting property owner, consistent with the access management plan, prior to final approval of a development;
3. Access be taken from a lower classification street (e.g., to the local street system rather than to the state highway), in furtherance of the access management plan and applicable site design standards;
4. The creation or extension of an alternate through-route (not a cul-de-sac) parallel to the highway, which may be a local street, or a joint-use driveway where extension of a public street is not practical;
5. Setbacks and/or right-of-way dedication allowing for required transportation improvements, such as pedestrian ways or turn lanes, when redevelopment occurs. Where right-of-way dedication for Oregon Highway 22 frontage improvements is required, the city shall require right-of-way dedication to ODOT;
6. Inter-parcel circulation, including joint-use driveways and pedestrian ways, connecting commercial sites, and mitigating the use of the highway for circulation between adjacent sites;
7. Where practical a new highway connection or approach shall be at a location where access rights exist; or a grant of access must be requested of ODOT under OAR 734-051-0430 and 734-051-0440;
8. Where a connection is permitted, it shall meet the spacing standards for approaches based on the highway classification and segment definitions contained in the Oregon Highway 22-Access Management Plan in Mill City; and
9. Where an intersection is or may be signalized in the future, the connection shall meet the spacing necessary for the timing and progression of the signal, as set forth in OAR 734-020-0400 through 734-020-0500.

D. Streetscape and Landscaping Requirements. Where an action is subject to the Oregon Highway 22-Access Management Plan in Mill City, the city may require the owner or developer to complete one or more of the following in conformance to the Mill City Highway 22 Streetscape Plan, Appendix H of the Oregon Highway 22-Access Management Plan in Mill City:

1. Dedicate right-of-way and/or record public easement(s) for required landscaping and/or sidewalk improvements;
2. Install and maintain landscaping, sidewalks, street furnishings (e.g., benches) and/or other improvements, as indicated by the Mill City Highway 22 Streetscape Plan, Appendix H of the Oregon Highway 22-Access Management Plan in Mill City;
3. Enter into a development agreement with the city and provide financial assurance for future installation of landscaping, sidewalks, street furnishings, and/or other improvements, as indicated by the Mill City Highway 22 Streetscape Plan, Appendix H of the Oregon Highway 22-Access Management Plan in Mill City. Required improvements may be deferred for a period not to exceed one year only where the city council finds such deferment is in the public interest.

E. In interpreting the provisions of this section and considering variance requests under Chapter 16.48, the hearing body shall apply the applicable approval criteria in Chapter 16.48 and make findings of consistency with the purpose statement contained in this section. (Ord. 353 § 1 Exh. A (part), 2008)

Chapter 16.44

IMPROVEMENTS

Sections:

- 16.44.010 Improvement procedures.
- 16.44.020 Specifications for improvements.
- 16.44.030 Improvements in subdivisions or partitions.

16.44.010 Improvement procedures.

In addition to other requirements, improvements installed by a subdivider either as a requirement of these regulations or at his or her own option shall conform to the requirements of this title and improvement standards and specifications adopted by the city, and shall be installed in accordance with the following procedure.

A. Improvement work shall not be commenced until plans have been reviewed for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the final plat. All plans shall be prepared on materials in accordance with requirements of the city.

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

C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer or his or her designated agent and shall involve the use of city approved construction methods

and materials. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

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

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

F. Where improvements are required to streets other than city streets, construction shall not commence until plans have been reviewed for adequacy and approved by the applicable roadway authority. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 11.010, 1998)

16.44.020 Specifications for improvements.

Public works improvements to be installed within any public right-of-way or public utility easement within the jurisdiction of the city as part of any subdivision or partition authorized by this title, shall comply with the city public works design standards which have been authorized through the adoption of Ordinance No. 276, and adopted by Resolutions No. 518 and 519, or any subsequent amendment or re-adoption of the ordinance or resolutions. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 283 § 17 (part), 2001; Ord. 276 § 1, 1998; Ord. 274 § 11.010, 1998)

16.44.030 Improvements in subdivisions or partitions.

A. Water Supply System. Water lines and fire hydrants serving each lot and connecting the development to mains shall be installed. The design shall be to standards established by the city as specified by the city public works design standards. The design shall take into account provisions for extensions beyond the development that are in conformance with the comprehensive plan and to adequately grid the water system.

B. Surface Drainage and Storm Sewer Facilities. Grading shall be performed and drainage facilities shall be provided within the development and to connect the area drainage to drainage ways or storm sewers outside the development. Design of drainage within the development shall be to the specifications of the city public works design standards, shall be approved by the city engineer, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining the development and to allow extension of the system to serve such areas. If necessary, provision shall be made for retention storage areas designed and constructed to standards as provided by the city engineer.

C. Sanitary Sewers. Sanitary sewers shall be installed to serve the development and to connect it to existing mains. Design of the sewer lines shall take into account the capacity and grade to allow for desirable extension beyond the development. All sanitary sewer facilities shall be designed in accordance with the city public works design standards. All necessary facilities such as pump stations which are necessary to serve the development shall be installed. A connection charge as provided for in Ordinance No. 233, as amended, as established by resolution of the city council shall be paid when applying for a sewer connection to serve the development. The provisions of Ordinance No. 233, as amended, shall apply to construction of sanitary sewers to serve the development.

D. Streets. Public streets, including alleys, within the development, and public streets adjacent but only partially within the development shall be improved. Improvements shall be made to the paving line of existing streets which intersect with streets in the development. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Streets and drainage facilities within street right-of-way shall be designed and constructed in accordance with the city public works design standards. Upon completion of the street improvements, monuments shall be established or reestablished by the subdivider in accordance with the city public works design standards.

E. Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the development, except the planning commission may approve a development without sidewalks if alternative pedestrian routes are available. Sidewalks shall be constructed to standards in accordance with the city public works design standards.

F. Street Name Signs. Traffic control devices and street name signs, designed in accordance with the specifications of the city public works design standards, shall be installed at all street intersections and elsewhere as required by the city.

G. Other. The land divider shall make necessary arrangements with the city, utility companies or other persons or corporations affected for the installation of street lights and for underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless existing circumstances provide no other alternative. If lines are to be placed overhead, the planning commission shall review their placement as a part of the subdivision review process. Whenever the lines for electrical, communication, or other facilities are to be placed in the right-of-way of any street, their design and installation shall be consistent with the city public works design standards. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 283 § 17 (part), 2001; Ord. 274 § 11.030, 1998)

Chapter 16.48

VARIANCES

Sections:

- 16.48.010 Variance application.
- 16.48.020 Conditions for granting variance.
- 16.48.030 Planning commission action on variances.

16.48.010 Variance application.

When necessary, the planning commission may authorize variances to the requirements of this title. Application for a variance shall be made by petition of the subdivider, stating fully the grounds for the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plat and shall be considered by the planning commission along with the tentative plat. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 12.010, 1998)

16.48.020 Conditions for granting variance.

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

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

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

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

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

E. The hearing body shall not approve a variance to any provision of Section 16.40.080 (Oregon Highway 22-Access Management Plan in Mill City conformity) without also finding that the variance would not conflict with the purpose under Section 16.40.080(A). Where a variance to a streetscape or landscaping standard is proposed, the approval body shall consider whether approving the variance would adversely impact the appearance or function of the highway commercial district. The approval body may require mitigation to address adverse impacts, consistent with the purposes under Section 16.40.080(A). (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 12.020, 1998)

16.48.030 Planning commission action on variances.

In action to grant, modify, or deny a variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The secretary of the planning commission shall keep the findings on file as a matter of public record. Within five days of the date of action on the variance by the planning commission, the commission shall transmit a copy of the action on the variance to the subdivider. (Ord. 353 § 1 Exh. A (part), 2008; Ord. 274 § 12.030, 1998)

Chapter 16.52

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16.52.010 Appeal.
- 16.52.020 Administrative and public hearing procedures.
- 16.52.030 Amendment.
- 16.52.040 Filing fees.
- 16.52.050 Severability.
- 16.52.060 Interpretation.
- 16.52.070 Violation--Penalty.
- 16.52.080 Enforcement.

16.52.090 Findings.

16.52.010 Appeal.

A. A person directly affected by the decision may appeal to the city council from a decision or requirement made by the planning commission. Written notice of the appeal must be filed with the city administrator within ten (10) days after the decision. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

B. The city council shall hold a hearing on the appeal within thirty (30) days from the time the appeal is filed. The council may continue the hearing for good cause following the hearing the council may overrule or modify the decision or requirement made by the planning commission if the decision of the council complies with the spirit and intent of the ordinance codified in this title. The disposition of the appeal shall be final.

C. Stay of Proceedings. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter from which appeal is taken until the determination of such appeal by the council. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.010, 1998)

16.52.020 Administrative and public hearing procedures.

The following administrative and public hearing requirements, which are a part of the city zoning code codified in Title 17 of this code, are incorporated herein by reference and shall be applicable to actions taken under the provisions of this title: Sections 17.64.010, Administration; 17.64.030, City council review of planning commission decisions; 17.64.040, Consolidation of procedures; 17.64.060, Forms of petitions, applications, and appeals; 17.64.070, Notice of public hearing; 17.64.090, Public hearing notice and procedure; and 17.64.140, Procedures for processing violations of the zoning code. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.015, 1998)

16.52.030 Amendment.

The provisions of this title may be amended after public hearings by the planning commission and city council. The planning commission shall first hold a hearing and shall transmit its recommendations and findings to the city council. The city council shall hold the final hearing and shall consider the recommendations of the planning commission in making its decision. All amendments to this title shall comply with the provisions of ORS 92.048(5). (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.020 1998)

16.52.040 Filing fees.

In addition to the filing fee required for by application for a land use action required by this title, the applicant shall pay an additional fee to cover costs incurred by the city in processing the application, including preparation and mailing of legal notices; assistance on the case involving time provided by the city planner, the city engineer, and city attorney; and time of city staff related to pre-hearing, hearing, and post-hearing activities. The initial fee shall be deducted from the cost of the additional fee covering city costs. The additional fee shall be payable to the city upon receipt of a bill showing the documented city costs within ten (10) days of the close of the final public hearing. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.025, 1998)

16.52.050 Severability.

It is declared to be the intent of the city council that:

A. If a court of competent jurisdiction declares any provisions of this title to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this title shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this title to any lot, building or other structure, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situations. This title shall not be affected. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.030, 1998)

16.52.060 Interpretation.

Where the conditions imposed by any provision of this title are less restrictive than conditions imposed by any other provisions of this title or the codification of any other ordinance, the provision which is more restrictive shall govern. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.040, 1998)

16.52.070 Violation--Penalty.

In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this title shall, upon conviction thereof be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, of both. A violation of this title shall be considered a separate offense for each day the violation continues. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.050, 1998)

16.52.080 Enforcement.

The city may also enforce the provisions of this title under general nuisance laws. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.060, 1998)

16.52.090 Findings.

Decisions involving all land use matters considered by the commission and the city council shall contain findings of fact. Findings of fact are a clear statement of what, specifically, the reviewing body believes, after hearing and considering all evidence to be the relevant and important facts upon which its decision is based. Conclusions are not sufficient. Proponents, opponents and city staff, may submit proposed findings. Findings of fact shall be contained in the motion. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 13.070, 1998)

Chapter 16.56

CONVERSION PLANS

Sections:

- 16.56.010 Purpose of conversion plans.
- 16.56.020 Intent of conversion plan requirements.
- 16.56.030 Procedure for approval.

16.56.010 Purpose of conversion plans.

Where a subdivision or partition being considered in the residentially zoned and unincorporated portions of the Mill City UGB, would result in a lot less than five acres in size, the applicant shall submit a conversion plan to the city as a part of the land division application process. The planning commission shall review the conversion plan with the intent of encouraging future development of the subject property to occur without violating the requirements of this title, and without interfering with the orderly extension of adjacent streets and utilities when the subject property is annexed to the city. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 14.010, 1998)

16.56.020 Intent of conversion plan requirements.

The intent of the conversion plan is to provide general direction for the future development of the property. Subsequent proposals for land divisions and for placement of dwellings and other buildings shall be reviewed in accordance with the approved conversion plan. At the time of review of any subsequent proposals, the planning commission may either: (A) require conformance with the conversion plan; or (B) alter the conversion plan in accord with the change in circumstances. The conversion plan is intended as a guideline which is a basis for review of subsequent development proposals. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 14.015, 1998)

16.56.030 Procedure for approval.

Conversion plans for land divisions occurring in the residential zones outside the city limits but inside the Mill City Urban Growth Boundary shall be approved by the planning commission under the following procedure:

A. There shall be submitted to the planning commission eight copies of a sketch map eight and one-half inches by eleven (11) inches in size with the following information:

1. The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be divided and its location in the planning control area;
2. Name and address of the owner of record and the person who prepared the sketch map;
3. Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division;
4. For land adjacent to and within the parcel to be divided, the locations, names and existing widths of all streets;
5. Outline, location and distances to existing and proposed property lines of existing buildings to remain in place;
6. Location of existing buildings or other structures to be removed from the property;
7. Lot layout, showing size and relationship to existing streets;
8. Proposed lot lines and street locations to be shown with dashed lines;
9. Proposed building locations if any are planned for the property;
10. All future lots shall meet the standards of Title 17 of this code.

B. The sketch maps shall be submitted to the planning commission for review. The sketch maps shall be examined to ascertain if they meet the requirements contained in this section. If the planning commission finds that the sketch maps meet these requirements, then approval shall be given by having the planning commission chairperson sign and date three of the copies of the conversion plan sketch map. One copy will be mailed to Linn County and will be placed in the official record for the land division application. A second copy will be filed as an official city record by the city administrator. The third copy shall be provided to the applicant.

C. In the event that the planning commission finds that the conversion plans submitted by the applicant do not meet the requirements of this section written notice describing the reasons for denial shall be sent to the applicant within five days.

D. Any denial of a conversion plan sketch map made by the planning commission may be appealed to the city council. It shall be filed in writing with the city administrator within fifteen (15) days of the date of the planning commission decision. If no appeal is filed within fifteen (15) days of the planning commission decision, that decision shall be final.

E. If an appeal is filed, the city council shall be given a report of the planning commission decision. The city council shall then review the submitted sketch maps in the same manner as described for planning commission review. The decision of the city council regarding an appeal shall be final and shall become effective on the date of the city council's action on the appeal.

F. Any submittal of a conversion plan sketch map for approval which has been denied by the planning commission, or the city council, can be resubmitted on a continual and unlimited basis. (Ord. 353 § 1 Exh. A (part), 2008: Ord. 274 § 14.020, 1998)