

ORDINANCE NO. 1017

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17,
REGARDING EFFECTIVE DATES AND EXPIRATION OF APPROVALS,
SUBMISSION REQUIREMENTS AND STANDARDS FOR PRELIMINARY
SUBDIVISION AND PARTITION PLANS, SUBMISSION OF
CONSTRUCTION PLANS, AND FINAL PLATS**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, Title 17, Chapter 12, Section 17.12.120.1 describes the effective date of a quasi-judicial land use decision, but lacks specificity regarding the effective date and an appeal period;

WHEREAS, Chapter 745 of the Oregon Laws of 2017 requires that the City take final action, including any appeals, on certain applications for approval within 100 days of determining the application is complete;

WHEREAS, Title 17, Chapter 12, Section 17.12.120.7 requires that rights granted by a land use approval be exercised within one year of the effective date of that decision, but does not specify what actions the applicant must take to exercise those rights;

WHEREAS, Title 17, Chapter 12, Section 17.12.120.7 allows for an extension of the approval period but does not provide any criteria by which to judge such a request;

WHEREAS, Title 17, Chapter 24, Section 17.24.040.3 contains the submission requirements for preliminary partition plans and subdivision plans but does not include proper reference to the Public Works Design Standards;

WHEREAS, Title 17, Chapter 24, Section 17.24.040.4 contains submission requirements for preliminary subdivision plans that should also be required of preliminary partition plans;

WHEREAS, the City Council deems it important for applications for preliminary plan approval for subdivisions and partitioning to identify whether there are any Public Works Design Standards they will not be meeting;

WHEREAS, the City Council deems it important for applications for preliminary plan approval for subdivisions and partitioning to demonstrate that streets and utilities can reasonably be extended into neighboring property in order to facilitate development of land within the urban growth boundary;

WHEREAS, Title 17, Chapter 24, Section 17.24.040.6 contains the preliminary plan approval criteria but does not require more than one street connection regardless of the size of a subdivision;

WHEREAS, Title 17, Chapter 24, Section 17.24.050 contains the design standards for subdivision and partition preliminary plans but does not include proper reference to the Public Works Design Standards;

WHEREAS, Title 17, Chapter 24, Section 17.24.060 describes the submission and approval procedures for construction plans for subdivisions and partitions, including the deadlines for submittal, but does not discuss the impacts of submittal of incomplete plans, does not properly reference the Public Works Design Standards, and does not reflect the desired procedures for review and approval of construction plans;

WHEREAS, Title 17, Chapter 24, Section 17.24.070 includes the design standards for construction plans for subdivisions and partitions, but does not properly reference the Public Works Design Standards and unnecessarily duplicates requirements from the Public Works Design Standards;

WHEREAS, Title 17, Chapter 24, Section 17.24.080 contains the requirements for the submittal and review of final plats for subdivisions and partitions and includes substantial unnecessary detail regarding the format of final plats that could be deleted by referencing the Marion County Surveyor's map standards;

WHEREAS, notice of the proposed amendments was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code, in accordance with Section 17.12.175.3, and following a public hearing has recommended that the Stayton City Council enact the recommended amendments; and

WHEREAS, the Stayton City Council, following a public hearing, notice of which was published in the Stayton Mail on March 7, 2018, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Effective Dates and Deadlines for Actions amended. Stayton Municipal Code, Title 17, Chapter 12, Section 17.12.120 is hereby amended shown on Exhibit A attached hereto and incorporated herein.

Section 2. Application and Approval Requirements for Subdivisions and Partitions amended. Stayton Municipal Code, Title 17, Chapter 24, Section 17.24.040 is hereby amended shown on Exhibit B attached hereto and incorporated herein.

Section 3. Design Standards for Subdivision and Partition Preliminary Plans amended. Stayton Municipal Code, Title 17, Chapter 24, Section 17.24.050 is hereby amended shown on Exhibit C attached hereto and incorporated herein.

Section 4. Submission and Approval Procedures for Construction Plans amended. Stayton Municipal Code, Title 17, Chapter 24, Section 17.24.060 is hereby amended shown on Exhibit D attached hereto and incorporated herein.

Section 5. Design Standards for Construction Plans amended. Stayton Municipal Code, Title 17, Chapter 24, Section 17.24.070 is hereby amended shown on Exhibit E attached hereto and incorporated herein.

Section 6. Subdivision and Partition Final Plats amended. Stayton Municipal Code, Title 17, Chapter 24, Section 17.24.080 is hereby amended shown on Exhibit F attached hereto and incorporated herein.

Section 7. Effective Date. This Ordinance shall not become effective until the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

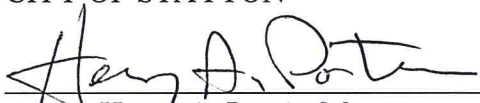
Section 8. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 19th day of March, 2018.

CITY OF STAYTON

Signed: 3/19, 2018

BY:


Henry A. Porter, Mayor

Signed: 3/19, 2018

ATTEST:



Keith D. Campbell,
City Administrator

EXHIBIT A

Additions are underlined; deletions are ~~crossed-out~~

17.12.120 EFFECTIVE DATES AND DEADLINES FOR ACTIONS

1. EFFECTIVE DATE. A final decision on a quasi-judicial land use action is intended to provide certainty to the applicants and all parties participating in the process. The effective date of a decision shall be:
 - a) 14 days from the date of the notice of decision for an administrative decision;
 - b) 14 days from the date of the notice of decision for a decision by the Planning Commission;
 - c) 21 days from the date of the notice of decision for a decision by the City Council.If a decision is not appealed pursuant as specified in 17.12.110, the decision becomes final.
2. EVIDENTIARY MATERIAL SUBMITTED. All documents or evidence relied upon by the applicant shall be submitted to the City staff at least 20 days prior to the first evidentiary hearing on the matter.
3. DEADLINES EXCEPT FOR PLAN AMENDMENT.
 - a) The City shall take final action on an application for a multifamily housing of five or more dwellings, at least 50 percent of which will be sold or rented as affordable housing as defined in Section 1 of Chapter 745 of the Oregon Laws of 2017, and which will be subject to a covenant that restrict sales price or rents to maintain affordability, including any appeals within 100 days after the application is submitted and deemed complete.
 - a)b) The City shall take final action on ~~an~~ any other application, except for a comprehensive plan amendment or an annexation, including resolution of all appeals under Section 17.12.~~030-110~~ within 120 days after the application is submitted and deemed complete.
4. MINIMUM TIME FOR REAPPLICATION: An application denied after due consideration may not be resubmitted in less than one (1) year's time unless the applicant can demonstrate that the factual circumstances which brought about the denial no longer exist or are no longer applicable to the proposal.
5. EXTENSIONS. The applicant may elect to waive or grant an extension to the ~~120-day~~ time requirement stated in subsection 3 of this section ~~by oral consent at public hearing or~~ by written statement to the City staff. Such waiver requests shall be made a part of the record on the application. The total of all extensions may not exceed 245 days.
6. TIME CALCULATIONS. Unless otherwise specified, where ever this code refers to "days", that reference is to calendar days, not working days. To calculate the last day for appeal, the date of the notice should be excluded, and the last day of the appeal period should be included. The last day concludes at 5:00 p.m. If the last day falls on a legal

holiday or a weekend, the last day shall be the next regularly scheduled workday thereafter.

7. RIGHT MUST BE EXERCISED. Land use approvals granted under this ~~title~~ Title shall be effective only when the exercise of the right granted therein is commenced within 1 year of the effective date of that decision, unless a longer period be specified or thereafter allowed by the decision authority. Exercising the rights granted by an approval shall require:

- a) Commencement of construction, with a valid building permit or site development permit, in the case of an application for variance, conditional use, or site plan review;
- b) Submittal and acceptance of construction plans, as required by Section 17.24.060, in the case of a partitioning or subdivision that requires construction plans; or
- c) Submittal and acceptance of a draft final plat in the case of a partitioning or subdivision that does not require construction plans.

In case such right has not been exercised or extension obtained the approval shall be void.

8. EXTENSION OF APPROVAL. A written request for an extension of time, filed with the City Planner at least 30 days prior to the expiration date of the approval, shall extend the duration of the one-year period until the decision authority has taken action on the request if the following criteria are met:

- a. Progress has been made on final engineering.
- b. Applications to other regulatory agencies for necessary approvals have been filed.

The decision authority shall, within 31 days of the filing of a request for extension consider whether to grant an extension. An extension shall be granted upon a finding that the criteria above are satisfied and that no changes in this Title have been enacted that would affect the application. Only one (1) extension may be granted of no longer than one year.

EXHIBIT B

Additions are underlined; deletions are ~~crossed-out~~

17.24.040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS

1. PURPOSE STATEMENT. Subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner.
2. APPLICATION FOR APPROVAL OF PRELIMINARY PLANS.
 - a. For any proposed subdivision or partition of land, the applicant shall file 3 copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and all required supplemental information with the City Planner, following the general application procedural requirements of Section 17.12.030. In addition, 12 reduced copies of the plan sized 11 inches by 17 inches shall be submitted.
3. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS. Preliminary partition or subdivision plans shall be clearly and legibly drawn. The preliminary partition or subdivision plan shall include or be accompanied by following information:
 - a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
 - b. North arrow point, graphic scale, and date of preparation of the preliminary plan.
 - c. Names and addresses of the landowners, applicant, ~~and the~~ engineer of record, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
 - d. Map number (township, range, and section) and tax lot number or account of the tract being divided.
 - e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.
 - f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
 - g. The location and size of any existing sanitary sewerage systems, ~~for the tract being divided, the approximate location of~~ water mains supply systems, culverts, drainage ways, and other storm drainage systems, ~~and or any other~~ underground utilities or structures within ~~or and~~ immediately adjacent the tract being divided.
 - h. The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use

of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.

- i. A proposed general plan for ~~draining-collecting, treating, and detaining~~ surface stormwater-runoff from the development, developed in accordance with the City's Public Works Design Standards and the Stormwater Master Plan. Preliminary Stormwater calculations shall accompany the plan showing how the proposal will meet stormwater quality and quantity requirements.
- j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Public Works Design Standards and City Transportation Systems Plan.
- k. Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.
- l. Proposed ~~means and~~ location and size of ~~sanitary sewerage disposal systems, and~~ water supply systems, stormwater facilities, and storm drainage systems in accordance with the City's Public Works Design Standards and the City's Wastewater and Water Master Plans.
- m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- n. Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- o. Copies of all existing or proposed restrictions or covenants affecting the property.
- p. An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.
- q. An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150.
- r. A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.
- s. Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. Five copies of the traffic impact analysis shall be submitted.
- t. A plan showing soils information and any proposed cuts or fills of more than 24 inches.
- u. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.
- v. A statement indicating the proposed timing of installation of all proposed improvements.

w. A Design Modification Request if the applicant proposes to not meet any design requirement in the Public Works Design Standards.

x. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted at the same time that the preliminary plan for either subdivision or partition is submitted and shall contain the following information:

(1) Any potential future lots (lot size shall be depicted).

(2) Existing and proposed utilities including water, sewer and storm drains.

(3) Streets and access points for potential future lots.

4. ADDITIONAL SUBMITTAL REQUIREMENTS FOR PRELIMINARY SUBDIVISION PLANS. Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited above.

a. Topography within and adjacent to the proposed subdivision. The base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.

b. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments and, streets, ~~storm drainage, sewer, water, and utility services.~~

c. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.

~~d. A plan showing soils information and any proposed cuts or fills of more than 24 inches.~~

~~e. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.~~

~~f. A statement indicating the proposed timing of installation of all proposed improvements.~~

~~g.~~d. The plan shall otherwise conform to the requirements of ORS 92.090 as amended.

e. If a phased development of a subdivision is proposed, then the plan shall illustrate the phases of development and a timeline for the phases.

~~h.~~f. Such additional information as the applicant may have been requested to submit at any pre-application meetings with City Staff. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant.

5. REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant

to the procedures in Sections 17.12.070 through 17.12.100 except where modifications to that procedure are indicated below.

- a. A preliminary plan shall be considered an application and shall be processed as such.
 - b. In the review of a preliminary plan by the Planning Commission, the Commission shall consider the review comments of the Public Works Director and the City Engineer. Reports from the City Engineer and Public Works Director, and any comments received from local and state agencies shall be made a part of the City Planner's report.
 - c. The action of the decision authority shall be noted on 2 copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
 - d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
6. PRELIMINARY PLAN APPROVAL CRITERIA. In determining whether to approve a subdivision or partition preliminary plan, the decision authority shall determine that the applicant has demonstrated the following criteria and standards have been or will be met:
- a. (Repealed, Ord. 898, August 20, 2007)
 - b. Adequate urban services are available to the property.
 - c. The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.
 - d. All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan.
 - e. The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.
 - f. The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.
 - g. The subdivision or partitioning preliminary plan provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels.
 - 7.h. Multiple Access Roads: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of access. Exceptions may be allowed when the proposed CC&Rs for the development will require an automatic sprinkler system approved in accordance with the provisions of ORS 455.610(6).
 - a.i. All applicable standards of Chapter 17.20 are satisfied.

- b.i. All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.
- e.k. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a partitioning.
- d.l. Compliance exists with the provisions of ORS 92.090 as amended.
- e.m. _____ When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the proposed project will not have an adverse impact on fish habitat.

EXHIBIT C

Additions are underlined; deletions are ~~crossed-out~~

17.24.050 DESIGN STANDARDS FOR SUBDIVISION AND PARTITION PRELIMINARY PLANS

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the ~~final plat~~construction plans.

1. STREETS.

- a. Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and width as indicated in the Public Works Design Standards and on the official map of streets known as the Future Street Plan in the adopted ~~Stayton City's~~ City's Transportation System Plan, ~~and the Public Works Design Standards.~~
- b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
- c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.
- d. Bikeways and pedestrian ways shall be required in accordance with the ~~City of Stayton~~ Non-Motorized Plan in the adopted City's Stayton Transportation System Plan.
- e. Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

2. DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.
3. DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.

4. RESERVE BLOCK.

- a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.
- b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

5. STREET WIDTHS.

- a. The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan ~~to any approved transportation master plan or recorded subdivision plat~~. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.
- b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.
- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.

d.

- ~~d.~~—The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified ~~in Standard Specifications for Public Works Construction, Section 300—Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.~~ in the Public Works Design Standards.
- e. Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.
- f. Additional Right-of-Way Widths.
 - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

- 2) Where bikeways necessitate, additional right-of-way width may be required.
6. SUBDIVISION BLOCKS.
 - a. Block lengths and widths shall be determined by giving consideration to the following factors:
 - 1) The distance and alignment of existing blocks and streets.
 - 2) Topography.
 - 3) Lot size.
 - 4) Need for and direction of the flow of through and local traffic.
 - b. Block length and perimeter standards are specified in Section 17.26.1020.5.c.
 - c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.
 7. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the ~~developer~~ Developer to install mid-block pedestrian walks on a right-of-way ~~at least 620~~ feet in width, which shall ~~be~~ consist of at least 8 feet of hard ~~surfaced~~ surfacing throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.
 8. LOT SIZE, LOT LINES.
 - a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.
 - b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
 - c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
 - d. Side lot lines shall be as close to right angles to the front street as practicable.
 - e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.
 - f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.
 9. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.
 10. SEWAGE DISPOSAL.
 - a. All extensions of the existing City sewage facilities shall be in accordance with the ~~adopted~~ Public Works Design Standards and the City's Wastewater Master Plan.

Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.

- b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.

11. PUBLIC USE AREAS.

- a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.
- b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.

12. WATER SUPPLY.

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon ~~Board of Health or the county health officer~~ Health Authority and Oregon Water Resources Department.
- b. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing. ~~will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.~~

13. UNDERGROUND UTILITIES.

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.

~~The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.~~

EXHIBIT D

Additions are underlined; deletions are ~~crossed-out~~

17.24.060 SUBMISSION AND APPROVAL PROCEDURES FOR CONSTRUCTION PLANS

1. CONSTRUCTION PLANS SUBMITTAL REQUIREMENTS.

- a. Submittal Deadline. No later than one (1) year from the effective date of approval of the preliminary plan for a major partition or subdivision the applicant shall submit three (3) ~~two~~ sets of construction plans to the ~~City Planner~~ Public Works Department. The applicant shall also submit all construction plans and other required documents to the City in electronic form. Failure to submit construction plans within one (1) year of the effective date of approval shall result in expiration of the approval.
- b. Conformance to Preliminary Plan. The construction plans shall substantially conform to the preliminary plan as approved.
- c. Preparation. All construction plans shall be prepared by a professional engineer registered with the State of Oregon.
- d. Format. Construction plans shall be clearly and legibly drawn to a standard engineer's scale in a manner which allows all detail to be easily read. The overall size of construction plans shall be 22 inches by 34 inches. Construction plans consisting of more than one sheet shall be bound or stapled on the left side. The format shall meet requirements set forth in the Public Works Design Standards.
- e. Construction Plans Information. The construction plans shall be drawn in accordance with and contain the information specified in the ~~required by~~ Public Works Design Standards ~~Specifications~~.

2. REVIEW AND APPROVAL OF CONSTRUCTION PLANS.

- a. Approval of construction plans shall be a routine administrative action.
- b. The ~~City Planner~~ Public Works Department shall issue a written ~~receipt~~ acknowledgement indicating the date the construction plans and other required documents were ~~submitted~~ received by the City.
- c. The ~~City Planner~~ Public Works Director shall forward the construction plans and other required documents to the City Engineer for review and approval.
- d. Within 14 days of submittal of the construction plans and other required documents, the City Engineer shall determine if the ~~plans are~~ submittal is complete. If the City Engineer determines the ~~construction plans~~ submittal is ~~are~~ incomplete, the applicant shall be notified in writing of the additional information that must be submitted in order for the Public Works Director to ~~complete~~ initiate City review of the ~~construction plans~~ submittal. Failure of the applicant to provide a complete application within 181 days of the original submission shall result in the construction plans and other required documents being considered withdrawn. City staff shall notify the applicant that the application is considered withdrawn.

- e. Within 21 days of determining the ~~construction plans are~~submittal is complete, the City Engineer shall determine whether the construction plans and other required documents are in general conformance with the requirements of this Title, Title 12, the Public Works Design Standards ~~Specifications~~, and any conditions of approval.
- f. If any portion of the construction plans and other required documents are ~~is~~ not in conformance with the required ~~standards or specifications~~Public Works Standards, the applicant shall be informed in writing of the necessary changes ~~in the plan~~ to bring them into conformity.
- g. Once the City Engineer has determined that the construction plans and other required documents generally conform to ~~all applicable standards or specifications~~the Public Works Standards, the City Engineer shall notify ~~the applicant and~~ the engineer of record who prepared the plans in writing that a specified number of copies of the approved plans to be provided for ~~the City Engineer's signature~~City Engineer approval.
- h. Upon City Engineer approval ~~of the construction plans and signing of the approved construction plans by the City Engineer~~, the applicant ~~is authorized~~shall obtain all necessary agency approvals and shall obtain all necessary permits ~~to schedule a preconstruction conference~~ prior to commencement of construction. ~~This conformance and all subsequent~~Design and construction activities shall be in accordance with the requirements set forth in the Public Works Standards.~~shall conform to the Standard Specifications.~~

EXHIBIT E

Additions are underlined; deletions are ~~crossed out~~

17.24.070 DESIGN STANDARDS FOR CONSTRUCTION PLANS

1. STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE.
 - a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the requirements set forth in the Public Works ~~Design Standards~~ Specifications.
 - b. All utilities and public agencies shall be made aware of the street construction so that every chance is provided to install conduit where the actual placement of lines is not practical and to advise them of penalties for street excavation during the first 5 years after construction.
 - c. Construction plans involving public improvements shall not receive approval until such time as the City Engineer is satisfied that the following street improvements will be completed in accordance with the Public Works Standards Specifications:
 - 1) ~~Clearing and grading to full right of way limits.~~
 - 2) ~~Storm drainage facilities both within and outside of right of way limits.~~
 - 3) ~~Base and pavement materials for roadways in place and compacted.~~
 - 4) ~~Bikeways, including striping and signing, if required.~~
 - 5) ~~Signage and traffic signalization, if required.~~
 - 6) ~~Access management standards as specified in Section 17.26.020.~~
2. SEWAGE DISPOSAL. Construction plans shall not receive approval until such time as the City Engineer is satisfied that the sewage disposal facilities will be completed in accordance with the Public Works Standards.
 - a. ~~The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.~~
 - b. a. In the event that larger lines are deemed necessary by the ~~Director of~~ Public Works Director for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing. ~~will pay the additional costs of such larger lines.~~
3. WATER INSTALLATION. The applicant shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall ~~be done to Standard Specifications~~ comply with the Public Works Standards and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the Public Works Director.

4. UNDERGROUND UTILITIES.

- a. The construction plans shall include written evidence that the applicant has made necessary arrangements with utility companies and other persons or corporations affected by the installation of underground utility lines and facilities. Easements for utility facilities shall be provided by the applicant as set forth on the approved preliminary plan. In the case of a partition, a utility easement document may be required for recording by the City.
- b. The applicant shall obtain all necessary permits for the placement of all underground utilities prior to the start of construction.

5. RADIUS AT STREET INTERSECTIONS.

- a. The property line radius at street intersections ~~where one or more of the streets creating the intersection shall meet the design requirements set forth in the Public Works Design Standards, has a designated right-of-way width of 80 feet or more shall be the square root of the interior angle at the intersection. The distance shall be increased to the next full foot above the figure established by such formula.~~
 - b. ~~The minimum angle of any intersection shall be 40 degrees.~~

6. STREET GRADES. ~~No S~~ street grade shall meet the design requirements set forth in the Public Works Design Standards, ~~be in excess of 8% unless the decision authority, in the review of the preliminary plan, has found that because of the size and shape of the property or topographic conditions a steeper grade is necessary~~

7. STREET TREES. The construction plans shall include a plan for street trees to be planted in the parking strip behind the curb line in accordance with the Public Works Design Standards ~~Specifications~~.
 - a. ~~Street trees shall be selected from a list of approved species maintained by the Public Works Director.;~~
 - b. ~~All trees shall have at least a 1 ½ inch caliper trunk measured at 4 feet above the ground.~~
 - c. ~~Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.~~
 - d. ~~The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities.~~

EXHIBIT F

Additions are underlined; deletions are ~~crossed-out~~

17.24.080 SUBDIVISION AND PARTITION FINAL PLATS

1. FINAL PARTITION PLAT SUBMITTAL REQUIREMENTS

- a. Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- b. Submittal Deadline. If a partitioning does not involve the construction of a street, the final plat shall be submitted no later than one year from the date of approval of the preliminary plan by the Planning Commission. ~~The Otherwise,~~ final plat shall be submitted following substantial completion of construction of the public improvements, but no later than two years from the date of approval of the construction plans. Failure to submit a final plat within two years of approval of the construction plans shall result in expiration of the approval of the partition.
- c. Preparation. All final plats for partitions shall be prepared by a professional land surveyor registered with the State of Oregon.
- d. Format. All plats shall be prepared in accordance with the Marion County Surveyor's Map Standards, ~~clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 22 inches by 34 inches.~~
 - 1) ~~Survey Requirements. Surveys for partitions shall:~~
 - 2) ~~Comply with ORS 209.250 as amended, and~~
 - 3) ~~Comply with the survey mapping standards set by the Marion County Surveyor.~~
 - 4) ~~Plat Information. Notwithstanding the requirements of subsection c. above, the partition plat shall contain or be accompanied by the following information:~~
 - 5) ~~The boundary lines with distance and bearings, the name and exact location and widths of existing or recorded streets intersecting the boundary of the tract.~~
 - 6) ~~The lengths of arc, radii, internal angles, lengths, and bearings of the tangents, and the length and bearings of chords.~~
 - 7) ~~The area of each parcel in square feet, or if a parcel is larger than one acre, to the nearest 1/100th acre.~~
 - 8) ~~The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed one foot in 10,000 feet. Copies of closure calculation sheets may be requested.~~
 - 9) ~~The location of the parcel by one-fourth Section and Township, Range.~~

- ~~10) Names and addresses of the applicant, owner, mortgagee, if any, the person preparing the map, and partition number.~~
 - ~~11) A north arrow, graphic scale, and the date the plat was prepared.~~
 - 12) e. All easements provided for public services, utilities, access, or any type must be shown on the face of the plat along with the recorder's number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to the City.
 - ~~13) Zoning classification.~~
 - ~~14) Basis of bearing and the course of either a section corner, 1/16 corner or a donation land claim corner or a lot corner of a platted subdivision and the basis or source document, if not by survey, of the course to a corner.~~
 - ~~15) A written legal description of all parcels contained in the land partition. An additional sheet of the same quality and size as required for the partition plat may be used.~~
 - 16) f. A line for the approval signature of the City Administrator or his designee, and the date and any other lines which show approvals required by the City shall be placed on the plat.
- ~~2. Additional information made a condition of the preliminary plan.~~
 - ~~3. A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.~~
 - ~~4. Information and data in addition to the above as may be required by ORS 92.090, as amended.~~

5.2 FINAL SUBDIVISION PLAT SUBMITTAL REQUIREMENTS

- a. Submittal Deadline. The final ~~map-plat~~ shall be submitted ~~following substantial completion of construction of the public improvements but~~ no later than two years from the date of approval of the construction plans. Failure to submit a final plat within two years from the date of approval of the construction plans shall result in expiration of the approval of the subdivision. ~~If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval.~~
- b. Preparation. All plats shall be prepared by a licensed land surveyor registered with the State of Oregon.
- c. Format. All plats shall be prepared in accordance with the Marion County Surveyor's Maps Standards. ~~clearly and legibly drawn at a scale of one inch equals no more than 60 feet in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 22 inches by 34 inches.~~

- ~~d. Plat Information. Notwithstanding the requirements of subsection c above, the plat shall contain or be accompanied by the following information:~~
- ~~e. The affidavit of the surveyor who did the plat and survey work, certifying that plat complies with:~~
- ~~f. ORS 209.250, as amended, and~~
- ~~g. The survey mapping standards set by the Marion County Surveyor.~~
- ~~h. Date, north point, and graphic scale.~~
- ~~i. A sufficient legal description to define the location and boundaries of the plat area.~~
- ~~j. The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.~~
- ~~k. The location and dimensions of all existing and proposed public or private roads and names as appropriate. This shall include any adjacent future streets and other street improvements designated in the City's Transportation System Plan. Also, adjacent driveways and other access features must be shown on both sides of the roadway in the site vicinity.~~
- ~~l. A description and location of all permanent reference monuments.~~
- ~~m. The width and location of all existing or proposed public utility easements.~~
- ~~n. A graphic designation of all areas being reserved for common use and the conditions being imposed thereon.~~
- ~~o. A designation of all areas covered by water and the location, width, and direction of flow of all watercourses.~~
- ~~p. The location of any wetlands, delineated in accordance with the requirements of the Oregon Department of State Lands.~~
- ~~q. A designation of any area being dedicated by the applicant, including its purpose, and an effective written dedication thereof.~~
- ~~r. A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.~~
- ~~s. A designation of any special notice, requirement, or restriction required by the City as a condition of approval.~~
- ~~t. Information and data in addition to the above as may be required by ORS 92.050, as amended.~~
- d. In the event the applicant plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," the applicant shall notify the Marion County Surveyor and Planning Department and report said fact on the final plat.
- ~~u.e.~~ **Accompanying Materials.** The plat shall be accompanied by the following:
 - 1) An exact reproducible transparency which complies with the requirements of subsection 17.24.040.7.c.

- 2) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.
- 3) ~~Computational sheets for all boundary lines and of all lot lines.~~ A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary for the division and their interest in the premises and all encumbrances, covenants, and other restrictions pertaining to the subject property.
- 4) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants, and restrictions.
- 5) A copy of any documents relating to special notice, requirement, or restriction required by the City as a condition of approval.

~~6.3~~ APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS.

- a. Procedure. Approval of final partition plans shall be routine administrative actions.
- b. Approval Criteria. The City Planner shall recommend to the City Administrator that the final partition or subdivision plat be approved only if the following criteria are found to be satisfied:
 - 1) The Public Works Director has determined the construction of the public improvements is substantial complete.
 - ~~1)2)~~ 2)_____ The final plat and any supporting documents are in substantial conformity with the approved preliminary plan. Changes from the approved preliminary plan may be approved when the City Planner finds that they are minor modifications.
 - ~~2)3)~~ 3)_____ Any conditions imposed by the decision authority have been satisfied and/or assured through bonding agreement(s).
- ~~c.~~ ~~If a proposed subdivision is not in a location where the City's Parks Master Plan has designated a new park, the applicant shall, with submission of the final plat, submit a certified check for a sum equal to 5% of the total assessed value of the land being platted, at the time of platting, as computed by the county assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. Such payment shall be accompanied by a statement of assessed value from the office of the county assessor.~~
- ~~d.c.~~ Approval. Final partition and subdivision plats shall be considered approved when the administrator's signature and dates thereof have been written on the face of the plats and the plats have been recorded.
- ~~e.d.~~ Notice. Approval or denial of a final partition or subdivision plat shall be in writing to the applicant or the applicant's representative.
- ~~f.e.~~ Staff approval of a final partition or subdivision plat is the final decision of the City, and is not a land use decision or a limited land use decision as defined in ORS 197.015.

~~g.f.~~ ~~For subdivisions, financial~~ Financial performance guarantees shall be required for public improvements that have not been constructed by the applicant and inspected and approved by the City in accordance with Section 17.20.120.

~~h.g.~~ The final plat, along with any conditions, covenants and restrictions, and development plan shall be recorded within 30 days of final plat approval. Within 45 days of final plat approval, applicant shall submit to the City Planner a copy of the final plat with the recording number referenced on the final plat.

~~7.4.~~ PHASED DEVELOPMENT. An applicant may choose to phase the development of a subdivision by submittal of a final plat that contains only a portion of the approved preliminary plan. The final plat of the first phase must be submitted to the City Planner within 3 years of the date of preliminary plan approval, and must be accompanied by a drawing that shows all of the subsequent phases of development. A final plat for each subsequent phase must be filed within 2 years of the submission of the final plat for the previous phase. Failure to submit a final plat for a phase of the subdivision within 2 years of the submission of the final plat for the previous phase shall result in expiration of the preliminary approval for the unplatted portions. Prior to approval of the final plat of any phase, the applicant shall demonstrate to the City Planner that each phase of the subdivision would be substantially and functionally self-contained and self-sustaining with regard to access, utilities, open spaces, and similar physical features; and be capable of substantial occupancy, operation, and maintenance should the subsequent phases of the subdivision not be developed.

~~8.5.~~ COPIES OF RECORDED PLATS TO BE FURNISHED. The final plat shall be recorded pursuant to ORS 92.120. Within 15 days after the recording of a plat with Marion County, the applicant or his representative shall furnish the City 3 prints from the reproduction of the recorded plat.

~~9.6.~~ EXCEPTIONS TO SUBDIVISION REGULATIONS. If an applicant requests that any of the requirements set forth in these regulations be waived, the Planning Commission shall be the decision-authority ~~and the application shall follow the criteria and procedures set forth in Section 17.12.190.~~