

## **9-02 [Land Division for the City of Vernonia]**

### **9-02.01 [Introductory Provisions]**

#### **9-02.01-10 [Title]**

This chapter shall be known as the Land Division Code for the City of Vernonia.

#### **9-02.01-20 [Definitions]**

As used in this chapter the following words and phrases shall mean:

- A. "Building Line" means a line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- B. "City" means the City of Vernonia.
- C. "Development Plan" means a City plan for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- D. "Easement" means a grant of the right to use a strip of land for specific purposes.
- E. "Lot" means a unit of land that is created by a subdivision of land:
  - 1. "Corner Lot" means a lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred and thirty-five (135) degrees;
  - 2. "Reversed Corner Lot" means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear;
  - 3. "Through Lot" means a lot having frontage on two (2) parallel or approximately parallel streets other than alleys.
- F. "Map" means a final diagram, drawing or other writing concerning a major partition.
- G. "Parcel" means a unit of land that is created by a partitioning of land.
- H. "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this section:
  - 1. "Major Partition" means a partition which includes the creation of a street;
  - 2. "Minor Partition" means a partition that does not include the creation of a street.
- I. "Partition Land" means to divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition Land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "Partition Land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the Title 9 Land Development Code.
- J. "Pedestrian Way" means a right-of-way for pedestrian traffic.

- K. "Person" means a 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.
- L. "Planning Commission" means the planning commission of the City.
- M. "Plat" means the final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- N. "Right-of-Way" means the area between boundary lines of a street or other easement.
- O. "Roadway" means the portion of a street right-of-way developed for vehicular traffic;
- P. "Sidewalk" means a pedestrian walkway with permanent surfacing.
- Q. "Street" means a public or private way that is created to provide ingress or egress for persons to one (1) or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "avenue," "alley" or similar designations:
  1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street;
  2. "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas;
  3. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties;
  4. "Cul-de-Sac (Dead-End Street)" means a short street having one (1) end open to traffic and being terminated by a vehicle turn-around;
  5. "Half Street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision;
  6. "Marginal Access Street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic;
  7. "Minor Street" means a street intended primarily for access to abutting properties.
- R. "Subdivide Land" means to divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- S. "Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

### **9-02.01-30 [Scope of Regulations]**

Subdivision plats and partition maps shall be approved by the Planning Commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as provided in this code and the State law. Lot line adjustments and street improvement requirements in previously platted areas shall be reviewed and approved by the City Administrator.

## **9-02.02 [Tentative Plan]**

### **9-02.02-10 [Submission of Tentative Subdivision Plan]**

A subdivider shall prepare a tentative plan together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit fifteen (15) copies of the tentative plan to the City Recorder's office at least thirty (30) days prior to the Planning Commission meeting at which consideration of the plan is desired.

### **9-02.02-20 [Scale]**

The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals one hundred (100) feet or, for areas over one hundred (100) acres, one (1) inch equals two hundred (200) feet.

### **9-02.02-30 [General Information]**

The following general information shall be shown on the tentative plan of a subdivision:

- A. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission;
- B. Date, north point and scale of drawing;
- C. Appropriate identification of the drawing as a tentative plan;
- D. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries;
- E. Names and addresses of the owner, subdivider, and engineer, or surveyor.

### **9-02.02-40 [Existing Conditions]**

The following existing conditions shall be shown on the tentative plan:

- A. The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines, and monuments;
- 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 (5%): show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed;
  - 2. For slopes of five percent (5%) to fifteen percent (15%): five (5) feet;
  - 3. For slopes of fifteen percent (15%) to twenty percent (20%): ten (10) feet;
  - 4. For slopes of over twenty percent (20%): twenty (20) feet;
- C. The location of at least one (1) temporary bench mark within the subdivision boundaries;
- D. The location and direction of water courses and the location of areas subject to flooding;
- E. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees;

- F. Existing uses of the property and location of existing structures to remain on the property after platting.

### **9-02.02-50 [Proposed Plan of Subdivision]**

The following information shall be included on the tentative plan of a subdivision:

- A. The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or, if no complete development plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation;
- B. The location, width and purpose of proposed easements;
- C. The location and approximate dimensions of proposed lots and the proposed lot and block numbers;
- D. Proposed sites, if any, allocated for purposes other than single-family dwellings.

### **9-02.02-60 [Partial Development]**

If the subdivision proposal 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 in the unsubdivided portion.

### **9-02.02-70 [Explanatory Information with Tentative Plan]**

Any of the following information may be required by the Planning Commission and, if it cannot be shown practicably on the tentative plan of a subdivision, it shall be submitted in separate statements accompanying the plan:

- A. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities;
- B. Proposed deed restrictions, if any, in outline form;
- C. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.

### **9-02.02-80 [Supplemental Proposals with Tentative Plan]**

Any of the following may be required by the Planning Commission to supplement the plan of subdivision:

- A. 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;
- B. A plan for domestic water supply lines and related water service facilities;
- C. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways;
- D. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil;
- E. Proposals for other improvements such as electric utilities and sidewalks.

## **9-02.03 [Tentative Plan Review]**

### **9-02.03-10 [Preliminary Review of Tentative Plan]**

Upon receipt, the City Recorder or City Planner shall furnish one (1) copy of a tentative plan and supplementary material to the City Engineer, Fire Chief, Police, Superintendent of Schools, Public Works Director, City Health Officer, manager of the West Oregon Electric Cooperative, Inc., manager of the Vernonia area of the General Telephone Company of the Northwest, Inc., and such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

### **9-02.03-20 [Approval of Tentative Subdivision Plan]**

- A. In accordance with the Type III permit provisions, the City shall find the Tentative Plan application is complete and then schedule a public hearing before the Planning Commission in accordance with Section 9-01.10.40.
- B. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the sub-divider complies with the requirements of this code.
- C. The action of the Planning Commission shall be noted on two (2) copies of the tentative plan, including reference to any attached documents describing conditions. One (1) copy shall be returned to the sub-divider, and the other shall be retained by the Planning Commission.
- D. Tentative Plan Approval Criteria. The Planning Commission may approve, approve with conditions or deny a tentative subdivision plan based on the following approval criteria:
  1. The proposed tentative plan complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article and the applicable Chapters of Title 9 shall apply. Where a variance is necessary to receive preliminary approval, the application shall also comply with the relevant variance approval standards;
  2. The proposed plan name is not already recorded for a other subdivision, and satisfies the provisions of ORS Chapter 92;
  3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedication are identified on the preliminary plan;
  4. All proposed private common areas and improvements (e.g. homeowners association property) are identified on the tentative plan; and
  5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plan;
  6. Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

7. If any part of the site is located within a specific Area Plan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.
- E. **Conditions of Approval.** The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations and may require access strips be granted to the City for the purpose of controlling and assuring access to adjoining undeveloped properties.

## **9-02.04 [Subdivision Plat]**

### **9-02.04-10 [Submission of the Subdivision Plat]**

Within one (1) year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five (5) prints, and any supplementary information to the City. If the subdivider wishes to proceed with the subdivision after the expiration of the one (1) year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions.

### **9-02.04-20 [Information on Plat]**

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

- A.** Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision;
  2. Adjoining corners of adjoining subdivisions;
  3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this chapter;
- B.** The exact location and width of streets and easements intercepting the boundary of the tract;
- C.** Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. Distances shall be shown to the nearest one hundredth (0.01) feet. No ditto marks shall be used;
- D.** The width of the portion of streets being dedicated and the width of existing rights-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated;
- E.** Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;
- F.** Lot numbers beginning with the number one (1) and numbered consecutively;
- G.** Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale;
- H.** Building setback lines, if any are to be made a part of the subdivision restrictions;

- I. The following certificates which may be combined where appropriate:
  1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;
  2. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;
  3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map;
  4. Other certifications now or hereafter required by law.

#### **9-02.04-30 [Supplemental Information with Plat]**

The following data shall accompany the plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
- B. Sheets and drawings showing the following:
  1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any;
  2. The computation of distances, angles and courses shown on the plat;
  3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- C. A copy of any deed restrictions applicable to the subdivision;
- D. A copy of any dedication requiring separate documents;
- E. A list of all taxes and assessments on the tract which have become a lien on the tract;
- F. A certificate by the City Engineer that the subdivider has complied with the requirements of Section 9-02.06-10 and 9-02.06-20.

#### **9-02.04-40 [Technical Plat Review]**

- A. Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of this code.
- B. The City Engineer may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and his representatives may enter the property for this purpose.
- C. If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

### **9-02.04-50 [Approval of the Plat]**

Upon receipt of the plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission. The approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat.

### **9-02.04-60 [Filing of Plat]**

A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained.

### **9-02.04-70 Expedited Land Divisions**

A. An Expedited Land Division (“ELD”) shall be defined and may be used as provided under ORS 197.360 through 197.380.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;
2. Review procedure. All applications for Expedited Land Divisions shall comply with ORS 197.360 through 197.380 and the [city] Comprehensive Plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.
3. Appeal procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a city employee), the City Attorney shall serve as the referee for ELD appeals.

## **9-02.05 [Approval of Partitions]**

### **9-02.05-10 [Creation of a Public Street Outside a Subdivision]**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
1. The establishment of a public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one (1) acre or of such size and characteristics as to make it impossible to develop building sites for more than three (3) dwellings units.
- B. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City Planning Commission at least thirty (30) days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 9-02.07-10 and 9-02.09-30 of these regulations, shall be approved with conditions necessary to preserve these standards.

### **9-02.05-20 [Creation of Private Street Outside a Subdivision]**

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 9-02.05-10 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two (2) parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City Planning Commission at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

### **9-02.05-30 [Partitioning Procedure]**

A partition shall be approved under the following procedure:

- A. There shall be submitted to the Planning Commission a tracing of fifteen (15) copies of a tentative plan 8½ by 11 inches, or 18 by 24 inches in size with the following information:
1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
  2. Name and address of the record owner and of the person who prepared the tentative plan;

3. Approximate acreage of the land under a single ownership or, if more than one (1) ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;
  4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles;
  5. Outline and location of existing buildings to remain in place;
  6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements;
  7. One (1) copy of the recorded survey of the parcels;
  8. Such additional information as required by the Planning Commission;
- B. Except as provided for in subsection C below, within forty (40) days from the first regular Planning Commission meeting, filing submission of a tentative plan for a partitioning, and in accordance with the Type III permit provisions, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons thereof.
- C. If the location or type of land is not such as has been defined by the Planning Director as eligible for a Type II approval, or if the proposed partitioning does not appear to comply with the requirements for routine approval, the tentative plan shall be submitted for Planning Commission review and determination that the proposal will comply with this code. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided;
- D. When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map;
- E. The provisions of Section 9-02.03-10 apply to review of a major partition.
- F. Partition Approval Criteria: Approval of a land partition shall be based on the subdivision approval criteria in Section 9-02.03.20 D.

## **9-02.06 [Additional Provisions]**

### **9-02.06-10 [Agreement for Improvements]**

Before Planning Commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of property or execute and file with the City Administrator an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City which shall not exceed ten percent (10%) of the cost of the improvements to be installed.

### **9-02.06-20 [Bond]**

- A. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one (1) of the following:
  1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney;
  2. A personal bond co-signed by at least one (1) additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;
  3. Cash.
- B. Such assurance of full and faithful performance shall be for a sum approved by the City Council as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- C. If the land divider fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

### **9-02.06-30 [Land for Public Purposes]**

- A. If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one (1) year, at a cost not to exceed the value of the land prior to subdivision.
- B. In addition to the requirements of 9-01.06-30.A. of this section, the subdivider shall pay into a City Parks and Recreation Fund a sum of money equal to six

percent (6%) of the true market value of the land in the subdivision. The sums so contributed shall be used to aid in securing, developing, and maintaining areas for park and recreation purposes to serve the city. If the nature of the subdivision is such that over thirty-four percent (34%) of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed forty percent (40%).

## **9-02.07 [Lot Line Adjustment]**

### **9-02.07-10 [Lot Line Adjustment Procedures]**

- A. Application for property line adjustments shall be reviewed by the City Administrator, or his/her designee in accordance with the Type I permit provisions. Approval shall be given only upon determination of compliance with the provisions of Subsections 9-02.07-10.B. through 9-02.07-10.E. of this section.
- B. An applicant for a property line adjustment shall confer with the City Administrator to determine feasibility and procedures.
- C. Submission Requirements- The applicant shall submit two (2) copies of each of the following documents to the City Administrator:
  - 1. A completed application, on a form as provided by the City;
  - 2. A property line adjustment survey as described in Subsection 9-02.07-10 D of this section, unless exempt as provided therein;
  - 3. Legal descriptions of the tract of land to be conveyed to create the adjusted property line and of the new resulting tax lots; and
  - 4. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- D. Survey
  - 1. The adjustment shall be surveyed in accordance with ORS 92.060(7); provided however, that the requirements of ORS 92.060(7) shall not apply to the relocation of a currently monumental common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary;
  - 2. The adjustment survey shall include in its title the following:  
"Proposed Property Line Adjustment Survey," shall identify the City planning file number immediately below the title block, and shall be signed by the City Administrator, together with the date of approval.
- E. Review and Recording- The documents effectuating the adjustment as approved shall be properly prepared, reviewed and approved by the City, and executed and recorded with the County within six (6) months following approval by the City Administrator.
- F. No lot line adjustment shall be granted in any zone if said lot line adjustment would create a new buildable lot.

## **9-02.08 [Design Standards Streets]**

### **9-02.08-10 [Principles of Acceptability]**

A land division whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this code.

### **9-02.08-20 [Streets]**

- A. **General.** The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- B. **Required Right-of-Way and Roadway Width.** Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the width in feet shown in the following table:

Type of Street	Minimum Right-of-Way Width (Feet)	Required Roadway Width (Feet)
Urban		
Local-New Construction	50	28
Local-Preferred Retrofit	46	24
Local- Minimum Retrofit	25	18
Collector	62	38
Arterial	70	48
Rural		
Local	30	18
Collector	62	36
Arterial	60	34
Radius for Turn Around at End of Cul-de-Sac	50	40
Alleys	20	20

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower rights-of-way may be accepted, ordinarily not less than fifty (50) feet. If necessary, slope easements may be required.

- C. **Reserve Strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The

control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

- D. Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred (100) feet.
- 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 as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty (80) degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred (100) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two (2) streets at any one (1) point will not be approved.
- 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 the land division.
- 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 divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of the half streets.
- I. Cul-de-Sac. A cul-de-sac shall be as short as possible and shall have a maximum length of two hundred (200) feet and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turn-around.
- J. Street Names. Except for extensions of existing streets no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.
- K. Grades and Curves. Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets or twelve percent (12%) on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, one hundred

(100) feet on other streets, and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In plat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least one half of a percent (0.5%).

- L. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- M. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal 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.
- N. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

#### **9-02.08-30 [Blocks]**

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

B. Size. No block shall be more than one thousand (1,000) 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. The recommended minimum length of blocks along an arterial street is eighteen hundred (1,800) feet. A block shall have sufficient width to provide for two (2) 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 where necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width;
2. Water Courses- If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required;
3. Pedestrian and Bicycle Ways- When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or

to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation (especially where a shortcut would be created to a pedestrian attraction, such as a school, park or neighborhood commercial development).

**9-02.08-40 [Building Sites]**

- A. **Size and Shape.** The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated and shall be consistent with the residential lot size provisions of the Zoning Code with the following exceptions:
1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department for Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank;
  2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. **Access.** Except as set forth in Section 9-02.05-20, each lot and parcel shall abut upon a street other than an alley for a width of at least twenty-five (25) feet.
- C. **Through Lots and Parcels.** Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential 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 and Parcel Side Lines.** The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

**9-02.08-50 [Grading of Building Sites]**

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

- A. Cut slopes shall not exceed one and one half (1½) feet horizontally to one (1) foot vertically;
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically;
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended;
- D. Provision shall be made for any storm water drainage created by such grading and/or filling in accordance with the requirements of standards contained in the State Building Code as adopted by the City.

**9-02.08-60 [Building Lines]**

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat, or, if temporary in nature, they shall be included in the deed restrictions.

**9-02.08-70 [Large Building Sites]**

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

## **9-02.09 [Improvements]**

### **9-02.09-10 [Improvement Procedures]**

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this chapter and improvement standards and specifications followed by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked 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 tentative plan of a subdivision or partition;
- 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 appropriate City Council committee. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change;
- D. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the 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.

### **9-02.09-20 [Specifications for Improvements]**

The appropriate City Council committee shall prepare and submit to the City Council specifications to supplement the standards of this code based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

### **9-02.09-30 [Improvements in Subdivisions]**

The following improvements shall be installed at the expense of the subdivider and at the time of subdivision:

- A. Streets- Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers and drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.
- B. Surface Drainage and Storm Sewer System- Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or

storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

- C. Sanitary Sewers-** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the City trunk system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the City Engineer shall take into account the capacity and grade to follow for desirable extension beyond the subdivision.

If required sewer facilities will without further sewer construction directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project, with such arrangement with the subdivider as is desirable to assure financing his share of the construction;
  2. If the installation is not made as an assessment project, the City will reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten (10) years from the time of installation of the sewers, the actual amount shall be as determined by the City Council of the City of Vernonia at the time of approval of the plat, considering current construction costs.
- D. Water System-** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City mains shall be installed. The City Engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system.

If required water mains will directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten (10) years from the time of installation of the mains. The actual amount shall be as determined by the City Council at the time of approval of the plat, considering current construction costs.

- E. Sidewalks-** Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one half (2½) or less dwellings per gross acre, the requirements of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.

- F. **Bicycle Routes-** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- G. **Street Name Signs-** Street name signs shall be installed at all street intersections, with specifications as approved by the City Council of the City of Vernonia.
- H. **Street Lights-** Street lights shall be installed and shall be served from an underground source of supply.
- I. **Other-** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

**9-02.09-40 [Improvements in Partitions]**

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

**9-02.09-50 [Street Improvements in Existing Platted Areas]**

- A. No building permit shall be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure which results in an increase in size or change of use, excepting remodel permits for single-family dwellings not resulting in a change of use, unless the applicant for said building permit agrees to construct street improvements which include curbs (sidewalks and all other frontage improvements required in the design standards for the roadway functional classification), along all city streets that abut the property described in the building permit.
- B. The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements shall be made by the City Administrator. The City Administrator shall make this determination based upon finding that the increase in building size or change of use results in either:
  - 1. An increase in floor area which creates the need for additional on-site parking in accordance with the Zoning Code, or
  - 2. A change in use that results in a need for additional on-site parking, or
  - 3. An increase in the dwelling unit density on the site, or
  - 4. A change in the type, number, or location of accessways where off-site traffic will be affected.
- C. Notwithstanding any other provisions of this chapter, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area.

**D.** Street improvements shall be installed according to City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the city, the City Administrator may grant a time extension of the provisions of this section, provided that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

## **9-02.10 [Exceptions, Variance]**

### **9-02.10-10 [Exceptions in Case of a Planned Unit Development]**

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a planned unit development.

### **9-02.10-20 [Variance Application]**

The Planning Commission may authorize conditional variances to requirements of this chapter. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance may be granted only in the event 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 tract size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;
- 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 code, or to property in the same vicinity in which the property is located, or otherwise in conflict with the objectives of any City plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship.

### **9-02.10-30 [Planning Commission Action on Variances]**

In granting or denying 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 City shall keep the findings on file as a matter of public record.

### **9-02.10-40 [Appeal]**

- A. A person may appeal to the City Council from a decision or requirement made by the Planning Commission or the City Administrator. Written notice of the appeal must be filed with the City within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- B. The City Council shall hold a hearing on the appeal within thirty (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 code. The disposition of the appeal shall be final.

### **9-02.10-50 [Penalties for Violation]**

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this chapter shall be punished by a fine of not more than five hundred dollars (\$500). A violation of this chapter shall be considered a separate offense for each day the violation continues.

**9-02.10-60 [Fee Schedules]**

For the purpose of partially defraying expenses incurred in the administrative processing of this chapter, the filing fees shall be paid to the City of Vernonia at the time of submission of the filing of plans or applications. Fees shall be set by resolution of the City Council.