

## Chapter 18.830 SUBDIVISIONS

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### **18.830.010 Purpose**

The purpose of this chapter is:

- A. To provide rules, regulations, and standards governing the approval of subdivisions;
- B. To carry out the development pattern and plan of the city;
- C. To promote the public health, safety, and general welfare;
- D. To lessen congestion in the streets, and secure safety from fire, flood, pollution, and other dangers;
- E. To provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage; and
- F. To encourage the conservation of energy resources. (Ord. 17-22 §2)

### **18.830.020 General Provisions**

- A. Approval through two-step process. An application for a subdivision is processed through a two-step process: the preliminary plat and the final plat.
  - 1. The preliminary plat must be approved before the final plat can be submitted for approval; and
  - 2. The final plat must reflect all conditions of approval of the preliminary plat.
- B. Conformance with state statute. All subdivision proposals must comply with all state regulations as provided in ORS Chapter 92, Subdivisions and Partitions.
- C. Lot averaging. Lot area or width may be reduced to allow lots less than the minimum applicable standard provided the average lot area or width for all lots in the subdivision is not less than that required. All lots created under this provision must be at least 80 percent of the minimum required lot area or width.
- D. Temporary sales office. Temporary sales offices in conjunction with any subdivision may be granted as provided in Chapter 18.440, Temporary Uses.

- E. Minimize flood damage. All subdivision proposals must be consistent with the need to minimize flood damage.
- F. Special flood hazard area dedications. Where land filling or development is allowed within and adjacent to the special flood hazard area outside the zero-foot rise floodway, the city will require the dedication of sufficient open land area for a greenway adjacent to and within the special flood hazard area. This area will include portions at a suitable elevation for the construction of a path, sidewalk, or trail within the special flood hazard area as provided in the adopted trails plan or transportation plan.
- G. Need for adequate utilities. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- H. Need for adequate drainage. All subdivision proposals must have adequate drainage provided to reduce exposure to flood damage.
- I. Determination of base flood elevation. Where base flood elevation has not been provided or is not available from another authoritative source, it must be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).
- J. Adjustments. Adjustments to the subdivision regulations must be made in compliance with Chapter 18.715, Adjustments. The applications for subdivision and adjustment must be processed concurrently.
- K. Prohibition on sale of lots. Sale of lots created through the subdivision process is prohibited until the final subdivision plat is recorded. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

#### **18.830.030 Approval Process**

- A. Approval process. Applications for a preliminary plat for subdivision are processed through a Type II procedure, as provided in Section 18.710.060, using the approval criteria in 18.830.040. An application for subdivision may also be reviewed concurrently with an application for a planned development, as provided in Chapter 18.770, Planned Developments.
- B. Approval period. Expirations and extensions of approvals are provided in Subsection 18.20.040.G. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

#### **18.830.040 Approval Criteria—Preliminary Plat**

- A. Approval criteria. The approval authority will approve or approve with conditions an application for a preliminary plat when all of the following are met:
  - 1. The proposed preliminary plat complies with the applicable zoning ordinance and other applicable regulations;
  - 2. All lots must comply with the following:
    - a. All development standards are met. The development standards, including density standards for residential and nonresidential development, are provided in the applicable development standards chapter in 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards.

- b. The depth of all lots may not exceed 2.5 times the average width, unless the lot is less than 1.5 times the minimum lot size, or if the lot is for a proposed cottage cluster or courtyard unit development.
  - c. Each lot is rectilinear in shape with side lot lines at right angles to front lot lines, and rear lot lines parallel to front lot lines, except where not practicable due to location along a street radius or because of existing natural feature or lot shape. Side and rear lot lines must be straight where practicable. Side and rear lot lines that are segmented may not contain cumulative lateral changes in direction that exceed 10 percent of the distance between opposing lot corners.
  - d. Each lot has a minimum of 40 feet of frontage on a public or private right-of-way, except for the following types of lots:
    - i. Rowhouse lots have a minimum of 15 feet of frontage on a public or private right-of-way;
    - ii. Lots with curved frontages along cul-de-sacs or eyebrows have a minimum of 20 feet of frontage on a public or private right-of-way as measured along the arc of the front lot line; and
    - iii. Lots at the terminus of a private street have a minimum of 20 feet of frontage on a private right-of-way.
  - e. Lots created using the density and dimensional standards for cottage cluster, courtyard unit, quad, and rowhouse development must record a deed restriction that prohibits any type of development other than the type proposed with the subdivision application. This deed restriction cannot be removed except through another land division process.
3. The proposed plat name is not duplicative and satisfies the provisions of ORS Chapter 92;
  4. The streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjacent property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern; and
  5. An explanation has been provided for all common improvements.
- B. Conditions of approval. The approval authority may attach conditions that are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the city for the purpose of controlling access to adjacent undeveloped properties. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

**18.830.050 Zero Lot Line Development**

- A. Applicability. Zero lot line development regulations only apply to single detached houses in the R-4.5 and R-7 zones.
- B. Approval criteria. The approval authority will approve or approve with conditions an application for a zero lot line development when all of the following are met:
  1. There must be a 10-foot separation between each residential dwelling or garage;

2. Dwelling units may not be placed on a lot line adjacent to a property that is not a part of the overall development;
3. The maximum lot coverage for zero lot line development may not exceed the maximum lot coverage standard; and
4. A 5-foot non-exclusive maintenance easement must be shown on the site plan for each lot having a zero setback area:
  - a. The easement must be on the adjacent lot and must describe the maintenance requirements for the zero lot line wall, or deed restrictions must be submitted with the preliminary plat that addresses the maintenance requirements for the zero setback wall of the detached dwellings; and
  - b. The easement must be recorded with Washington County and submitted to the city with the recorded final plat prior to the issuance of any development permits within the development.
5. Deed restrictions must be recorded with Washington County that ensure that:
  - a. The 10-foot separation between the residential structures will remain in perpetuity; and
  - b. The 10-foot separation between the residential structures will be maintained free from any obstructions other than:
    - i. The eaves of the structure,
    - ii. A chimney that may encroach into the setback area by not more than 2 feet,
    - iii. A swimming pool,
    - iv. Normal landscaping, or
    - v. A garden wall or fence equipped with a gate for emergency access and maintenance purposes.
6. Easements must be granted where any portion of the structure or architectural feature projects over a property line. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

**18.830.060 Approval Criteria—Final Plat**

A final plat will be approved when all of the following are met:

- A. The final plat complies with the preliminary plat approved by the approval authority and all conditions of approval have been met;
- B. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
- C. The streets and roads held for private use and indicated on the preliminary plat of such subdivision have been approved by the city;

- D. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal, and water supply systems;
- E. An explanation is included that explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat;
- F. The plat complies with the applicable zoning ordinance and other applicable regulations;
- G. A certification by the appropriate water provider that water will be available to the lot line of each lot depicted on the plat or bond, contract, or other assurance has been provided by the applicant to the city that a domestic water system will be installed by or on behalf of the applicant to the lot line of each lot depicted on the plat. The amount of the bond, contract, or other assurance by the applicant must be determined by a registered professional engineer, subject to any change in amount as determined necessary by the city;
- H. A certificate has been provided by the city's engineering department that a sewage disposal system will be available to the lot line of each lot depicted in the proposed plat;
- I. Copies of signed deeds have been submitted granting the city a reserve strip as provided by Subsection 18.830.040.B;
- J. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92[.060] and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. survey or giving two or more objects for identifying its location;
- K. The plat includes any deed restrictions imposed as a condition of approval;
- L. The plat includes all tracts and easements proposed by the applicant in the preliminary plat or imposed as a condition of approval; and
- M. All improvements have been installed in accordance with these regulations and with preliminary plat approval. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

**18.830.070 Bond**

- A. Performance guarantee required. The applicant must file with the agreement an assurance of performance supported by one of the following:
  - 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
  - 2. A surety bond executed by a surety company authorized to transact business in the State of Oregon that remains in force until the surety company is notified by the city in writing that it may be terminated; or
  - 3. Cash.

- B. Determination of sum. The assurance of performance will be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized improvement estimate. The applicant must furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
- D. When applicant fails to perform. In the event the applicant fails to carry out all provisions of the agreement and the city has un-reimbursed costs or expenses resulting from such failure, the city may call on the bond, cash deposit, or letter of credit for reimbursement.
- E. Termination of performance guarantee. The applicant may not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the city. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

### **18.830.080 Filing and Recording**

- A. Filing. Within 60 days of the city review and approval, the applicant must submit the final plat to the county for signatures of county officials as required by ORS Chapter 92 and Section 18.830.060. This plat must be recorded with any deed restrictions required as a condition of approval.
- B. Proof of recording. Upon final recording with the county, the applicant must submit to the city a mylar copy of the recorded final plat and a copy of recorded deed restrictions. This must occur prior to the issuance of development permits for the newly created lots.
- C. Prerequisites to recording the plat.
  1. No plat will be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
  2. No plat will be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92. (Ord. 18-23 §2; Ord. 17-22 §2)

### **18.830.090 Plat Vacations**

- A. Timing of vacations. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. Compliance with other provisions of this chapter. All applications for a plat vacation must be made in compliance with Sections 18.830.020 and 18.830.030 and Subsection 18.830.070.A.
- C. Basis for denial. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys.
- D. Timing of vacations. All approved plat vacations must be recorded in compliance with this section:
  1. Once recorded, the vacation will operate to eliminate the force and effect of the plat prior to vacation; and

2. The vacation will also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.
- E. After sale of lots. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area. (Ord. 18-23 §2; Ord. 17-22 §2) ■