

**ARTICLE 13**

**SUBDIVISION AND LAND PARTITION**

**GENERAL PROVISIONS**

13.010. TITLE.

Article 13 of the Astoria Development Code shall be known as "Subdivision and Land Partition."

13.020. PURPOSE.

The purpose of this ordinance is to enact subdivision and land partitioning regulations for the City which will provide for better living conditions within new land divisions; assure necessary streets, open space, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people of Astoria.

13.030. COMPLIANCE REQUIRED.

Any subdivision or partition of an area or tract of land shall be in compliance with the provisions of this ordinance.

- A. No person shall sell or convey any interest in a lot or parcel in a subdivision or partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of Clatsop County.
- B. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for such subdivision or partition.
- C. No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public or common use unless the subdividing or partitioning has received preliminary and construction plan approval pursuant to the provisions of this ordinance.

*(Section 13.040, Definitions, deleted by Ordinance 14-03, 4-21-14)*

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*(Adopted 10-8-92)*

**PROCEDURE FOR SUBDIVIDING PROPERTY**

13.100. **SUBDIVISION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.**

A. **Conference.**

Prior to the filing of a preliminary plat, a subdivider shall submit to the Community Development Director, plans and other information concerning a proposed or contemplated development. The Community Development Director shall then schedule a conference with the subdivider and City Engineer on such plans and other data, and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and may recommend consultation by the subdivider with other public or private agencies as may be disclosed by the plans. ODOT shall be invited to participate in the conference and consult with the subdivider.

*(Section 13.040.A, amended by Ordinance 14-03, 4-21-14)*

B. **Application Information and Procedures.**

1. The subdivider shall submit to the City ten (10) copies of a preliminary plat, a completed application form and a fee as required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.110.
3. The City shall review the submitted preliminary plat to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the subdivider will be informed of the additional information that is required. Upon submission of that information, a public hearing will be scheduled in accordance with Sections 9.010 to 9.020.

C. **Public Notice.**

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed subdivision. The content of the public notice shall be in accordance with Section 9.020 of the Astoria Development Code.

D. **Notice to Other Agencies.**

The Community Development Director shall transmit one (1) copy of the preliminary plat to the Public Works Director, Clatsop County, affected special districts, and any State or Federal agency that may have an interest in the proposed subdivision. Written comments will be incorporated into the record of the public hearing.

E. Water Rights.

The Community Development Director shall notify the subdivider of the requirement to file a statement of water rights and if a water rights is appurtenant. The water rights statement shall include the water rights certificate number on the plat. If a water permit is appurtenant, the permit number should be included. If no water rights or permit is appurtenant, the statement should indicated such as required by ORS Chapter 92.

F. Public Hearing.

The Planning Commission shall hold a public hearing on the preliminary plat, and shall make a decision on the preliminary plat in accordance with Section 9.030 of the Development Code.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

G. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the subdivider for the purpose of preparing a final plat, provided that there are no changes of the plat of the subdivision and that it complies with all conditions set forth by the City in its preliminary plat approval.

H. *(Section 13.100.H deleted by Ordinance 10-06, 4-19-10)*

I. *(Section 13.100.I deleted by Ordinance 10-06, 4-19-10)*

13.110. SUBDIVISION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. Preliminary plat shall be to a scale of one (1) inch equals 50 feet or better except tracts over ten (10) acres which may be to a scale of one (1) inch equals 100 feet, and shall be clearly and legibly reproduced.
2. Proposed name, date, northpoint and scale of drawing.

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3. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
4. Name and address of the subdivider and all property owners.
5. Appropriate identification of the drawing as a preliminary plat.
6. Name, business address, and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
7. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
8. Names of the record owners of all contiguous land.
9. The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.
10. The location, number designation and approximate dimensions of each lot.
11. The outline of any existing buildings and their use showing those which will remain.
12. Contour lines.
13. The location of at least one temporary bench mark within the subdivision boundaries.
14. City limit or Urban Growth Boundary lines crossing or bounding the subdivision.
15. Approximate location of all wetlands, areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
16. Any area proposed to be cut or filled or otherwise graded.
17. If impractical to show on the preliminary plat, a key map showing the location of the tract in relationship to Section and Township lines and to adjacent

property and major physical features such as streets, railroads and watercourses.

18. Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets shall be fully described.
19. If the tentative subdivision plat proposal pertains to only part of the tract owned or controlled by a subdivider, the Planning Commission may require a sketch of a tentative layout for streets in that of the tract not proposed for subdivision.

B. Statement Required.

A statement shall accompany the preliminary plat and shall contain the following information:

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
2. Deviations from subdivision ordinance, if any.
3. Public areas proposed, if any.
4. A preliminary draft of restrictive covenants proposed, if any.

C. Supplemental Information.

The City may require any of the following to supplement the preliminary plat:

1. 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.
2. A plan for domestic water supply lines and related water service facilities.
3. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainageways.
4. If an area is to be graded, a plan showing the nature of the cuts and fills and evidence provided in a site investigation that such a grading will be stable.
5. Proposals for other improvements such as electric, utilities and sidewalks.

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6. Geologic investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion, an erosion control plan shall also be submitted.
7. A Traffic Impact Study (TIS), pursuant to Subsection 3.015.A.5.

*(Section 13.110.C.7, added by Ordinance 14-03, 4-21-14)*

13.120. SUBDIVISION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. The subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

*(Section 13.120.A.1 amended by Ordinance 10-06, 4-19-10)*

2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the Community Development Director. The tracing and prints are in addition to those required by Oregon Statutes.
3. The final plat shall conform to the requirements of Sections 13.130 to 13.150.
4. No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.

B. Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the Public Works Director, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.
2. The Public Works Director may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the Public Works Director determines that full conformity has not been made, the Community Development Director shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the Public

Works Director determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the Community Development Director for further review.

C. Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the subdivider shall be afforded an opportunity to make corrections.

D. Improvements to be Complete.

Prior to the approval of the final plat by the Planning Commission, the subdivider shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.

E. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

F. County Review and Recording.

The subdivider shall deliver the final plat to the County Surveyor for review according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

G. Final Plat Complete.

The subdivision is considered complete after the final plat is recorded by the County Clerk.

H. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

13.130. SUBDIVISION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The subdivision plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of the Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for subdivision plats upon three or more sheets.

C. Information Required.

The following information is required on the final partition plat:

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.
2. Legal description of the subdivision boundaries.
3. Reference and bearings, to adjoining surveys.
4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
5. Exact location and width of streets and easements intersecting the boundary of the subdivision.
6. Subdivision block and lot boundary lines.
7. Numbering of lots and blocks, as follows:



- a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a Township.
  - b. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision only when the subdivision is a continued phase of a previously recorded subdivision bearing the same name that previously used block numbers or letters. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
8. Acreage of each parcel.
  9. Street right-of-way center lines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.
  10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. 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.
  11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
  12. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
  13. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicate.
  14. Any conditions specified by the Planning Commission upon granting preliminary approval.

15. A statement of water rights noted on the subdivision plat.
16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.
  - b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
  - c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
  - d. Provisions for additional certificates and acknowledgments required by law.

13.140. SUBDIVISION, FINAL PLAT - SUPPLEMENTAL DATA REQUIRED.

A. Information Required.

At the time of the submission of the final plat, the subdivider shall also submit to the City the following:

1. A preliminary title report issued by a recognized 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.
2. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
  - b. The computation of all distances, angles and courses shown on the final plat.

- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
- d. Coordinates of all block corners and all street center points.
3. A copy of any deed restrictions applicable to the subdivision.
4. A list of all taxes and assessments on the tract which have become a lien on the tract.
5. If the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision, the water rights certificate number shall be shown on the final plat, as required by ORS Chapter 92.

13.150. SUBDIVISION, FINAL PLAT - PERFORMANCE AGREEMENT.

A. Improvements.

Before Planning Commission's approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and record 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 to the City for the cost of inspection by the City of the improvements to be installed. The agreement may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

B. Form of Bond.

The subdivider shall file with the agreement to assure his full and faithful performance thereof, one of the following:

1. A personal bond cosigned by at least one additional person who shall not be related to the subdivider by blood, marriage or other legal arrangement. The subdivider and cosigner shall submit to the City evidence of financial responsibility and the financial resources of those signing the bond to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

2. Cash.

C. Amount of Bond.

The assurance of full and faithful performance shall be for a sum approved by the Public Works Director sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the City Attorney as to form.

D. Failure to Complete Improvements.

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this ordinance, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the City, it shall release the remainder of the bond or cash deposit, and if the amount of the surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

**MAJOR LAND PARTITION**  
(Includes Creation of a Street)

13.200. MAJOR LAND PARTITION - MINIMUM STANDARDS.

The minimum standards for design and improvements in a major land partitioning shall conform to Sections 13.400 to 13.630.

13.210. MAJOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.

A. Application Information and Procedures.

1. The applicant shall submit to the City ten (10) copies of a preliminary plat, a completed application form and the fee required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.220.
3. The City shall review the submitted preliminary plat to determine whether the application is complete. If the application is complete, a public hearing before the Planning Commission shall be scheduled. If the application is incomplete, the applicant will be informed of the additional information that is required. Upon submission of the information, a public hearing shall be scheduled.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Notice to Other Agencies.

The Community Development Director may transmit one (1) copy of the preliminary plat to the Public Works Director, affected special districts, and any County, State, or Federal agency that may have an interest in the proposed partition. Written comments will be incorporated into the record of the public hearing.

D. Water Rights.

The Community Development Director shall notify the applicant of the requirement to file a statement of water rights and if a water rights is appurtenant. The water rights certificate number shall appear on the plat if a water right is appurtenant, as required by ORS Chapter 92.

E. Public Hearing.

The Planning Commission shall hold a public hearing on the preliminary plat, and shall make a decision on the preliminary plat in accordance with Section 9.030 of the Development Code.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

F. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the applicant for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and that it complies with all conditions set forth by the City in its preliminary plat approval.

G. *(Section 13.210.G deleted by Ordinance 10-06, 4-19-10)*

H. *(Section 13.210.H deleted by Ordinance 10-06, 4-19-10)*

13.220. MAJOR LAND PARTITION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. The preliminary plat map shall be drawn on a tracing 18 inches by 24 inches or an even multiple thereof at a scale of one (1) inch equals 50 feet or, for areas over 10 acres, one (1) inch equals 100 feet.
2. The date, northpoint, and scale of the drawing.
3. Names and addresses of the owner, applicants, engineer and or surveyor employed in the preparation of the plan.
4. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
5. The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.
6. The existing use or uses of the property, including locations of all structures on the property.

7. The width and location of all proposed easements for drainage or public purposes.
8. Approximate location of physical features such as wetlands and streams on the property, when required by the Community Development Director.
9. Location, name, width, approximate radius of curves and grade of all proposed streets, the relationship of such streets to any projected or existing streets adjoining the proposed partition.
10. When required, a site investigation as required by the Community Development Director and the Public Works Director.

B. Supplemental Information.

The City may require any of the following to supplement the preliminary plat:

1. Contour lines at two (2) foot contour intervals.
2. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.
3. Site investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion an erosion control plan shall also be submitted.
4. If the area is to be graded, a plan showing the nature of cuts and fills and evidence provided in a site investigation that such grading will be stable.

13.230. MAJOR LAND PARTITION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. The partitioner shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.

*(Section 13.230.A.1 amended by Ordinance 10-06, 4-19-10)*

2. An original reproducible drawing and five (5) blueline or blackline prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.

3. The final plat shall conform to the requirements of Sections 13.240 to 13.250.
4. No applicant shall submit a plat of a partition for record, until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

B. Public Works Director Review.

1. The Community Development Director shall forward a copy of the plat and other data to the City Engineer, who shall examine it to determine that the partition as shown is substantially the same as it appeared on the preliminary plat, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the preliminary plat have been complied with; and that the plan is technically correct.
2. The City Engineer may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.
3. If the City Engineer determines that full conformity has not been made, the City shall advise the applicant of the changes or additions that must be made for these purposes, and shall afford the applicant an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the City for further review.

C. Planning Commission Review.

The Planning Commission shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Planning Commission determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

D. Improvements to be Complete.

Prior to the approval of the final plat by the Planning Commission, the applicant shall complete improvements as proposed or enter into an agreement for improvements together with a bond, pursuant to the provisions of Sections 13.600 to 13.630.



E. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the President of the Planning Commission shall sign and date the final plat.

F. County Review and Recording.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

G. Final Plat Complete.

The partition is considered complete after the final plat is recorded by the County Clerk.

H. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

13.240. MAJOR LAND PARTITION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The partition plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The partition plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for partition plats of three (3) or more sheets.

C. Information Required.

The following information is required on the final partition plat:

1. The name of the partition, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.
2. Legal description of the partition boundaries.
3. Reference and bearings to adjoining surveys.
4. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
5. Exact location and width of streets and easements intersecting the boundary lines.
6. Partition and lot boundary lines.
7. Numbering of lots as follows:
  - a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a Township.
8. Acreage of each parcel.
9. Street right-of-way center lines with dimensions to the nearest .01 of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Partition boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.
10. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. 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.
11. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

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12. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the partition.
13. Parcels to dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.
14. Any conditions specified by the Commission or Council upon granting preliminary approval.
15. A statement of water rights noted on the partition plat.
16. The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.
  - b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
  - c. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
  - d. Provisions for additional certificates and acknowledgments required by law.

13.250. MAJOR LAND PARTITION, FINAL PLAT - SUPPLEMENTAL DATA REQUIRED.

A. Information Required.

At the time of the submission of the final plat, the applicant shall also submit to the City the following:

1. A preliminary title report issued by a recognized 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.

2. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the partition and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
  - b. The computation of all distances, angles and courses shown on the final plat.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
  - d. Coordinates of all block corners and all street center points.
3. A copy of any deed restrictions applicable to the partition.
4. A list of all taxes and assessments on the tract which have become a lien on the tract.
5. If a water right is appurtenant to the partition, a statement of water rights, together with the water rights certificate number shall be provided, as required by ORS Chapter 92.

**MINOR LAND PARTITION**  
(No Street Created)

13.300. MINOR LAND PARTITION - MINIMUM STANDARDS.

The minimum standards for design and improvements in a minor land partitioning shall conform to Sections 13.400 to 13.630.

13.310. MINOR LAND PARTITION, PRELIMINARY PLAT - PROCEDURE FOR REVIEW.

A. Application Information and Procedure.

1. The applicant shall submit to the City, ten (10) copies of a preliminary plat, a completed application form and the fee required by Section 13.720.
2. The preliminary plat shall follow the format outlined in Section 13.320.
3. The Community Development Director shall review the submitted preliminary plat to determine whether the application is complete, and to determine its conformity with the minimum standards of Section 13.300.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of the proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Notice to Other Agencies.

The Community Development Director shall coordinate review of the preliminary plat with affected special districts, and any County, State and Federal agency that may have an interest in the partition.

D. Water Rights.

The Community Development Director shall notify the subdivider of the requirement to file a statement of water rights and if a water right is appurtenant, the water rights certificate number shall be provided if a water right is appurtenant, as required by ORS Chapter 92.

E. Community Development Director Review.

The Community Development Director may approve, deny or attach conditions to the approval of a preliminary plat. The Community Development Director may apply only those conditions necessary to bring the preliminary plat in conformance with the minimum standards of Section 13.300.

A decision of the Community Development Director may be appealed to the Planning Commission in accordance with Section 9.040 of the Development Code.

F. Preliminary Plat Approval Binding.

The preliminary plat approval shall be binding on the City and the applicant for the purpose of preparing a final partition plat, provided that there are no changes of the plan of the partition and that it complies with all conditions set forth by the City in its preliminary plat approval.

G. *(Section 13.310.G deleted by Ordinance 10-06, 4-19-10)*

H. *(Section 13.310.H deleted by Ordinance 10-06, 4-19-10)*

I. State Requirements Met.

The applicant shall submit to the City a plat of a partition for record when all requirements of ORS 209.250 and the plat requirements of the partition have been met.

13.320. MINOR LAND PARTITION, PRELIMINARY PLAT - INFORMATION ON PRELIMINARY PLAT.

A. Information Required.

The preliminary plat shall include the following information:

1. A sketch of the original parcel of land (all contiguously owned land) on an 8.5 inch by 11 inch sheet of paper. If a surveyor has prepared a preliminary or final survey for the property, the sketch may be submitted at one of the following standard survey sizes: 8.5 inch by 13 inch; 11 inch by 17 inch; or 18 inch by 24 inch.
2. The date, northpoint, and scale of the drawing.
3. Names and addresses of the owner, applicants, engineer and or surveyor employed in the preparation of the plan.

4. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
5. The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.
6. The existing use or uses of the property, including locations of all structures on the property.
7. The width and location of all proposed easements for drainage or public purposes.
8. Approximate location of physical features such as wetlands and streams on the property, when required by the Community Development Director.
9. When required, a site investigation as required by the Community Development Director and City Engineer.

13.330. MINOR LAND PARTITION, FINAL PLAT - PROCEDURE FOR REVIEW.

A. Survey Required.

1. The partitioner shall cause the proposed partition to be surveyed and a plat thereof prepared in conformance with the preliminary plat as approved or conditionally approved.  
  
*(Section 13.30.A.1 amended by Ordinance 10-06, 4-19-10)*
2. An original reproducible drawing and five (5) blue-line or black-line prints of the plat shall be submitted to the City. The tracing and prints are in addition to those required by Oregon Statutes.
3. The final plat shall conform to the requirements of Sections 13.340 to 13.350.
4. No applicant shall submit a plat of a partition for record, until all requirements of ORS 209.250 and the plat requirements of the partition have been met.

B. Community Development Director Review.

The Community Development Director shall review the final plat to determine that it conforms with the preliminary plat and with changes permitted and all requirements imposed as a condition of its acceptance.

If the Community Development Director determines that the plat submitted does not conform to the preliminary plat or applicable conditions, the applicant shall be afforded an opportunity to make corrections.

C. Final Plat Signed.

If the final plat conforms to the preliminary plat and applicable conditions have been met, the Community Development Director shall sign and date the final plat.

D. County Review and Recording.

The applicant shall deliver the final plat to the County Surveyor for review and recording according to the requirements of ORS Chapter 92. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

E. Final Plat Complete.

The partition is considered complete after the final plat is recorded by the County Clerk.

F. Recorded Plat to City.

The County Surveyor shall furnish the City with a copy of the recorded plat.

13.340. MINOR LAND PARTITION, FINAL PLAT - FORMAT.

A. Compliance with State Regulations.

The partition plat shall be prepared in accordance with the requirements of this Section, Section 13.630, and State laws, including but not limited to ORS 92.080 and ORS 92.120.

B. Format of Plat.

The format of the plat shall be as follows:

Permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three (3) inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County Surveyor. The subdivision or partition plat shall be of such a scale as required by the County



Surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one (1) inch. The partition plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for partition plats of three (3) or more sheets.

13.350. MINOR LAND PARTITION, FINAL PLAT - INFORMATION ON FINAL PLAT.

A. Information Required.

The following information shall be shown on the final plat:

1. The date, northpoint and scale of the partition plat.
3. The partition plat number.
4. Legal description of the partition boundaries.
5. Reference and bearings to adjoining surveys.
6. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
7. Exact location and width of streets and easements intersecting the boundary.
8. Lot boundary lines and their dimensions.
9. Acreage of each lot.
10. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
11. Any conditions specified by the City upon granting preliminary approval.
12. A statement of water rights noted on the partition plat.
13. Certifications as required by the County Surveyor.

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14. If a water right is appurtenant to the partition, the water rights certificate number shall be provided, as required by ORS Chapter 92.

**GENERAL REGULATIONS AND DESIGN STANDARDS**

(Applicable to Subdivisions, Major and Minor Partition)

13.400. 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 ordinance. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance, based on standard engineering practices, concerning streets, drainage facilities, sidewalks, sewer and water systems.

13.410. STREETS.

A. General.

Streets shall be planned and constructed pursuant to the Transportation Standards in Section 3.015.

*(Section 13.410.A amended by Ordinance 14-03, 4-21-14)*

*(Section 13.410.B to 13.410.N deleted by Ordinance 14-03, 4-21-14)*

13.420. UTILITY EASEMENTS.

Easements for sewer, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five (5) feet on each side of the rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the City.

13.430. BUILDING SITES.

A. Size and Shape.

The size, width, shape and orientation of building sites shall be consistent with the residential lot size provisions of the Development 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 of 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.

Every lot and parcel shall abut a street, other than an alley, for at least 25 feet, except as follows:

1. recorded easement of 25' may be used to satisfy this requirement; or
2. pre-existing platted lot fronting on an alley may use the alley for access to street if the alley is already developed or can be developed to comply with emergency vehicle access requirements to the site as approved by the City.

*(Section 13.430.B amended by Ord 19-05, 6-17-2019)*

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.

13.440. 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.

Block size shall conform to the standards in Table 1 (Spacing Standards) of the Transportation System Plan.

*(Section 13.440.B amended by Ordinance 14-03, 4-21-14)*

C. Walkways.

The applicant may be required to dedicate and improve ten (10) foot walkways, with at least six (6) feet of all-weather surface, at 330-foot intervals across blocks that exceed the block standards in Table 1 (Spacing Standards) in the Transportation System Plan or to provide access to school, park, or other public areas.

*(Section 13.440.C amended by Ordinance 14-03, 4-21-14)*

13.450. 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.

13.460. WATER COURSES.

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

13.470. LAND FOR PUBLIC PURPOSES.

A. Public Acquisition.

The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the City has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

B. Dedication of Parks and Playgrounds

The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

13.480. UNSUITABLE LAND.

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the County or State health authorities, or, if the property is deemed unsuitable for the reason that it is in an actual landslide area or in a wetlands area.

13.490. LAND SUBJECT TO INUNDATION.

If any portion of land proposed for development is subject to overflow, inundation or flood hazard by, or collection of, storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

13.500. PROPOSED NAME OF SUBDIVISION.

No tentative subdivision plat or subdivision plan or subdivision shall be approved which bears a name approved by the County Surveyor or County Assessor, which is the same as similar to or pronounced the same as the name of any other subdivision in Clatsop County 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 contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and if used, the block numbers of the subdivision plat of the same name last filed.

**IMPROVEMENTS**

13.600. **IMPROVEMENT STANDARDS AND APPROVAL.**

- A. In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:
1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for the evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. All plans shall be prepared in accordance with requirements of the City.
  2. Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
  3. All required improvements shall be constructed under the inspection, and to the satisfaction, of the City. The City may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.
  4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
  5. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

13.610. **IMPROVEMENT REQUIREMENTS.**

Improvements to be installed at the expense of the subdivider or applicant and at the time of subdivision or major partition:

*(Section 13.610 amended by Ordinance 94-02, 2-7-94)*

A. Streets.

Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.

B. Structures.

Structures specified as necessary by the City, for drainage, access and public safety shall be installed.

C. Sidewalks.

Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.

D. Sewers.

Sanitary sewer facilities connecting with the existing City sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.

E. Water.

Water mains and fire hydrants of design, layout and locations approved by the City shall be installed.

F. Railroad Crossings.

Provision shall be made for all railroad crossings necessary to provide access to or including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or applicant.

G. Underground Utilities.

This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed



above the ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions make such underground installations unreasonable or impractical. The applicant shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.

H. Street Lighting.

Street lighting of an approved type shall be installed on all streets at locations approved by the City.

I. Street Trees.

Street trees may be required by the City.

J. Street Name Signs.

All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.

K. Improvement of Easements.

Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.

L. Off-Site Street Improvements.

All off-site street improvements, where required shall conform to the standards of the City.

13.620. MONUMENTS.

All monuments shall be set according to the provisions of ORS 92.060. In making the survey for the subdivision or partition, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to Oregon Revised Statutes.

Interior boundary and lot monuments for the subdivision or partition shall be marked by a registered land surveyor in accordance with ORS 92.060, and referenced in the plat. If the monuments are in place at the time the subdivision or partition is recorded, no performance bond is necessary. If monumentation is delayed beyond the date on which the subdivision is recorded, a bond must be posted to assure that the monuments will be set by a certain date, in accordance with ORS 92.065. The City shall determine the length of time and

estimated amount of bond or cash deposit to guarantee payment of the cost of setting the interior monuments in the subdivision or partition.

13.630. SURVEY REQUIREMENTS.

A. Registered Land Surveyor.

The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

B. Scale.

The plat of the subdivision or partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon.

C. Accuracy.

The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

D. Dimensions.

All dimensions to be in feet and decimals of a foot, to the nearest .01 of a foot.

E. Bearing and Curve Information.

In addition to showing bearing in degree, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

1. Arch length;
2. Chord length;
3. Chord bearing;
4. Radius; and
5. Central angle.

F. Geodetic Control Guidelines.

The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved and filed with the County Surveyor, shall by field survey according to Federal Geodetic Control Committee guidelines for Third Order Class II show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearing shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

G. Requirement Waiver.

Notwithstanding the provisions of Subsection (F) of this Section, the County Surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

**VARIANCES, FEES AND ENFORCEMENT**

13.680. TIME LIMITS AND EXTENSIONS.

*(Section 13.680 added by Ordinance 10-06, 4-19-10)*

A. Time Limit on Preliminary Plat.

The preliminary plat for a subdivision or land partition shall be valid for two years from the date of Final Decision. For phased projects, recordation of a final plat for an earlier phase shall constitute the Final Decision date of preliminary plat approval for all subsequent phases.

B. Submittal of Final Plat.

The applicant shall submit a final plat to the City prior to the expiration of the preliminary plat and/or any extension(s). If the final plat is not approved, the preliminary plat shall be void.

C. Recording of Final Plat.

The applicant shall record the final plat within six months from the date of Final Decision of the final plat approval, unless an extension is approved by the granting authority on a showing of good cause. If the final plat is not recorded within six months, the final plat shall be null and void.

D. Extension Time Limit.

1. The Community Development Director may grant the first one-year extension of a preliminary plat.
2. Following the first one-year extension of a preliminary plat by the Community Development Director, the following shall apply:
  - a. The Community Development Director may grant subsequent one-year extensions of a preliminary plat, which was initially approved by the Community Development Director; or
  - b. The Astoria Planning Commission may grant subsequent one-year extensions of a preliminary plat which they initially approved.
3. A preliminary plat remains valid, if a timely request for extension has been filed, until an extension is granted or denied.

4. No more than three extensions may be granted. No variances may be granted from this provision.
5. This Ordinance shall apply to all preliminary plat extensions requested after the date of enactment regardless of the date of the original Final Decision. If a preliminary plat has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three additional extensions may be granted.

E. Extension Criteria.

Before an extension is approved, written findings will be made that the extension request complies with the following:

1. The project proposal has not been modified in such a manner as to conflict with the original findings of fact for approval; and
2. The proposed project does not conflict with any changes to the Comprehensive Plan, Development Code, or other land use codes which were adopted since the last expiration date of the preliminary plat; and
3. The applicant has demonstrated that progress has been made on the project since the date of the original decision on the preliminary plat with regard to items such as, but not limited to:
  - a. Submittal of permit applications to City, State, and Federal agencies;
  - b. Contracts for geologic or other site specific reports have been signed and are in effect;
  - c. Project site and/or building engineering, architectural design, or construction has begun.
4. In lieu of compliance with Section 3.c above, the applicant may demonstrate that poor economic conditions exist in the market that would advise against proceeding with the project.

F. Extension Procedures.

1. Applications for extensions shall be submitted in accordance with the Administrative Procedures in Article 9, except as noted in this Section. Extension requests shall be submitted to the Community Development Department prior to expiration.

2. Public notice and procedures on applications for extension requests shall be in accordance with the Administrative Procedures in Article 9. However, in addition to mailed notice as required in Article 9, notice shall be provided also to those on the record for the original request, associated appeals, and associated extensions.
3. The administrative decision, public hearing, and/or Planning Commission decision concerning an extension may occur after the preliminary plat would have expired but for a timely filed request for an extension.
4. Appeals.

The decision concerning an extension may be appealed. Appeals shall be made in accordance with Administrative Procedures in Article 9. Appeals on extensions shall be limited to the issues relevant to the extension criteria only and not to issues relevant to the original preliminary plat decision.

*(Section 13.680 added by Ordinance 10-06, 4-19-10)*

13.700. VARIANCE PROCEDURE.

A. Application.

A property owner may initiate a request for a variance from the requirements of this ordinance by filing an application with the City pursuant to Section 12.070 of the Development Code.

The Application shall be submitted at the same time as the application for a preliminary plat for a subdivision or major partition.

B. Public Notice.

Public notice shall be mailed to property owners within 200 feet of the boundary of a proposed subdivision and 200 feet of the boundary of a proposed partition. The content of the public notice shall be in accordance with Section 9.020 of the Development Code.

C. Public Hearing.

The Planning Commission shall hold a public hearing on the variance request in accordance with Section 9.030 of the Development Code. For subdivisions and major partitions the hearing shall be held in conjunction with the hearing held on the subdivision or partition request.

D. Decision.

The Planning Commission shall make a decision on the variance request in accordance with Section 9.030 of the Development Code.

E. Appeal.

A decision of the Planning Commission may be appealed to the City Council in accordance with Section 9.040 of the Development Code.

13.710. VARIANCE CRITERIA.

Variances to the requirements of this ordinance may be granted where the criteria in Section 12.010 are met.

13.720. FILING FEES.

It shall be the responsibility of the applicant to pay for the full cost of processing permit applications. Such fees shall not be refundable. The applicant shall be billed for costs incurred at the conclusion of the City action on the permit request. However, in no case shall the actual cost exceed the cost to the City. Fees shall not include the cost of preparing transcripts for appeals. Fees for preparation of written transcripts shall not exceed the actual cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

13.730. SEVERABILITY.

The provisions of this ordinance are severable. Should any section, clause, or provision of the ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

13.740. PENALTIES FOR VIOLATION.

In addition to penalties provided by State law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or imprisonment for not more than 100 days, or both. A violation of the ordinance shall be considered a separate offense for each day the violation continues.