

CITY OF SHERWOOD

ORDINANCE NO. 652

An ordinance accepting report of city planning commission with respect to proposed ordinance regulating and prescribing standards for subdivision of land, major land partitions, and minor land partitions within the City of Sherwood; adopting a subdivision, major land partition and minor land partition ordinance as proposed by the city planning commission; declaring the title and purpose, adopting standards, rules, regulations, restrictions and procedures governing the planning and subdividing and partitioning of lands, creation of streets and ways; defining certain terms as correction therewith, providing penalties for the violation thereof; providing for exceptions and variances; prescribing fees; providing for the severability and validity of the respective provisions thereof; repealing ordinances or parts of ordinances on conflict therewith and declaring an emergency.

The City of Sherwood does ordain as follows:

PREAMBLE

A. The City Council finds that the City Planning Commission has considered and reviewed a proposed ordinance providing subdivision and other land partitioning procedures pursuant to Chapter 92, Oregon Revised Statutes as supplemented and amended by Chapter 696, Oregon Laws of 1973, and has held hearings thereon after giving notice by publication each week for two successive weeks in a newspaper of general circulation published in the city, as required by ordinance and statute, and has thereafter recommended to the City Council the adoption thereof in the form substantially as hereinafter set forth, and the City Council further finds that pursuant to ordinance and applicable statute notice of public hearing on the proposed ordinance as hereinafter set forth was duly and regularly given by publishing notice of hearing once a week for two successive weeks in a newspaper of general circulation in the City of Sherwood prior to a hearing by the City Council, and that said hearing was held on June Tuesday, the 4 day of June, 1974; and that the City Council finds pursuant thereto that said ordinance fully complies with the requirements of Chapter 92, Oregon Revised Statutes as amended and supplemented by Chapter 696, Oregon Laws 1973.

B. The City Council further finds that said report and ordinance proposed for adoption by the City Planning Commission and the provisions thereof are in the public interest and are reasonable, proper and necessary to promote the public health, safety and general welfare; lessen congestion in the streets; mitigate the effects of fire, flood, pollution and other dangers; provide adequate light and air; provide against overcrowding of land; facilitate transportation, water supply, sewage and drainage; and promote the conservation of property values; provide reasonable access and promote adequate development patterns and plans within the city.

C. The City Council further finds that Ordinance 518, the citys present subdivision ordinance is no longer adequate to comprehensively provide the foregoing protections and that revision and new provisions with respect to partitioning and other matters are necessary to provide the city with a subdivision and land partitioning ordinance that complies and conforms to the requirements of Chapter 92, Oregon Revised Statute as amended by Chapter 696, Oregon Laws 1973.

## ARTICLE 1

### TITLE AND PURPOSE

Section 1. Short Title: The ordinance codified in this title shall be known as the City of Sherwood Subdivision and Land Partitioning Ordinance and may be cited as such.

Section 2. Purpose: The purpose of this title is to provide rules, regulations and standards to govern the approval of plats of subdivisions and also of partitioning of land by creation of a street or way to carry out the development pattern and plan of the city and to promote the public health, safety and general welfare, lessen congestion in the streets, secure safety from fire, flood, pollution and other dangers, provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, drainage and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

Section 3. Provisions for subdividing and partitioning land:  
No person may subdivide land or partition land except in accordance with ORS 92.010 to 92.090 and 92.100 to 92.160, and the provisions of this title.

## ARTICLE 2

### DEFINITIONS

Section 1. Generally: As used in this title the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall be defined as set forth in this article.

Section 2. Building line: "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

Section 3. Development plan: "Development Plan" means any plan adopted by the planning commission for the guidance of growth and improvement of the city, including adjustments made from time to time to meet changing conditions or unanticipated problems and conditions affecting the public or land owners.

Section 4. Easement: "Easement" means a grant of the right to use a strip of land for specific purposes.

Section 5. Lot or Parcel:  
(a) "Lot" means a unit of land created by subdivision of land.  
(b) "Parcel" means a unit of land created by partitioning of land.

(c) "Corner lot" means a lot at least two adjacent sides of which abut upon two or more streets other than alleys, at their intersections, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

(d) "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

(e) "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

#### Section 6. Partition:

(a) "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

(b) "Major partition" means a partition which includes the creation of a road or street.

(c) "Minor partition" means a partition that is subject to approval by a city or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.

(d) "Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership 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 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 size established by any applicable zoning ordinance.

Section 7. Planned Residential Development: "Pedestrian way" means a right-of-way for pedestrian traffic.

Section 8. Person: A 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.

Section 9. Planned Residential Development: "Planned residential development" means a conditional use under single family residential zones which goes beyond general subdivision practices in combining various types of dwellings and other structures and used along with open areas to provide a more desirable overall living environment without greatly varying density.

Section 10. Planning Control Area: "Planning Control Area" means an area in a state of incomplete development within which special control is to be exercised over land partitioning.

#### Section 11. Plat and Map.

(a) "Plat" includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(b) "Map" means a final diagram, drawing or other writing concerning a major partition.

Section 12. Right-of-Way: "Right-of-way" means the area between boundary lines of a street or other easement.

Section 13. Roadway: "Roadway" means the portion or portions of street right-of-way developed for vehicular traffic.

Section 14. Sidewalk: "Sidewalk" means a pedestrian walkway with permanent surfacing.

Section 15. Streets or Roads:

(a) "Street" or "road" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, EXCLUDING a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(b) "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.

(c) "Arterial" means a street which is used primarily for through traffic or which, by its location, will likely be needed for such use in the normal growth of the county.

(d) "Collector" means a street supplementary to the arterial street system used to some extent for through traffic and to some extent for access to abutting properties.

(e) "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and being terminated by a turn-around.

(f) "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 has been or could later be provided in another subdivision.

(g) "Marginal access street" (frontage road) means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

Section 16. Street plug: "Street plug" means a narrow strip of land located between a subdivision and other property, not dedicated to public use, but conveyed to the city for the purpose of giving the city control over development of the adjacent property.

Section 17. Subdivide land. "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous unit of land under a single ownership at the beginning of such year.

## ARTICLE 3

### GENERAL PROVISIONS

Section 1: Adoption of state statutes: By virtue of the authority contained in ORS 221.330 all the following designated sections of Oregon Revised Statutes and each and all thereof as amended by Section 3, Chapter 696, Oregon Laws of 1973, are adopted by this reference, paragraph by paragraph, word by word, in the entirety, in all respects to the same legal force and effect as if set forth herein in full:

- (1) Section 92.010, ORS (1), (2) and (3), Definitions.
- (2) Section 92.014, Approval of planning commission or governing body of city before creating street or way to partition land;
- (3) Section 92.016, Sales or transfers of lots when approval required under regulations adopted under ORS 92.046 prohibited until approval obtained;
- (4) Section 92.025, Prohibition of sales or transfer of lots prior to recordation of plat;
- (5) Section 92.040 Application to planning commission for approval of subdivision plan before recording.
- (6) Section 92.050, Requirement of survey and plat of subdivision;
- (7) Section 92.060, Marking of certain points of plats and monuments; specifications of monuments.
- (8) Section 92.070, Surveyors affidavit necessary to record plat; contents of affidavit;
- (9) Section 92.080 Preparation of plat;
- (10) Section 92.090, Requisites for approval of plat;
- (11) Section 92.100, Approval of plat by city engineer or county surveyor and by county assessor and county commissioners.

Section 2: Amendments: The procedures for the adoption of any ordinance or regulation under ORS 92.044 and 92.046, and land use regulations under this title of the City of Sherwood Subdivision and Land Partitioning Ordinance, shall be as prescribed by ORS 92.048, as amended by Section 11, Chapter 696, Oregon Laws of 1973.

Section 3: Planning Commission Authorized to Approve Plats and Maps - Subject to Appeal:

- (a) The planning commission shall have all the power

and duties with respect to preliminary and final plats of subdivisions, and maps of major partitions, in accordance with the procedures related thereto, which are authorized by Oregon Revised Statutes and by this title, and the City Council reserves unto itself the right to exercise equal powers and duties in any given case, at its option;

(b) Approval by the planning commission of subdivisions and major partitions of land inside the boundaries of the city is required in accordance with this title before a plat for any such subdivision or a map with respect to a major partition, may be filed or recorded in the county recording office, and the City Council reserves unto itself the right to exercise equal powers and duties in any given case, at its option.

(c) Any person aggrieved by a decision of the planning commission in approving or disapproving any subdivision or major partition proposal, may appeal such decision to the City Council by notice served upon and filed with the City Recorder within 30 days after the date of such action of the planning commission from which the appeal is to be taken.

(d) Any person aggrieved by a decision of the planning commission in approving or disapproving any minor partition proposal, may appeal such decision to the City Council by notice served upon and filed with the City Recorder within 10 days after the date of such action of the planning commission from which the appeal is to be taken.

Section 4. Conformity to City and State Law Required: The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by these regulations.

Section 5: Large lot subdivision: In subdividing tracts into large lots which at some future time are likely to be resubdivided, the planning commission may require that the blocks shall be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for the extension and opening of streets at such intervals as will permit a subsequent division of any parcel into lots of smaller size.

Section 6. Building lines. If special building setback lines are to be established in the subdivision, they should be shown in the subdivision plat or included in the deed restrictions.

Section 7: Negotiations and sales:

(a) Prohibitions and Penalties for Violation.

(1) No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by this title, until such approval is obtained.

(2) A person may offer or negotiate to sell any parcel in a major partition or in a minor partition prior to approval of the tentative plat for the major or minor partition, but no person may dispose of, transfer, sell, or agree to sell any parcel in a major partition or in a minor partition prior to such approval.

(3) No person shall dispose of, transfer, sell, or agree, offer or negotiate to sell any lot in any subdivision until the plat of the subdivision has been acknowledged and recorded with the recording officer of the county in which the lot is situated.

(4) No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to, or exhibition or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.

(5) Penalties for Violation. Any violation of the foregoing provisions of subsections 1, 2, 3, and 4 of this section, upon conviction is punishable by a fine of not less than \$50.00 nor more than \$500, or imprisonment in the city or county jail for not less than 25 days nor more than 50 days, or both.

#### ARTICLE 4

##### SUBDIVISION AND MAJOR LAND PARTITION (Preliminary Plat)

Section 1. Submission of Preliminary Plat or Map: No plat for any subdivision and no map for any proposed major partition may be considered for approval by the city planning commission until the tentative plan for the proposed subdivision or proposed major partition has been approved by the planning commission.

Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or the map of the proposed major partition for recording; however, approval by the city of such tentative plan shall be binding upon the city for the purpose of preparation of the plat or map and the city planning commission or city council may require only such changes in the plat or map as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or proposed major partition.

Before a plat of any subdivision or map of any major partition may be approved, the applicant shall make application in writing to the city in accordance with the requirements of this ordinance. Each such application shall be accompanied by nine copies of the tentative plan showing the general design of the proposal and the objectives thereof and same must be filed not later than the third Monday prior to the meeting at which consideration by the planning commission is sought.

Section 2. Filing Fee: The preliminary plat and plans and other materials required pursuant to Section 1 above, shall be accompanied by a minimum application fee as set forth in Article 13 of this ordinance. The planning commission shall not schedule such preliminary plat for consideration until the fees required hereby have been made available to enable the city to partially defray the expenses incurred in the administrative processing of such proposals.

Section 3: Explanatory information required: Any of the following information may be required by the planning commission and if it cannot be shown practicably on the preliminary plat, it shall be submitted on separate sheets accompanying the preliminary plat:

(1) A vicinity map showing all existing subdivisions, streets and unsubdivided land ownerships adjacent to the proposed subdivisions, and showing how proposed streets may be extended to connect to existing streets. The vicinity map shall be at a scale of one inch equals four hundred feet and shall show all lands within a radius of one-half mile from the proposed subdivision. The vicinity map shall show the proposed streets within the proposed subdivision and their connection with adjacent streets plus zoning on and adjacent to the tract.

(2) Approximate centerline profiles showing the finished grade of all streets as approved by the city engineer, including extensions for a reasonable distance beyond the limits of the proposed subdivisions.

(3) Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants. Also the location in the adjacent streets and property of existing sewers, water drains, culverts and drain pipes; electric conduits or lines proposed to be used on the property to be divided and invert elevations of sewers at point of proposal connection.

(4) If lot areas are to be graded, a plan showing the nature of cuts and fills, retaining walls, and information on character of the soil.

(5) Proposed deed restrictions, if any, in outline form.

Section 4: Scale: The preliminary plat shall be drawn on a sheet eighteen by twenty-four inches in size or a multiple thereof at a scale of one inch equals one hundred feet, or, for areas over one hundred acres, one inch equals two hundred feet.

Section 5: General information requirements: The following general information shall be shown on the preliminary plat:

(1) Appropriate identification clearly stating the map is a preliminary plat;

(2) Proposed name of the subdivision. This name must not duplicate or resemble the name of another subdivision in Washington County and must be approved by the city;

(3) Date, northpoint and scale of drawing;

(4) Location of the subdivision by section, township and range and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the county assessor;

(5) Names and addresses of the owner or owners, subdivider and engineer or surveyor;

Section 6. Existing conditions: The following existing conditions shall be shown on the preliminary plat:

(1) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, easements, railroad rights-of-way and other important features such as section lines and corners, city boundary lines and monuments;



(2) Contour lines related to some established bench mark or other datum as approved by the city engineer with intervals at a minimum of two feet for slopes up to five per cent and five feet for slopes over five percent;

(3) The location of at least one temporary bench mark within the plat boundaries;

(4) Location and direction of all water courses;

(5) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees;

(6) Existing uses of the property, including location of all existing structures to remain on the property after platting.

Section 7. Proposed plan of subdivision or major land partition:

The following information shall be included on the preliminary plan.

(1) Streets, showing location, widths, names, approximate grades, and approximate radii of curves. The relationship of all streets to any projected streets as shown on any development plan adopted by the planning commission;

(2) Easements, showing the width and purpose;

(3) Lots, showing approximate dimensions, minimum lot size proposed lot and block numbers;

(4) Sites, if any, allocated for multiple-family dwellings, shopping centers, churches, industry, parks, schools, playgrounds, public or semipublic buildings or other special use.

Section 8. Partial development: Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission shall require a plan of a tentative layout for streets in the unsubdivided portion.

Section 9. Review by county and state agencies: Within two days after being submitted by the subdivider, the city may furnish one copy of the preliminary plat and supplemental material to the county surveyor, one copy to the county planning office and one copy to the State Highway Department, provided development is adjacent to a state highway and access to the highway is desired by the subdivider. These agencies will be given at least five days to review the plan, suggest revisions and return the plans to the City.

Section 10. Tentative Approval: Within 40 days from the first regular planning commission meeting following submission of the plat, the planning commission will review the plan and the reports of the agencies listed in Section 9 hereof and may give tentative approval of the preliminary plat as submitted or as it may be modified, or if disapproved, shall express its disapproval and its reasons therefor.

No tentative plan for a proposed subdivision and no tentative plan for a major partition shall be approved unless

(a) Streets and roads are laid out so as to conform to the plats of subdivisions or maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, unless the city determines it to be in the public interest to modify the street or road pattern.

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(c) The tentative plan complies with the comprehensive plan and applicable zoning regulations of the city then in effect.

(d) No tentative plat of a subdivision or map of a major partition shall be approved unless there will exist adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the proposed plat.

Prior to approval of any tentative plan of any subdivision or major partition, planning commission shall coordinate its review thereof with all affected city, county, state and federal agencies and all affected special districts. Where it appears that the proposal affects jurisdictional interests of any public body other than the city, the review proceedings shall be continued for such period of time as necessary to enable any such affected agency to consider the proposal and report thereon.

The action of the planning commission shall be noted on two copies of the preliminary plat including reference to any attached documents describing any conditions or restrictions, and one copy shall be returned to the subdivider and one retained in the office of the city recorder with the records of the session of the planning commission at which said action was taken.

(e) When a tentative plan for a major land partition has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions and installation of improvements has been assured, the plan shall be marked approved and then becomes the partition map.

## ARTICLE 5

### FINAL PLAT

Section 1: Submission to city engineer: Within twelve months after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the original drawing, the cloth and five prints of the final plat and all supplementary information required by or pursuant to the provisions of this title to the city engineer, at least ten days prior to the planning commission meeting at which consideration of the plat is desired. If the subdivider wishes to proceed with the subdivision after the expiration of the twelve month period following the tentative approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revisions considered necessary to meet changed conditions.

Section 2. General information required: In addition to that otherwise specified by law, the following information shall be shown on the final plat:

(a) The date, scale, northpoint (generally pointing up) legend, and controlling topography such as creeks, highways, and railroads;

(b) Legal description of the tract boundaries;

(c) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to recorded surveys as follows:

(1) The location and description of all stakes, monuments, other evidence found on the ground and used to determine the boundaries of the subdivision;

(2) Adjoining corners of all contiguous subdivisions;

(3) Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat;

(4) Whenever the county, city or state has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line shall be shown and monuments found or reset;

(5) Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of these regulations;

(d) Tract, block and lot boundary lines, and street right-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one foot in four thousand feet. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Distances shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest 30 seconds with basis of bearings.

(e) The width of the portion of streets being dedicated, the width of any existing right-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline and in addition to centerline dimensions shall indicate thereon the radius and central angle. This data may be shown in a table;

(f) Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, its recorded reference. If any easement is not definitely located of record, a statement of the easement. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement as being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

(g) Lot numbers beginning with the number "1" and numbered consecutively in each block;

(h) Block numbers, if used, should begin with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed;

(i) Land parcels to be dedicated for any purpose, are to be distinguished from lots intended for sale;

(j) The following certificates, which may be combined where appropriate:

(1) A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided,

consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.

(2) An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by his seal,

(3) Provisions for all other certifications now or hereafter required by law.

Section 3. Supplemental information required: The subdivider will provide the following additional information:

(a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties having any record title interest in the premises and what interests they have;

(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) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing;

(c) A copy of deed restrictions, including building setback lines, if any, are applicable to the subdivision, and a copy of any dedication which requires separate documents;

(d) Written proof that all taxes and assessments on the tract are paid for the current year;

(e) A certificate by the city engineer stating that the subdivider has complied with one of the following alternatives:

(1) All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving tentative approval of the preliminary plat,

(2) An agreement has been executed as provided in Section 6 and 7 of this Article.

Section 4. Approval - Planning Commission:

(a) (1) Upon receipt by the secretary of the planning commission, the final map and other data shall be reviewed. If the city engineer, city administrator and city planner determine that the final plat is in full conformance with the approved preliminary plat and other regulations, they shall so advise the chairman of the planning commission. If the final plat is not in full conformance the subdivider shall be advised of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. Thereafter the final plat shall be referred to the planning commission for final approval.

(2) If the planning commission determines that the plat conforms to all requirements, it shall give its approval, provided supplementary documents and provisions for required improvements, including compliance with Sections 6 and 7 of this article, are satisfactory.

(3) The planning commission's approval shall be signified by the signature of the planning commission chairman. In the

absence of the chairman, his duties and powers with respect to action on final plats shall be vested in the vice-chairman.

(4) The approval of the plat does not constitute or effect an acceptance by the public of the responsibility for maintenance or development of any street or other easement shown on the plat.

(b) No plat of a proposed subdivision and no map of a proposed major partition shall be approved unless:

(1) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

(2) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.

(3) The plat or map complies with any applicable zoning ordinances and regulations, and any ordinances or regulations adopted under ORS 92.044 that are then in effect.

(4) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as approved.

(5) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.

(6) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been recorded and referenced on the plat or map.

(7) The land division, whether by a subdivision, creating a street, or a partitioning and the required improvements, conform to the design standards established by this ordinance.

Section 5. Approval - County surveyor: After approval by the planning commission, the secretary of the planning commission shall transmit the final map, tracing and other data to the county surveyor who shall examine them to determine that there has been compliance with all provisions of the state law and this title. The county surveyor may make such 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. When the county surveyor finds the documents in full conformance, and has been paid the statutory fee for such service, he shall sign his approval in the space provided.

Section 6. Impoundment Agreement: Before planning commission approval is certified on the final subdivision plat or partition map, the subdivider or land partioner shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the city council an agreement between himself and the city specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the city may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages, for the extension of time under conditions therein specified. The agreement shall also provide for reimbursement to the city for the cost of inspection which shall not exceed 10% of the cost of the improvements to be installed.

Section 7. Bond, cash deposit: The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

(a) A personal bond cosigned by at least one additional person. The subdivider and the cosigners shall submit evidence of financial responsibility and the financial resources of those signing the bond shall provide a reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement;

(b) A surety bond executed by a surety company authorized to transact business in the State of Oregon;

(c) Cash.

(1) Such assurances of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

(2) In the event the subdivider fails to carry out all provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on bond or cash deposit for reimbursement.

Section 8. Filing required: The secretary of the planning commission shall, without delay, submit the final plat to the county assessor and the county governing body for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within sixty days after the date the last required approving signatures have been obtained.

## ARTICLE 6

### MINOR LAND PARTITIONING

Section 1: Definition and general limitation: "Minor Land Partition" means a partition that is subject to approval by the city under this title that does not include creation of a road or street.

A tract of land or contiguous tracts under a single ownership within the city shall not be partitioned into two or more parcels for transfer of ownership, development or for any other purpose so as to conflict with the requirements of this title. Minor land partitioning shall not be undertaken except as herein provided after compliance with procedures set forth in Sections 2 through 5 of this article.

Section 2: Sketch map - Required contents: There shall be submitted to the city administrator four copies of a sketch map eight and one-half by eleven inches, or eighteen by twenty-four inches in size with the following information:

(a) The date, northpoint, scale, and sufficient description to define the location and boundaries of the parcel to be partitioned and its location;

(b) The name and address of the record owner or owners and of the person who prepared the sketch map;

(c) The approximate acreage of the parcel under a single ownership or, if more than one ownership is involved the total contiguous acreage of all landowners directly involved in the minor partitioning;

(d) For land adjacent to and within the parcel to be partitioned, the locations, names and existing widths of all streets and easements of way; location, width, and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and poles;

(e) The locating of existing structures to remain in place;

(f) The lot layout, showing size and relationship to existing or proposed streets and utility easements;

(g) Such additional information as required by the planning commission.

Section 3 - Sketch map - Submission to planning commission: A sketch map shall be submitted to the planning commission for review and determination that the proposed minor land partition shall be consistent with the comprehensive development plan. If the proposal includes or should the planning commission require, the dedication of land and easements for roads or streets, the proposal shall not be processed as a minor land partition, but may only be resubmitted pursuant to requirements of this title with respect to major land partition or subdivision.

Section 4 - When full compliance with subdivision regulations required:

If the parcel of land to be partitioned exceeds two acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the planning commission should determine that the entire parcel being partitioned is in the process of being divided into small parcels.

Section 5 - Sketch map - Distribution of copies: When a sketch map has been approved, all copies shall be marked with the date and conditions, if any, of approval. Two copies shall be returned to the applicant, and two copies shall be retained by the planning commission.

## ARTICLE 7

### STREETS - CREATION AND DESIGN STANDARDS

Section 1. Creation of streets or roads and conditions thereof:

(a) The final plat shall provide for the dedication of all streets for which approval has been given by the planning commission or the city council. Approval of the final plat shall constitute acceptance of the street dedications thereon set forth.

(b) Creation of all streets shall be in conformity with the requirements for subdivision or major partitioning, EXCEPT, HOWEVER, that the city council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the city council to be present:

(1) Establishment of a street is initiated by the city council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land ~~has~~ has an incidental effect rather than being the primary objective in establishing the road or street for public use.

(2) The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such

dedication is recommended by the planning commission to the city council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.

(c) With each application for approval of a road or street not in full compliance with the regulations applicable to subdivisions or major partitions, the proposed deed of dedication in proper legal form shall be submitted along with the application at least 21 days prior to the meeting at which the planning commission is to consider the same. The applicant shall submit such additional information and justification as may be necessary to enable the planning commission in its review to determine whether or not a recommendation for approval thereof by the city council shall be made, and such recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the standards of this title. The planning commission in submitting such proposal with a recommendation to the city council may attach such conditions as the planning commission may consider necessary to preserve the standards of this title. All deeds of dedication shall be in form prescribed by the city and shall name "The City of Sherwood, Oregon" or "The Public" whichever the city may require as grantee.

Section 2. Easement of way: Any easement of way providing access to property and 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 as provided in Section 1, Article 7 hereof, with the following exceptions:

(a) Any easement providing access to a parcel of land used for agriculture, horticulture, grazing, or timber growing and where the parcel exceeds five acres in size may be approved by the planning commission;

(b) A private easement of way to be established by deed without full compliance with these regulations may be approved by the planning commission, provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two or more parcels may obtain access, provided however, that this access shall be in compliance with the access provisions of the zoning ordinance.

Section 3. Generally: The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in the development plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions made continuance of or conformance to existing streets impractical.

Section 4. Minimum right-of-way and widths for road surfacing: The width of streets in feet shall not be less than the minimums shown in the following table:

<u>Type of Street</u>	<u>Right-of-ways Minimum</u>	<u>Road Surfacing Minimum</u>
Arterials	90	74
Collectors: Residential	60	36
Collectors: Business and industrial streets	60	42



Local streets	50	34
Dead-end streets (not more than six hundred feet long which cannot be extended)	50	32
Turn-around for dead-end streets	50 radius	40 radius
Alley - Residential	20	20
Business or industrial	20	20

Section 5. Reserve strips. Reserve strips or street plus controlling the 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 land composing such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

Section 6. Alignment: All streets shall, as far as practicable, be in alignment with existing streets by continuations of the centerlines thereof. In no case shall the staggering of streets make a "T" intersection be so designed to allow a dangerous condition. Off-sets of less than one hundred feet will not be allowed.

Section 7. Future extension of streets: Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision, and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

Section 8. Intersection angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle, but in no case less than sixty degrees unless there is special intersection design. Streets shall have at least twenty-five feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of twenty feet along the right-of-way lines of the acute angle. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty feet.

Section 9. Existing streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

Section 10. Half Street: Half streets, while generally not acceptable may be approved where essential to the reasonable development of the subdivision, 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 ad-

joining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

Section 11. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall in no event be more than six hundred feet along. All cul-de-sacs shall terminate with a circular turn-around having a minimum right-of-way radius of fifty feet. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

Section 12. Street names. No street name shall be used which will duplicate or be confused with the names of existing streets in Washington County, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

Section 13. Grades and curves. Grades shall not exceed six percent on major or secondary arterials, ten percent on collector streets, or twelve percent on any other street. Centerline radii of curves shall not be less than three hundred feet on primary arterials, two hundred feet on secondary arterials, or one hundred feet on other streets.

Section 14. Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made 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 or 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.

Section 15. Marginal access streets. Where a subdivision 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 of side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Section 16. Alleys. Alleys, twenty feet in width shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve feet.

## ARTICLE 8

### BLOCKS - DESIGN STANDARDS

Section 1: Generally. The length, width, and shape of blocks shall be designed with due regard to providing adequate

building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of limitations and opportunities for topography.

Section 2: Sizes: Blocks shall not exceed one thousand two hundred feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is one thousand eight hundred feet.

Section 3. Easements:

(a) UTILITY LINES. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be either dedicated or provided for in the deed restrictions. Easements shall be a minimum of ten feet in width, and centered on rear on side lot lines except for tie-back easements which shall be six feet wide by twenty feet along along lot side lines at change of direction points of easements.

(b) WATERCOURSES. Where a subdivision is traversed by a watercourse, drainage way, channel or street, there will be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose. Streets or parkways parallel to watercourses may be required.

(c) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac, or to pan through on unusually long or oddly shaped block or otherwise provide appropriate circulation.

ARTICLE 9

LOTS - DESIGN STANDARDS

Section 1. Size and shape: The lot size, width, shape and orientation shall be appropriate for the location and topography of the subdivision and shall comply with zoning requirements for the type of development and use contemplated. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by public sewer and/or water supply, the lots shall also conform to any special requirements developed by the county health department with respect to problems of sewage disposal and/or water supply.

(b) Where property is zoned 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.

(c) Where the tract constitutes or is part of a planned residential use approved as provided in the zoning ordinance and fully complies with specific conditions imposed at the time of approval of the planned residential use.

Section 2. Access: The subdividing of the land shall be such that each lot shall abut upon a public street.

Section 3. Double frontage: Double frontage and reversed frontage lots shall be avoided except where essential to provide separation of residential development from railroads, traffic arteries, adjacent non residential uses or to overcome specific disadvantages of topography and orientation. A planting screen easement at least five 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.

Section 4. Lot Side lines: The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.

Section 5. 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 feet horizontally to one foot vertically.

(b) Fill slopes shall not exceed two feet horizontally to one foot vertically.

(c) The character of soil for fill shall be suitable for the purpose intended.

#### ARTICLE 10

##### PUBLIC USE AREAS

Section 1. Consideration for dedication: Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks, and playgrounds to be dedicated for public use.

Section 2. Indicated in development plan - dedication requirements: Where proposed park, playground, other public use shown in a development plan adopted by the city is located in whole or in part in a subdivision, the planning commission may require the dedication or reservation of such area within the subdivision.

Section 3. Not indicated in development plan - dedication requirements: Where considered desirable by the planning commission, and where a development plan of the city does not indicate proposed public use areas, the planning commission may require the dedication or reservation of areas or sites of a character, extent and location suitable for the development of parks and other public use.

Section 4. Acquisition by public agency: If the subdivider is required to reserve land area for park, playground or other public use, such land shall be acquired by the appropriate public agency within eighteen months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

#### ARTICLE 11

##### IMPROVEMENTS

Section 1. 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 ordinance 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 city administrator. 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.

Section 2. Specifications for Improvements: The city administrator shall prepare and submit to the city council specifications to supplement the standards of this ordinance and other pertinent ordinances 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.

Section 3. 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 and curbs, 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 or drainage ways. 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 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 allow 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 years from the time of installation of the sewers. The actual amount shall be as determined by the city planning commission 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 of each connection made to the water mains by property owners outside the subdivision for a period of ten years from the time of installation of the mains. The actual amount shall be as determined by the city planning commission 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 or less dwellings per gross acre, the requirement 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.

(h) Street lights. Street lights shall be installed and shall be served from an underground source of supply.

(i) Underground utilities.

(1) All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand volts or above. The subdivider shall make all necessary

arrangements with the serving utility to provide the underground services. The city reserves the right to approve location of all surface mounted transformers.

(2) Provision for all underground utilities, including sanitary sewers and storm drains, installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(j) Monuments. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size and length as required by state law. Any monuments that are disturbed before all improvements are completed by the land divider shall be replaced to conform to the requirements of state law.

Section 4. 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.

Section 5. Installation - Prerequisite - Permit fee: No subdivision improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans therefor have been approved by the city, permit fee paid and permit issued. The permit fee is required to defray in whole or in part the cost and expenses incurred by the city for construction and other services in connection with the improvement and such fee shall be a sum equal to one and one-half percent of the estimated cost of such subdivision improvement.

Section 6. Improvement guarantee: All improvements installed shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the city administrator. The cash or bond shall comply with the terms and conditions of Section 7, Article 5 of this ordinance.

## ARTICLE 12

### VARIANCES

Section 1. Application for exception. Application for a variance may be made with respect to a proposed subdivision, proposed major or minor partitioning, by filing a request for same with the city recorder. Such application shall be supported by a full disclosure of all material facts upon which petitioner proposes to rely in seeking such variance, including a copy of tentative map or plat of the proposed partitioning or subdivision.

Each application for variance from the standards and requirements of this title shall be scheduled for hearing in the normal course of matters coming before the city planning commission, but in any event, shall be heard within 60 days after the filing of the application for such variance.

Notice of such hearing shall be given as provided by the city zoning ordinance for zoning variance applications (and the hearing shall be subject to and conducted in the manner provided by the city council for conducting all hearings on land use matters in the city.

Section 2. Findings required: A variance from the standards of this title shall not be granted by the planning commission unless the commission shall find from the facts presented at said hearing all of the following:

(a) That there are special circumstances or conditions affecting the property which are unusual and peculiar to the lands or development of the project involved as compared to other lands similarly situated.

(b) That the variance sought is necessary and the minimum required for the preservation and protection of a substantial property interest of petitioner to the degree that extraordinary hardship would result from strict compliance with the regulations of this chapter applicable to the particular subdivision major or minor partitioning involved.

(c) That the granting of the variance will not be detrimental to the public health, safety or welfare, but will be consistent therewith and shall not be injurious to the rights of other property owners in the near vicinity nor constitute a departure from or be in violation of the comprehensive plan of the City of Sherwood.

(d) That the applicant's proposal for variance in a subdivision or major or minor land partitioning conforms to and is consistent with all other regulatory requirements of this title and that the variance sought is consistent with applicable rules, regulations, standards and requirements of other public bodies having regulatory responsibility with respect to fire protection, environmental considerations, sewer and water services and the general public interest and adequate provision is made for traffic circulation, recreation, open spaces and similar factors.

Section 3. Granting or denial of variance:

(a) After hearing, informulating findings, the planning commission shall adhere substantially to the objectives of the particular regulations from the effect of which the variance is sought.

(b) The planning commission may require such restrictive or other use covenants as may be required to assure conformity to and achievement of the public interest objectives inherently involved in the proposal.

(c) The findings shall be reduced to writing and the particular facts in support of the approval or denial of the request shall be fully set forth. The variance, if granted, shall be specifically defined and fully described together with all conditions, limitations or additional requirements clearly designated.

(d) The planning commission may, at its option, extend final approval or may by motion transmit its recommendations and findings to the city council. The council may, after review of the record, findings and determination of the planning commission, amend, rescind, or affirm any action previously taken by the planning commission.

(e) The city council may on its own motion review the proposed variance and any action taken thereon by the planning commission in any case; provided that the action of the planning commission shall be final unless appealed to the city council or unless a motion by the



council to review the action of the commission shall be adopted at the council meeting next following the determination of the commission.

(f) Appeal to the city council from any determination of the city planning commission on a variance proposal may be taken by notice served upon and filed with the city recorder within ten days after the date of the determination from which the appeal is taken.

Section 4. Approval of variance in planned development district zoning proposals: If, in connection with an application for a planned development district zoning, variances from the standards of this title have been specifically requested, considered by the planning commission and recommended to the city council and specifically approved as part of the planned development district zoning application, additional proceedings under sections 1, 2, and 3, Article 12 hereof, shall not be required, provided that the requirements of Sections 1, 2, and 3, Article 12, shall be applicable to any variances not specifically so approved or which may be sought by the applicant after approval by the city council of the planned development district application.

### ARTICLE 13

#### FEES

Section 1: For the purpose of partially defraying the expenses necessarily arising from or incident to investigation, evaluation and processing of applications for subdivision, major partitioning, minor partitioning and variances, including the cost of public notices and hearings incident thereto, the following fees are prescribed and required to be paid to the city at the time of filing such applications:

1. Subdivision plat: \$100.00 plus \$1.00 for each lot in the proposed subdivision in excess of 50 lots.
2. Major land partitioning: \$75.00
3. Minor land partitioning: \$50.00
4. Variance: \$75.00

### ARTICLE 14

#### ENFORCEMENT

#### Section 1. Violation - Penalties:

Violation of any provisions of this title, including all provisions of the Oregon Revised Statutes, by reference herein made a part hereof, or of any supplement or amendment adopted pursuant hereto is punishable upon conviction by fine of not less than fifty dollars nor more than five hundred dollars, or imprisonment in the city or county jail for not less than twenty-five days nor more than fifty days, or both.

Section 2. Severability: The provisions of this ordinance are severable. If a section, sentence, clause or phase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repealer: Concurrently with the execution and effective date of this ordinance, Ordinance 518 of the City of Sherwood and all other ordinances or parts of ordinances heretofore enacted by the Council which are in conflict herewith, be and the same are hereby repealed and shall have no force and effect after the effective time and date of this ordinance.

Section 4. Effective date: Inasmuch as it is necessary for the peace, health and safety for the people of the City of Sherwood that the provisions of the Sherwood municipal code and ordinances relating to subdivision and land division be brought into conformity with the statutory provisions and amendments adopted by the 1973 legislative session of the Oregon State Legislature, and inasmuch as it is necessary that the provisions of the city's subdivision ordinance be updated, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the council and approval by the mayor.

PASSED: By the Council by Unanimous vote of all council members present, after being read by caption three times and in body once, this 14 day of August, 1974.

Margerie Stewart  
Recorder - City of Sherwood

APPROVED: By the Mayor this 15 day of August, 1974.

Jack O. Haysen  
Mayor - City of Sherwood