

City of Sherwood, Oregon  
Ordinance No. 98-1053

**AN ORDINANCE APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING THE STREAMLINING OF THE DEVELOPMENT PROCESS WITHIN THE CITY OF SHERWOOD.**

**WHEREAS**, the Sherwood City Council has determined that certain portions of the existing process contained in the Comprehensive Plan, Part 3, Zoning and Community Development Code regarding development applications within the City are inadequate; and

**WHEREAS**, the proposed streamlining planning process incorporates provisions for expedited land divisions in the Zoning and Community Development Code; and

**WHEREAS**, the Sherwood Planning Commission recommended adoption of portions of the proposed Plan Text Amendment regarding the streamlining of the planning process; and

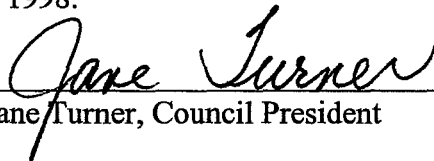
**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

Section 1. Amendments. Various sections in Chapters 1, 2, 3, 4, 5 and 7 of the Comprehensive Plan, Part 3, Zoning and Community Development Code are hereby amended per the attached Code sections.

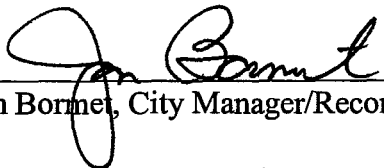
Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 23<sup>rd</sup> day of June, 1998.

Approved by the Mayor this 23<sup>rd</sup> day of June, 1998.

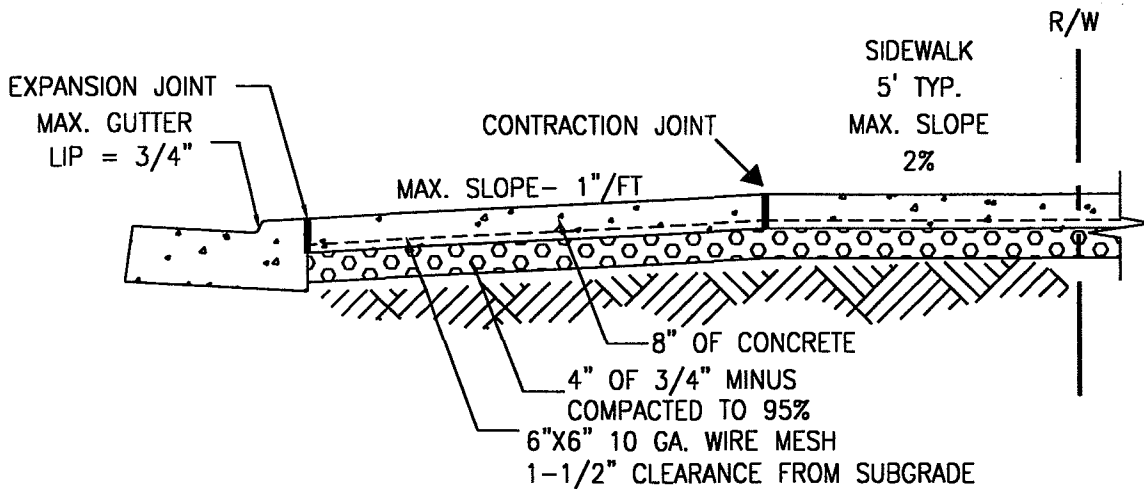
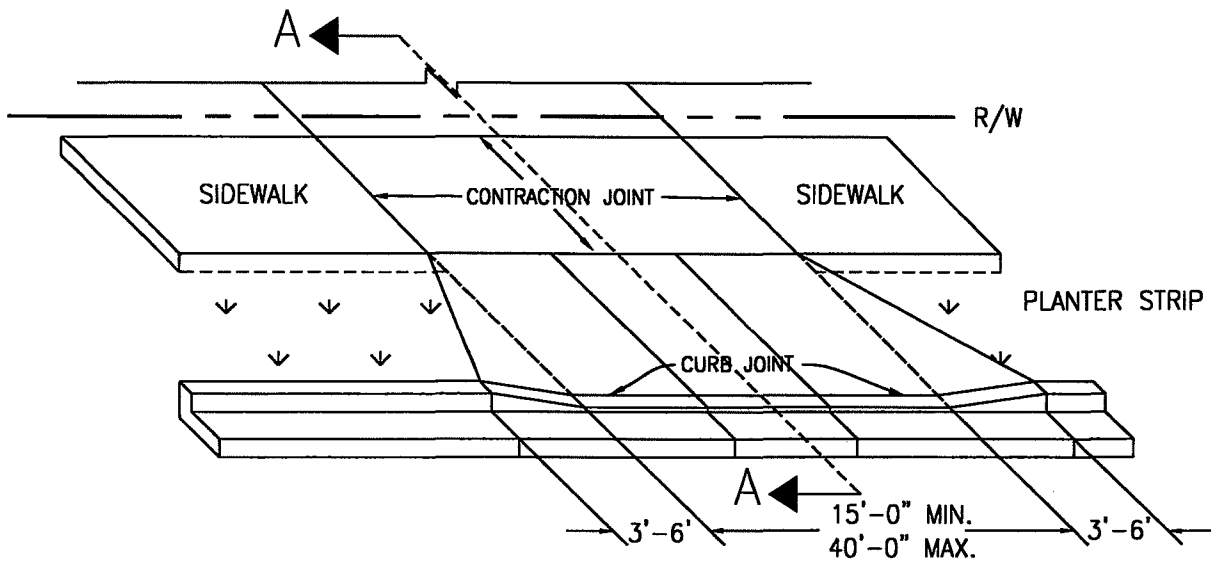
  
Jane Turner, Council President

Attest:

  
Jon Borne, City Manager/Recorder


	AYE	NAY
Turner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Boyle	<input type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Krause	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Boyle is absent



### SECTION A-A



Per City of Sherwood Ordinance No. 98-1054, June 23, 1998

	REVISIONS	DATE	STANDARD DRAWING TITLE	DRAWING NUMBER
			COMMERCIAL DRIVEWAY	ST-4
			APPROVED BY	DATE
			<i>Robert A. Meyer, PE, PLS</i>	6/23/98

NOTES:

1. ALL DRIVEWAY AND SIDEWALK SECTIONS THROUGH DRIVEWAYS SHALL HAVE A MINIMUM THICKNESS OF EIGHT INCHES OF CONCRETE.
2. CURB TAPERS BETWEEN FULL CURB HEIGHT AND DRIVEWAY SHALL BE FIVE FEET.
3. CONCRETE SHALL HAVE A 28 DAY MAXIMUM BREAKING STRENGTH OF 4000 P.S.I.
4. CURB JOINT SHALL BE A TROWELLED JOINT WITH A MINIMUM 1/2" RADIUS ALONG BACK OF CURB.
5. EXPANSION JOINTS SHALL BE 1/2" PREMOLDED ASPHALT IMPREGNATED MATERIAL OR EQUAL, EXTENDING SUBGRADE TO FINISH GRADE.
6. CONTROL JOINTS SHALL BE 1/4" FOR 1" OF CONCRETE THICKNESS. FOR EXAMPLE: 6" OF CONCRETE SHALL HAVE A 1 1/2" DEEP JOINT.

Per City of Sherwood Ordinance No. 98-1054, June 23, 1998

	REVISIONS	DATE	STANDARD DRAWING TITLE	DRAWING NUMBER
			<b>COMMERCIAL DRIVEWAY NOTES</b>	<b>ST-4-1</b>
			APPROVED BY	DATE
				6/23/98

- .40 **Dwelling, Two-Family:** A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances. Also referred to as a duplex.
- .41 **Dwelling, Multi-Family:** A single structure containing three (3) or more dwelling units.
- .42 **Easement:** The grant of the legal right to use of land for specified purposes.
- .43 **Educational Institution:** Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 1.202.
- .44 **Evergreen:** A plant which maintains year-round foliage.
- .45 **Ex-parte Contact:** Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.
- Expedited Land Division:** A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.
- .46 **Extra Capacity Improvements:** Improvements that are defined as necessary in the interest of public health, safety and welfare by Chapter 5, 6, and 8 of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.
- .47 **Family:** One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a

- .72 **Laboratory, Medical or Dental:** A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.
- .73 **Landmarks Board:** The City of Sherwood Landmarks Advisory Board.
- .74 **Leachate:** Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.
- .75 **Level of Service (LOS):** A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" though "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).

**Limited Land Use Decision:** A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.

- .76 **Loading or Unloading Space:** An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.
- .77 **Lower Explosive Limit:** The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.
- .78 **Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:
- A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
  - B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.

## **2.200 SPECIAL USES**

### **2.201 GENERAL PROVISIONS**

Special uses included in Section 2.200 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

### **2.202 PLANNED UNIT DEVELOPMENT (PUD)**

#### **2.202.01 Purpose**

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land. The PUD process allows creativity and flexibility in site design which cannot be achieved through a strict adherence to zoning and subdivision standards.
- B. The PUD district is intended to achieve the following objectives:
  - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
  - 2. Preserve valuable landscape, terrain and other environmental amenities.
  - 3. Provide diversified and innovative living, working or shopping environments that take into consideration community needs and activity patterns.
  - 4. Achieve maximum energy efficiency in land uses.

#### **2.202.02 Preliminary Development Plan**

##### **A. Generally**

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Section 3.200 of the Commission and Council. PUDs shall only be considered on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and

surrounding development. The applicant shall describe the unusual conditions qualifying the site for PUD consideration, and the Commission shall cite findings of fact validating these conditions.

## **B. Content**

The Preliminary Development Plan application shall include the following mapping and written narrative:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 3.202.03, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, other public and utility structures, and any other dedicated land features or structures, the parceling or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per Section 2.202 are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Section 7.200. The preliminary subdivision shall be processed concurrently with the PUD.

## **C. Commission Review**

The Commission shall review the application ~~conduct a public hearing~~ pursuant to Section 3.200 and may act to recommend to the Council approval, or approval

with conditions. ~~Denial by the Commission of the Preliminary Development Plan shall be final, except as provided for in Section 3.400.~~ The Commission shall make their decision based on the following findings of fact:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is sited in an area that is unusually constrained due to existing natural or man-made features.
2. That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.
3. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.
4. That the system of ownership and the means of developing, preserving and maintaining open spaces are acceptable.
5. That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.
6. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
7. That adequate public facilities and services are available or are made available by the construction of the project.
8. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in Section 2.202 have been met.

#### **D. Council Action**

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Section 3.200. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per Section 2.202.02, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 2.202.03.

#### **E. Effect of Decision**



Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

### **2.202.03 Final Development Plan**

#### **A. Generally**

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per Sections 2.202 and 4.100, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 2.202.02. In addition, the applicant shall prepare and submit a detailed site plan, if applicable, for review and approval, pursuant to the provisions of Section 5.100. The site plan shall be processed concurrently with the Final Development Plan.

#### **B. Final Subdivision Plat**

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted to the Commission for final approval, pursuant to Section 7.300. The final plat shall be processed concurrently with the Final Development Plan.

### **2.202.04 General Provisions**

#### **1. Phasing**

- a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

#### **2. Failure to Complete**

- a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the

Commission shall ~~hold a public hearing to~~ determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

- b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

**B. Changes in Approved Plans**

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new petition, and shall be made in accordance with the procedures specified in Section 2.202.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

**2.202.05 Residential PUD**

**A. Permitted Uses**

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to exclusively serve the PUD district.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

**B. Conditional Uses**

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Section 4.300.

**C. Development Standards**

1. Density

The number of dwelling units permitted in a Residential PUD shall be determined by multiplying the maximum number of units per acre permitted in the underlying zoning district or districts by the number of acres in the proposed PUD.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 8.304.05.

3. Minimum Site Area

The minimum area for a Residential PUD shall be five (5) acres unless the ~~Council Commission~~ finds that a specific property of lesser area is suitable as a PUD by virtue of being unusually constrained by topography, landscape features, location, or surrounding development.

**2.202.06 Non-Residential (Commercial or Industrial) PUD**

**A. Permitted Uses**

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Chapter 8.

**B. Conditional Uses**

A conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission.

**C. Development Standards**

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of Section 2.202 are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Chapters 5, 8 and 9.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 8.304.05.

7. Minimum Site Area

- a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of Section 2.202, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

## **2.203 HOME OCCUPATIONS**

### **2.203.01 Conditions**

Home occupations are permitted in residential zoning districts, subject to the following conditions:

- A. The occupation or profession shall be carried on wholly within the principal building, and be clearly secondary, in the City's determination, to the use of the building as a dwelling.
- B. There shall be no exterior signs exceeding one (1) square foot, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal building.
- C. The occupation or profession shall not produce offensive noise, vibrations, smoke, dust, odors, heat, or glare.
- D. The occupation or profession shall not occupy more than thirty percent (30%) of the total floor area of all habitable buildings on the property, including customary accessory buildings.
- E. The occupation or profession shall not upset existing patterns in the neighborhood.
- F. The occupation or profession shall not require additional off-street parking and other facilities which would change the existing character of the neighborhood.
- G. The occupation or profession shall be carried on by members of the family residing in the dwelling, provided that one (1) outside individual may be employed.

### **2.203.02 Permitted Uses**

## **CHAPTER 3**

### **ADMINISTRATIVE PROCEDURES**

#### **3.100 GENERALLY**

#### **3.101 PRE-APPLICATION CONFERENCE**

Pre-application conferences shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

#### **3.102 APPLICATION MATERIALS**

##### **3.102.01 Form**

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal.

##### **3.102.02 Copies**

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit fifteen (15) copies of: the completed application form, with attachments or exhibits specifying and illustrating the proposed land use action; an existing conditions inventory; the proposed development plan; and any supplemental materials, as required by Section 4.100. Additional information may be required at the discretion of the City.

#### **3.103 APPLICATION SUBMITTAL**

##### **3.103.01 Acceptance**

Within thirty (30) calendar days of the date of initial submission (twenty one (21) calendar days for expedited land divisions), the City shall determine whether the application is complete and so notify the applicant in writing. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies. The application fees submitted are

non-refundable. Provided, however, that incomplete applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction.

### **3.104 AVAILABILITY**

#### **3.104.01 Public Inspection**

- A. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Commission or Council. All application materials to be relied upon for Type II decisions as indicated in Section 3.201 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.
- B. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

#### **3.104.02 Continuance**

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Commission or Council, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Section 3.200, any party to the application, or party notified of the hearing as per Section 3.202.03, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.

### **3.105 APPLICATION RESUBMISSION**

A land use application denied in accordance with this Code, shall not be accepted for resubmission for one-hundred eighty (180) calendar days following the date of the denial, unless the application has been sufficiently modified to abrogate the reason for denial, as determined by the City. All applications resubmitted after being denied in accordance with this Code shall be required to provide new application materials, pay new fees, and shall be subject to the ~~full hearing and~~ review process required by this Code for the land use action being considered.

**3.200 PUBLIC NOTICE AND HEARING PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**

**3.201 GENERALLY**

~~When required by this Code, the Council and/or Commission shall provide notice and conduct public hearings pursuant to Section 3.200. The land use actions for which public hearing are required are:~~ All development permit applications shall be classified as one of the following:

A. ~~Type I - Zoning Map Amendments (Commission and Council)~~

A Type I review action shall be decided by the City Manager or his/her designee without public notice or public hearing. Notice of a decision shall be provided to the applicant. The action of the City Manager or his/her designee may be appealed to the Planning Commission.

The following actions shall be subject to a Type I review process:

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses/Minor Site Plans

B. ~~Type II - Zoning Text Amendments (Commission and Council)~~

1. A Type II review action shall be decided by the City Manager or his/her designee with a public notice.

2. The City shall notify the applicant and all property owners within 100 feet of the proposal by mailed notice. Any person or property owner may present written comments to the City which address relevant criteria and standards. Such comments must be received by the City within 14 days from the date of the notice.

3. The City Manager or his/her designee shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the City Manager if necessary to fulfill the requirements of the Zoning and Community Development Code.

4. The decision shall be final unless an appeal is filed within 14 days of the final action. The applicant or any person providing written may appeal the decision



to the City Council. Appeals of decisions relative to expedited land division applications shall be to a hearings officer.

5. Appeals to the City Council shall be subject to the requirements of Section 3.404 of the Zoning and Community Development Code.

The following actions shall be subject to a Type II review process:

1. Minor Site Plans - 15,000 square feet of building area or less
2. Minor Land Partitions
3. Minor Subdivisions - 3 acres or less of land area

C. Type III - Conditional Uses (Commission only)

A Type III review action shall be heard and decided by the Planning Commission. The public hearing procedure shall be in accordance with the requirements of Section 3.202 - 3.300. A Type III review action shall be forwarded to the City Council if no decision has been reached by the Planning Commission within 45 days of the initially scheduled hearing.

The following actions shall be subject to a Type III review process:

1. Conditional Uses
2. Variances
3. Major Site Plans - Greater than 15,000 square feet of building area
4. Major Subdivisions - Greater than 3 acres of land area

D. Type IV - Variances (Commission only)

A Type IV review action shall be considered by the Planning Commission and a recommendation made to the City Council. The City Council shall conduct a public hearing and make a final decision. The public hearing procedure shall be in accordance with the requirements of Section 3.202 - 3.300. A Type IV review action shall be forwarded to the City Council if no decision has been reached by the Planning Commission within 45 days of the initially scheduled hearing.

The following actions shall be subject to a Type IV review process:

1. Plan Map Amendments
2. Plan Text Amendments
3. Planned Unit Developments

E. Site Plans (Commission only)

F. Interpretations of Similar Uses (Commission only)

- ~~G. Temporary Uses (Commission only)~~
- ~~H. Planned Unit Development (Commission and Council)~~
- ~~I. Preliminary Plats of Subdivision and Land Partitions (Commission only)~~
- ~~J. Annexations (Commission and Council)~~
- ~~K. Other Land Use Actions (Commission and Council)~~
- ~~L. Any land use action subject to public hearing as per this section shall be subject to additional hearing at the time any appeal or amendments to prior land use approvals are considered by the Commission or Council.~~
- ~~M. Landmarks Alteration (Landmarks Board only)~~

### **3.202 PUBLIC NOTICE AND HEARING FORM OR NOTICE**

#### **3.202.01 Newspaper Notice**

Notices of all public hearings on for Type III and IV land use actions required by this Code shall be published in a newspaper of general circulation within the City in each of the two (2) calendar weeks prior to the initial hearing before the Commission or Council.

#### **3.202.02 Posted Notice**

Notices of all Type II, III and IV ~~public hearings on~~ land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Commission or Council. Additionally, signage shall be posted on the subject property either fourteen (14) days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the hearing before the Commission or Council. The location, size and content of the sign shall be subject to the approval of the City Manager or his/her designee.

#### **3.202.03 Mailed Notice**

- A. For Type II, III and IV actions ~~public hearings~~ on zoning map amendments, conditional uses, variances, site plans, planned unit developments, temporary uses, minor land partitions, subdivisions, annexations, landmarks, and other land use action specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one hundred (100) feet from the property subject to the land use action.

- B. Except as otherwise provided herein, written notice to property owners for Type III and IV actions shall be mailed at least twenty (20) calendar days in advance of the initial public hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council. Written notice to property owners for Type II actions shall be mailed in accordance with Section 3.200.
- C. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
- D. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
- E. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

**3.202.04 Failure to Receive Notice**

- A. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code Section 3.202.03 or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
- B. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction, that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Section 3.400. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

### 3.203 CONTENT OF NOTICE

#### 3.203.01 Public Hearing Notices

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.
- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.
- G. The available of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or, or to provide sufficient specificity so as to afford a reasonable opportunity for other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.

- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this Code.

#### **4.401.03 Application Content**

An application for a variance shall be filed with the City and accompanied by a fee, as determined by Section 3.301. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The applicant is responsible for submitting a complete application which addresses the review criteria of Section 4.400 and other applicable sections of this Code. Except for variances authorized under Subsection 4.402.01, variance requests shall be subject to public notice and hearing as per Section 3.200.

#### **4.401.04 Time Limits**

Authorization of a variance shall be void after one (1) year or such lesser time as the approval may specify unless substantial construction in the City's determination has taken place. The Commission may extend authorization for an additional period not to exceed one (1) year upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

#### **4.401.05 Revocation**

Any departure from approved plans not authorized by the Commission shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of variance approval are not or cannot be satisfied, the variance or building and occupancy permits, shall be revoked.

### **4.402 ADMINISTRATIVE VARIANCE**

#### **4.402.01 Authorization to grant or deny variances to on-site requirements.**

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

**4.402.02 Criteria for Variances granted Under Section 4.401.03**

- A. In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:
  - 1. More efficient use of the site
  - 2. Preservation of natural features, where appropriate
  - 3. Adequate provisions of light, air and privacy to adjoining properties; and
  - 4. Adequate access
  
- B. In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand. The following factors may be considered in granting such an exception:
  - 1. Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly).
  - 2. Opportunities for joint use of nearby off-street parking facilities.
  - 3. Availability of public transit; and
  - 4. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

**4.402.03 Procedures for Variances Granted Under Section 4.402.01**

- A. An administrative variance shall be decided by the City Manager or his or her designee unless an individual entitled to notice under subsection (B) requests a hearing. If a hearing is requested, the proposal shall be decided by the Planning Commission. The application fee shall be less than for a variance requested under Section 4.401.01, and as specified in the City fee schedule. If a hearing is requested, the variance must be processed as a regular variance and requires the full fee. The administrative variance fee shall be credited against the regular variance fee in such circumstances. If the applicant then decides to withdraw the request, the original fee is non-refundable.
  
- B. The City shall notify the applicant and all property owners within one hundred (100) feet of the proposal by mailed notice. Any property owner or person present may present written comments to the City which address the relevant criteria and standards. Such comments must be received by the City within ten (10) calendar days from the date on the notice.

- C. If a property owner or a person residing or doing business within the one hundred (100) feet of the proposal presents written comments as described in subsection (B), that individual may also request that a public hearing be held by the Planning Commission on the proposal. A request for a hearing must be submitted in writing and received within ten (10) calendar days from the date on the notice.
- D. If no public hearing is requested as described in subsection (C), the Manager shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all the relevant variance requirements. The applicant may appeal this decision to the Planning Commission.
- E. If a public hearing is requested as provided in subsection (C) or the Manager's decision is appealed as provided in subsection (D), the hearing shall be conducted pursuant to Section 3.200 of the Code.
- F. The decision of the Planning Commission may be appealed to the City Council by a party to the hearing in accordance with Section 3.400 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties.

#### **4.500 TEMPORARY USES**

##### **4.501 GENERALLY**

###### **4.501.01 Purpose**

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.

###### **4.501.02 Application And Fee**

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 3.301. The applicant is responsible for submitting a complete application which addresses all review criteria ~~of Section 4.500~~. Temporary use permits shall be subject to the requirements set forth in public notice and hearing requirements of Section 3.200.

## 4.502 PERMIT APPROVAL

### 4.502.01 Findings Of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her as a designee pursuant to Section 3.200 Commission provided that the applicant demonstrates that the proposed use:

- A. Generally conforms to the standards and limitations of the zoning district in which it is located.
- B. Meets all applicable City and County health and sanitation requirements.
- C. Meets all applicable Uniform Building Code requirements.

### 4.502.02 Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee Commission. In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to Section 4.500.

### 4.502.03 Additional Conditions

In issuing a temporary use permit, the City Manager or his/her designee Commission may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.

### 4.502.03

Any departure from approved plans not authorized by the City Manager or his/her designee Commission shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.



## **4.600 INTERPRETATION OF SIMILAR USES**

### **4.601 GENERALLY**

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the ~~Commission~~ City Manager or his/her designee.

### **4.602 APPLICATION CONTENT**

The request shall be submitted with a fee pursuant to Section 3.302 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

### **4.603 APPROVALS**

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone.~~Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the request for an interpretation of a similar use. The action of the City Manager or his/her designee Commission may be appealed to the Commission Council in accordance with Section 3.400.~~

## CHAPTER 5

### COMMUNITY DESIGN

#### 5.100 SITE PLANNING

#### 5.101 PURPOSE

##### 5.101.01 Generally

Chapter 5 is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.

##### 5.101.02 Objectives

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
  - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
  - 2. Vehicular and pedestrian ways and parking areas.
  - 3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

#### 5.102 SITE PLAN REVIEW

##### 5.102.01 Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 2.205.01, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed ~~and approved by the Commission~~ in accordance with

Section 3.200. For the purposes of Section 5.102, the term "substantial alteration" shall mean any development activity ~~under the jurisdiction of the Commission~~, as defined by this Code, that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Section 2.206.
- D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.
- E. The activity is subject to site plan review by other requirements of this Code.
- F. Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

#### **5.102.02 Exemptions**

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing, ~~and copies shall be forwarded to the applicant and the Commission~~. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

#### **5.102.03 Plan Changes and Revocation**

##### **A. Changes**

Construction, site development, landscaping, and other development activities shall be carried out in accordance with the site development plans ~~approved by the Commission per Section 3.200~~. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 5.102.01, that conflict with original approvals ~~by the Commission~~, or that otherwise may conflict with the standards of Section 5.102.04, shall be submitted ~~to the Commission~~ for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.

##### **B. Revocation**

Any departure from approved plans ~~not authorized by the Commission~~ shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

#### **5.102.04 Required Findings**

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.

#### **5.102.05 Approvals**

~~The application shall be reviewed pursuant to Section 3.200 and action taken Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the application for site plan review. The Commission's action shall include appropriate findings of fact as required by Section 5.102.04. The action of the Commission may be appealed to the Council in accordance with Section 3.400.~~

#### **5.102.06 Time Limits**

Site plan approvals shall be void after one (1) year unless construction on the site has begun, as determined by the City. ~~The City Commission~~ may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

## **5.300 OFF-STREET PARKING AND LOADING**

### **5.301 GENERALLY**

#### **5.301.01 Off-Street Parking Required**

No building permit shall be issued until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 5.302.

#### **5.301.02 Deferral of Improvements**

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the ~~City Commission~~ determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within six (6) months, the security may be used by the City to complete the installation.

#### **5.301.03 Joint Use**

Two (2) or more uses, structures, or parcels of land may utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

#### **5.301.04 Multiple Uses**

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately.

#### **5.301.05 Prohibited Uses**

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

## **5.600 RESERVED**

## **5.700 SIGNS**

### **5.701 GENERALLY**

#### **5.701.01 Sign Permits**

- A. Except as otherwise provided in Section 5.701, no person shall construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required in Section 3.200 and making payment of the fee required by Section 3.302. In addition, all permitted illuminated signs shall be subject to the provisions of the State Electrical Code and any applicable permit fees.

#### **5.701.02 Sign Application**

Application for a sign permit shall be made upon forms provided by the City and shall include the following information:

- A. Name, address and telephone number of the applicant.
- B. Location of the building structure or lot to which or upon which the sign is to be attached or erected.
- C. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
- D. A plot plan approximately to scale indicating the location of all buildings, property lines, existing signs, street and overhead power lines on the same premises.
- E. Name, address and telephone number of the person or firm who will do the erection, construction or maintenance on the sign.

#### **5.701.03 Exceptions**

The following signs shall not require ~~Commission review~~ or a sign permit but shall conform to all other applicable provisions of Section 5.700:

- A. Real estate signs not exceeding twelve (12) square feet in area, exclusively advertising the sale, rental or lease of the premises upon which the signs are located.
- B. Nameplates not exceeding one (1) square foot in area.
- C. Messages on a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy.
- D. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
- E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. A construction site sign denoting an architect, engineer, contractor, subdivision or development, not exceeding thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
- G. Streamers, banners and similar signs calling attention to an opening of a new business, a City approved cultural event, or other similar occasion, provided such signs may be erected for one (1) week only.
- H. Signs not exceeding twelve (12) square feet in area relating to the nomination or election of any individual for a political office or advocacy of any measure to be voted upon at any special or general election, provided that such signs shall be removed within ten (10) days after the election.
- I. Public utility signs and other signs required by law.
- J. Directional or instructional signs on private property which are solely designed to direct pedestrians and vehicular traffic.

**5.701.04 Violations**

The City shall order the removal of any sign erected or maintained in violation of the provisions of Section 5.700. The City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove such sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a

## CHAPTER 7

### SUBDIVISIONS AND PARTITIONS

#### 7.100 GENERALLY

#### 7.101 PURPOSE

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

#### 7.102 PLATTING AUTHORITY

##### 7.102.01 ~~Planning Commission Approval Authority~~

- A. The ~~Commission shall be the~~ approving authority for preliminary and final plats of subdivisions and partitions, shall be in accordance with Section 3.201 of this Code.
- B. Approval ~~by the Commission~~ of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision ~~of the Commission~~ may be filed pursuant to Section 3.400.

##### 7.102.02 Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City Commission shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

##### 7.102.03 Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.

##### 7.102.04 Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.



## **7.200 PRELIMINARY PLATS**

### **7.201 GENERALLY**

#### **7.201.01 Approval Required**

All subdivisions and major partitions are subject to preliminary plat approval through the Type II or Type III review processes ~~by the Commission~~. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

#### **7.201.02 ~~Commission Action~~**

The City Commission shall review preliminary plat applications submitted in accordance with Section 4.100 and approve, approve with conditions, or deny the application. The action of the City Commission shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

#### **7.201.03 Required Findings**

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City Commission determines that the public interest is served by modifying streets or road patterns.
- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
- C. The plat complies with Comprehensive Plan and applicable zoning district regulations.
- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- G. Tree and woodland inventories have been submitted and approved as per Section 8.304.07.

## **7.300 FINAL PLATS**

### **7.301 GENERALLY**

#### **7.301.01 Time Limits**

Within twelve (12) months after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. ~~The final plat application shall be submitted at least thirty (30) days prior to the Commission meeting at which consideration of the plat is desired.~~

#### **7.301.02 Extensions**

After the expiration of the twelve (12) month period following preliminary plat approval, the plat must be resubmitted for new approval. The ~~City Commission~~ may, upon written request by the applicant, grant an extension up to six (6) months upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refileing of the preliminary plat and that no other development approval would be affected.

#### **7.301.03 Staging**

The ~~City Commission~~ may authorize platting and development to proceed in stages that exceed one (1) year, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of one (1) year may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.

## **7.302 FINAL PLAT INFORMATION**

### **7.302.01 Shown on Plat**

The following information shall be shown on the final plat:

- A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.

- B. Legal description of the plat boundaries.
- C. Existing surveys related to the plat by distances and bearings, and referenced as follows:
  - 1. The location and description of all stakes, monuments, and other evidence 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. 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 this Code.
- D. Tract, block and lot boundary lines, and street rights-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 (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- E. The width of streets being dedicated, the width of any existing rights-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 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, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.
- G. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. 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.

- H. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.
- I. The following certificates, which may be combined where appropriate:
  - 1. A certificate signed and acknowledged by all parties having any record title interest in 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 a professional seal.
  - 3. Provisions for all other certifications required.

**7.302.02 Submitted With Plat**

The following information shall be submitted with the final plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.
- B. Sheets and drawings showing the following:
  - 1. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.
  - 2. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
- C. Copies of any deed restrictions and dedications, including building setbacks.
- D. Proof that all taxes and assessments on the tract are paid for the current year.

**7.303 FINAL PLAT REVIEW**

**7.303.01 Subdivision Agreement**

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Chapter 6, or execute and file with the City an agreement 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.

#### **7.303.02 Performance Security**

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

#### **7.303.03 Staff Review**

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the ~~Commission~~ City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.

#### **7.303.04 ~~Commission~~ Plat Approval**

When ~~Commission~~ City Manager or his/her designee determines that the plat conforms to all requirements, the plat shall be approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.

#### **7.303.05 County Approval**

After approval by ~~the Commission~~, the City shall transmit the final map, tracing, and other data to Washington County, to determine that there has been compliance with all provisions of State and local statutes. The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

#### **7.303.06 Effective Date**

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

### **7.303.07 Required Findings**

No final subdivision plat shall be approved unless:

- A. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.
- B. Streets and roads held for private use have been approved by the City.
- C. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.
- D. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, and sanitary sewer, storm water, and water supply systems.
- E. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:
  - 1. Adequate water service shall be deemed to be connection to the City water supply system.
  - 2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.
  - 3. The adequacy of other public facilities such as storm water and streets shall be determined by the Commission based on applicable City policies, plans, and standards for said facilities.
- F. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

### **7.304 CREATION OF STREETS**

#### **7.304.01 Approval**

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.

### **7.304.02 Exceptions**

The Council, upon ~~Commission~~ recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

- A. The street creation is required by the City and is essential to general traffic circulation.
- B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.

### **7.304.03 Easements**

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:

- A. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or
- B. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.

## **7.400 DESIGN STANDARDS**

### **7.401 BLOCKS**

#### **7.401.01 Size**

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

#### **7.401.02 Length**

Blocks shall not exceed one thousand two hundred (1,200) feet in length, except blocks adjacent to arterial streets which shall not exceed one thousand eight hundred (1,800) feet, unless adjacent subdivisions or topographical conditions justify a variation.

## **7.402 EASEMENTS**

### **7.402.01 Utilities**

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

### **7.402.02 Drainages**

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

## **7.403 PEDESTRIAN AND BICYCLE WAYS**

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

## **7.404 LOTS**

### **7.404.01 Size and Shape**

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

- A. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

### **7.404.02 Access**

All lots in a subdivision shall abut a public street.

### **7.404.03 Double Frontage**

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening, may be required.



**7.404.04 Side Lot Lines**

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

**7.404.05 Grading**

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

- A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
- B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

**7.500 LAND PARTITIONS**

**7.501 GENERALLY**

**7.501.01 Approval Required**

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a minor partition application has been approved by the ~~Commission~~ City Manager or his/her designee.

**7.501.02 ~~Commission~~ City Action**

The ~~Commission~~ City Manager or his/her designee shall review the minor partition applications submitted in accordance with Section 4.100 and shall approve, approve with conditions or deny the application. The action of the ~~Commission~~ City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.

**7.501.03 Required Findings**

Minor partitions shall not be approved unless:

- A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.

- B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- C. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
- D. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:
  - 1. Adequate water service shall be deemed to be connection to the City water supply system.
  - 2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
  - 3. The adequacy of other public facilities such as storm water and streets shall be determined by the ~~Commission~~ City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.
- E. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

**7.501.04 Future Developability**

In addition to the findings required by Section 7.501.03, the ~~Commission~~ City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The ~~Commission~~ City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the ~~Commission~~ City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

## **7.502 SUBDIVISION COMPLIANCE**

### **7.502.01 Generally**

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

## **7.503 DEDICATIONS**

### **7.503.01 Generally**

The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the ~~Commission's~~ discretion of the City Manager or his/her designee.

### **7.503.02 Dedications Acceptance**

The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.

### **7.503.03 Owner Declaration**

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.

## **7.504 FILING REQUIREMENTS**

### **7.504.01 Generally**

Within twelve (12) months after City approval of a minor land partition, a partition plat shall be submitted to Washington County in accordance with its final partition plat and recording requirements.

### **7.504.02 Extension**

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The ~~Commission~~ City Manager or his/her designee

may upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected.