



# CITY OF LEBANON

*It's easier from here.*

## **Lebanon Municipal Code Title 16: Development Code**

### **Article Four: Land Use and development Reviews, Decision Requirements and Procedures**

## **Chapter 16.22: Land Divisions (Subdivisions and Partitions) Property Line Adjustments and Vacations**

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CITIZEN SERVICES & DEVELOPMENT CENTER

# Chapter 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations

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## **CHAPTER 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations**

### **16.22.010 INTRODUCTION**

- A.** This Chapter establishes standards and procedures for the division and development of land within the jurisdiction of the City of Lebanon. These regulations are necessary in order to provide uniform procedures and standards for the division and development of land; to provide for the proper width and arrangement of streets and blocks; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to protect solar access; and in general to protect the public health, safety and welfare.
- B.** As used throughout this Chapter and the whole LDC:
  - 1.** Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
  - 2.** Partitions are the creation of two or three parcels within one calendar year.
  - 3.** Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots or parcels.
  - 4.** Property line adjustments can also result in the consolidation of existing lots or parcels through the elimination of a boundary.
- C.** The creation of a lot or parcel through the subdivision, partitioning, or property line adjustment process may be processed as part of a Planned Development review.
- D.** The creation of a lot or parcel through the subdivision, partitioning, or property line adjustment process is an outright permitted action in any land use zone, subject to the provisions of this Chapter and any other applicable requirements in this Code (e.g., Community Development Standards, Chapters 16.12 – 16.19).
- E.** The creation of a lot or parcel through the subdivision or partitioning process may be approved only after it is demonstrated that the proposed lot or parcel is buildable under the applicable standards noted in this Code.

### **16.22.020 PURPOSE**

The purpose of this Chapter is to:

- A.** Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
- B.** Implement the City's development goals as envisioned by the Comprehensive Plan.
- C.** Encourage efficient use of land resources and full utilization of urban services, infrastructure, and transportation options.
- D.** Promote the public health, safety and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.
- F.** Encourage the conservation of energy resources.

## **16.22.030 GENERAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Partition and Subdivision Review Through Two-Step Process***

Applications for subdivisions or partitions shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for review.
2. The final plat must include and/or satisfy all conditions of approval of the preliminary plat.

### ***B. Compliance With Other Regulations***

In addition to the regulations contained herein, all land divisions within the City shall comply with the following regulations:

1. The City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant Sections of the Lebanon Municipal Code,
2. Chapter 92 of the Oregon Revised Statutes. (ORS 92)
3. Official Maps or Development Plans.
4. Development Code.
5. Recording requirements of Linn County.
6. Oregon State Fire Code as adopted by the Lebanon Fire District.
7. All other applicable regulations provided by law.

### ***C. Future Residential Re-Division Plan***

When subdividing or partitioning tracts in a residential zone into large lots (i.e., greater than four times or 400 percent the minimum lot size allowed by the underlying land use zone), the City may require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of LDC Chapters 16.5 – 16.11.
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
3. It will include an acknowledgement that the plan is a conceptual plan intended to show potential future urban density development. It may not be binding on the City or property owners, except as may be required through conditions of approval to achieve future urban density. For example, the granting of easements and/or dedication and improvement of rights-of-way within the future plan area may be required at initial land division to provide needed secondary access and circulation.

## ***D. Lot Size Averaging***

Single family and duplex residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by the provisions of Section 16.05.140 (Chapter 16.05).

## ***E. Flood Plain Overlay Zone Requirements***

All land development by partition and subdivision (including those that are included in a Planned Development) within a flood plain shall comply with all flood protection regulations (see Section 16.11.070 in Chapter 16.11).

### **16.22.040 PRE-APPLICATION CONFERENCE FOR PARTITIONS AND SUBDIVISIONS**

Prior to the acceptance of a partition or subdivision application, the applicant may request a pre-application conference with the Planning Official and representatives of the City and other affected public and private agencies to further clarify the submittal requirements necessary for the acceptance of the application and tentative plan. The applicant may request additional meetings with affected agencies either jointly or individually as may be necessary to clarify evaluation criteria, regulations, and policies that may affect the proposed land division. (Fees may be assessed for these additional meetings.)

### **16.22.050 SPECIAL TRANSPORTATION PROVISIONS AND DECISION CRITERIA FOR PARTITIONS AND SUBDIVISIONS**

#### ***A. Referral to Oregon Department of Transportation (ODOT)***

Notice, including copies of all site plans, shall be given to ODOT of all proposed subdivisions and partitions likely to have significant impacts or effects on the use of or access to State Highways within the Lebanon City limits. ODOT has permitting authority in all situations involving access to State highway facilities.

#### ***B. Additional Transportation Access-Related Decision Criteria***

Approval of plans for subdivisions and partitions shall address the following access related decision criteria:

- 1. Driveway Access Placement:** Driveway access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- 2. Road/Street System and Building Access:** The road/street system shall provide adequate access to the buildings for the appropriate users, such as residents, visitors, patrons, employees, service and delivery vehicles, and emergency vehicles.
- 3. Pedestrian and Bicycle Facilities:** An internal system of sidewalks and/or pathways for pedestrians and bicyclists shall provide connections to both motor vehicle and bicycle parking areas, and entrances to the development and its buildings, as well as open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides, unless other configurations have been approved. Pedestrian and bicycle linkages shall connect to the peripheral street system.

- 4. Consistency with Transportation System Plan:** All access shall be consistent with the access management standards of this Code, the City's Transportation System Plan, and the Lebanon/Linn County Urban Growth Management Agreement.
- 5. Conditions of Approval to Mitigate Significant Impacts or Effects on Transportation Facilities:** In situations in which proposed land use actions may cause a significant negative impact or effect on a transportation facility, the Planning Commission may impose additional conditions for approval, such as:
- a. A Traffic Impact Analysis (or other traffic studies) if the City Engineer finds that the proposed development will have a significant negative impact or effect on the surrounding transportation network. (See Chapter 16.12, Subsection 16.12.010.B).
  - b. The operator of the affected transportation facility shall receive notice of the proposed land use. Such operators may include, but are not limited to, the City, Linn County, the State (e.g., ODOT, Oregon Department of Aviation), and rail road companies. This notice shall include the applicant's full site plan submitted to the City and any traffic impact study or traffic counts, as well as the information noted in paragraph "a" immediately above.
  - c. The determination of transportation impacts or effects and the scope of any impact study shall be coordinated with the Planning Official, the City Engineer and the operator of the affected transportation facility.
  - d. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed land use.
  - e. Transportation-related improvements where the existing transportation system may be burdened by the proposed land use.

#### **16.22.060 SUBMITTAL PROCEDURE FOR PARTITIONS AND SUBDIVISIONS**

Following preliminary consultation and a pre-application conference, where applicable, the applicant shall prepare an application and a tentative plan with other supplementary data required to describe the general program and objectives of the proposed land division. The form of application shall be as prescribed by the City and shall be submitted to the Planning Official who shall coordinate the process of review and action. The submittal and informational requirements and review procedures shall be as specified for each land division classification contained in this Code.

## **16.22.070 PRELIMINARY PLAT REVIEW PROCESS FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Review of Preliminary Plat***

1. Review of a preliminary plat with 2 or 3 parcels (partition) shall be processed with an Administrative Review procedure, under the provisions of Chapter 16.20 (see Section 16.20.040).
2. Preliminary plats with 4 or more lots (subdivision) shall be processed with a Quasi-Judicial procedure under the provisions of Chapter 16.20 (see Section 16.20.050).
3. An application for a subdivision may be reviewed concurrently with an application for a Planned Development<sup>1</sup> under the provisions of Chapter 16.23.

### ***B. Review of Final Plat***

Review of a final plat for a subdivision or partition shall be processed as a Ministerial procedure under provisions of Chapter 16.20 (see Sections 16.20.030 and 16.20.030) using the decision criteria in Section 16.22.110 below.

### ***C. Preliminary Plat Approval Period***

Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat approval shall expire if a final plat has not been submitted within the 3-year period.

### ***D. Phased Development***

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the final plat for the final phase be recorded more than 10 years from the date of initial approval.
2. All subdivision phases must comply with all applicable City requirements and conditions of approval.

### ***E. Expiration of Preliminary Plat Approval***

See Subsection 16.20.070.J (Chapter 16.20).

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<sup>1</sup> Planned Development applications and reviews are required for specific types of development proposals, including Subdivisions. See Subsection 16.23.010.E in Chapter 16.23 (Planned Developments), and the following in LDC Chapters 16.05 – 16.10: Table 16.05-1, Table 16.06-1, Table 16.07-1, Table 16.08-1, Table 16.09-1, and Table 16.10-1.



## **F. Modifications**

The applicant may request minor changes to the approved preliminary plat (see Chapter 16.24).

1. Such proposed modifications do not change or modify the adopted findings and/or conditions of approval.
2. The proposed changes may not increase the number of lots or represent a net increase or impact on supporting infrastructure;
3. Any changes to the preliminary plat follow the procedures in Chapter 16.24.

## **16.22.080 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS FOR PARTITIONS AND SUBDIVISIONS**

### **A. General Submittal Requirements**

For all partitions the application shall contain all of the information required for an Administrative Review procedure (see Section 16.20.040, Chapter 16.20). For all subdivisions the application shall contain all of the information required for a Quasi-Judicial procedure (see Section 16.20.050, Chapter 16.20), and the information in Subsections 1-3, below:

1. **Public Facilities and Services Impact Study.** The Public Facilities and Services Impact Study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the pre-application conference (Section 16.22.040 above). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet and maintain City standards as per the adopted facility plan, and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
2. **Traffic Impact Studies**, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Chapter 16.12, Subsection 16.12.010.B.
3. **Additional Submittal Requirements** if applicable and warranted:
  - a. Correspondence from appropriate and applicable State and Federal Wetland regulatory agencies.
  - b. Correspondence from the County or ODOT if access is proposed to any facility (storm drainage, roads, etc.) under their jurisdiction.
  - c. Correspondence from Oregon Department of Aviation if the proposed development is within the approach or noise impact overlay zones of the Lebanon State Airport.
  - d. Documentation prepared by a licensed and qualified professional demonstrating that development proposed within a 100-year floodplain or floodway complies with appropriate FEMA, NFIP and City's Floodplain Regulations (see Section 16.11.070 in Chapter 16.11 of this Code).
  - e. Documentation showing compliance with applicable Special Area Plans.

- f. Documentation showing compliance with the all applicable codes and requirements of the Lebanon Fire District.
- g. Documentation showing that the proposed land division will not violate any existing property restrictions of record including easements.
- h. Documentation prepared by a licensed and qualified professional demonstrating that areas of soil cut and fill will comply with erosion control and building code requirements.
- i. Documentation prepared by a licensed and qualified professional demonstrating that areas of geologic and/or of soils instability can be developed according to applicable City, State and Federal Environmental Standards.
- j. Other information determined by the Planning Official and/or City Engineer. Upon the receipt or presentation of credible evidence, the City may require studies or exhibits prepared by qualified and/or licensed professionals to address specific site features or project impacts (e.g. noise, natural resources, environmental features, natural hazards, cultural/archeological, site stability, wetlands, hazmat assessments, etc.), in conformance with this Code, other State and/or Federal regulatory requirements.

## **B. Preliminary Plat Information**

In addition to the general information described in Subsection 16.22.080.A above, the preliminary plat application shall consist of 10 copies of scaled drawings and supplementary written material (i.e., on forms and/or in a written narrative) all of which shall be submitted in hard copies (including at least one photo-reproducible copy) and electronic format (specified by the City) in order to adequately provide the following information:

### **1. General Information**

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Linn County (please check with County Surveyor).
- b. Date, north arrow, and scale of drawing.
- c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site.
- d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted.
- e. Identification of the drawing as a "preliminary plat".

### **2. Existing Site Analysis Map**

- a. Streets: Location, name, site access, present width of all streets, alleys and rights-of-way on and abutting the site.
- b. Easements: Width, location and purpose of all existing easements of record on and abutting the site.
- c. Utilities: Location and identity of all utilities on and abutting the site. If water mains, fire hydrants, and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards.

- d. For subdivisions, ground elevations of the entire subject property and the topographically influenced areas of adjacent properties shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the City Engineer.
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential.
- g. Wetland areas, streams, riparian areas, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See relevant portions of the Comprehensive Plan.)
- h. Site features, including existing structures, septic systems, wells, pavement, large rock outcroppings, and drainage ways, canals and ditches.
- i. Designated historic and cultural resources on the site and adjacent parcels or lots.
- j. The location, size and species of trees having a caliper (diameter) of 12 inches for deciduous trees, and 18 inches for evergreens or larger at 4.5 feet above grade in conformance with Chapter 16.15.
- k. Other information, as deemed appropriate by the City Engineer and/or Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- l. Areas of identified, known or suspected environmental constraints and/or encumbrances.

### **3. Proposed Site Improvements Plan (Including Drawings and Map)**

- a. Public and private streets, tracts, access to site, driveways, open space and park land; location, names (as approved by the City and Linn County 911 Dispatch), access to all lots and parcels especially corner lots and parcels, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades (on grades of 10% or greater). All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified.
- b. Proposed grading plan.
- c. Easements: location, width and purpose of all proposed easements.
- d. Lots, parcels and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and parcels, and identification letters for tracts.
- e. For flag lots, show the total area and the developable area (total area minus the driveway/access area – often referred to as the “flag pole” or “pan handle”).
- f. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings.

- g. Proposed improvements, as required by Part Three of this Code (Community Development and Use Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.).
- h. For proposed lots and parcels with identified, known or suspected development constraints or encumbrances, demonstrate that those lots and parcels are buildable according to appropriate lot development standards, requirements and regulations.
- i. The proposed source of domestic water.
- j. The proposed method of sewage disposal.
- k. Proposed method of surface water drainage and treatment if required.
- l. The approximate location and identity of other utilities, including the locations of fire hydrants and street lighting fixtures.
- m. Proposed railroad crossing or modifications to an existing crossing, if any, and correspondence discussing the feasibility of the proposal from the affected railroad and the Oregon Department of Transportation Rail Division.
- n. Changes or modifications to intermittent or perennial streams, navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable.
- o. **Development in Area of Special Flood Hazard and Locally Identified or Federally Regulated 100-Year flood Plain:** All land development by partition and subdivision (including those that are included in a Planned Development) within a flood plain shall comply with all flood protection regulations (see Section 16.11.070 in Chapter 16.11).
- p. Evidence of correspondence from the road authority for any development requiring access to facility(ies) under their authority.

## **16.22.090 DECISION CRITERIA: PRELIMINARY PLAT FOR PARTITIONS AND SUBDIVISIONS**

### ***A. General Decision Criteria***

The City may approve, approve with conditions or deny a preliminary plat based on the following decision criteria:

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans. At a minimum, the provisions of this Chapter, and the applicable Chapters and Sections of Article Two (Land Use and Land Use/Development Zones) and Article Three (Community Development and Use Standards) of this Code shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant Sections of Chapter 16.29.
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92 and the County Surveyor.
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
5. Evidence that all City, County, State and Federal regulatory agency identified or mapped special management areas have been accurately and effectively identified on the appropriate maps and plans submitted to the City for review.
6. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.
7. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

### **B. Layout and Design of Streets, Blocks and Lots**

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use zone (Chapters 16.05 – 16.10), and the standards of Chapter 16.12 (Subsection 16.12.030.K, Street Connectivity and Formation of Blocks).
2. Setbacks shall be as required by the applicable land use zone (Chapters 16.05 – 16.10).
3. Each lot shall conform to the standards of Chapter 16.12 (Access and Circulation).
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapters 16.05 – 16.10 (Land Use Zones), and Chapter 16.15 (Landscaping, Street Trees, etc.).
5. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public or private road or approved access drive. See Chapter 16.12 (Access and Circulation).
6. Where a common drive is to be provided to serve more than one lot, a reciprocating access easement and maintenance agreement shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

### **C. Conditions of Decision**

The City may attach such conditions as are necessary to carry out provisions of this Code and other applicable ordinances and regulations and for the purpose of controlling access to adjoining undeveloped properties. Also, see Chapter 16.16 (Public Facilities).

## **16.22.100 VARIANCES AUTHORIZED FOR PARTITIONS AND SUBDIVISIONS**

Variations to the standards of this Chapter may be processed in accordance with Chapter 16.29 (Variations). Applications for variations shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications may be reviewed together.

## **16.22.110 FINAL PLAT SUBMITTAL REQUIREMENTS AND DECISION CRITERIA FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Submittal Requirements***

Final plats shall be reviewed and approved by the City prior to recording with Linn County. The applicant shall obtain City approval of the final plat within 3 years of the approval of the preliminary plat. Specific information about the format and size of the plat, number of copies and other detailed information must comply with the standards of the Linn County Surveyor's office and the City.

### ***B. Decision Criteria***

By means of a Ministerial Review procedure (see Chapter 16.20), the Planning Official and City Engineer shall review the final plat and may approve or deny the final plat based on findings regarding compliance with the following decision criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied.
2. All public improvements required by the preliminary plat have been installed and approved and accepted by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with Subsection 16.16.070.C (Chapter 16.16).
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
4. The private streets and roads held for private uses have been approved by the City as conforming to the preliminary plat.
5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, parks, sewage disposal, storm drainage and water supply systems.
6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat.
7. Certification by the City, County or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the applicant to the City that such services will be installed in accordance with Chapter 16.16 (Public Facilities), and the bond requirements of Subsection 16.16.070.C (Chapter 16.16). The amount of the bond, contract or other assurance by the applicant shall be determined by a registered professional engineer, subject to review and approval by the City.

## **16.22.120 PUBLIC IMPROVEMENTS REQUIRED FOR PARTITIONS AND SUBDIVISIONS**

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved, or the applicant shall provide a performance guarantee, in accordance with Subsection 16.16.070.B (Chapter 16.16 – Public Facilities), and Section 16.22.130 below.

## **16.22.130 PERFORMANCE GUARANTEE FOR PARTITIONS AND SUBDIVISIONS**

### ***A. Performance Guarantee Required***

1. The subdivider shall file a performance guarantee with the City to ensure installation of the required public improvements. The guarantee shall include a financial instrument sufficient to ensure performance. . The guarantee shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The guarantee may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses.
2. The financial instrument may include one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the City Attorney.
  - b. An irrevocable standby letter of credit issued by a financial institution authorized to transact business in Oregon.
  - c. Such other instrument as may be approved by the City Manager and City Attorney.
3. All public improvements shall be installed and accepted by the City Engineer prior to the recording of the final plat. The City Engineer may allow the subdivider to defer minor improvements, or repairs to existing improvements, to after the final plat is recorded; provided, the improvements or repairs do not exceed 5% of the total construction costs of the subdivision as determined by the City Engineer. Bonding shall be required for these minor improvements and repairs in conformance with provisions in items “1.” and “2.” of this Subsection.

### ***B. Determination of Sum***

The assurance of performance shall be for a sum determined by the City as necessary to cover the cost of the improvements and repairs, including related engineering and administrative expenses such as City administrative and legal fees.

### ***C. Itemized Improvement Estimate***

The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

#### ***D. Public Improvement Agreement***

In the event public improvements are bonded but not completed before approval of the final plat, an agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Engineer. The agreement shall contain all of the following:

1. The period within which all required improvements and repairs shall be completed.
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the developer.
3. The improvement fees and deposits that are required.
4. A provision for the construction of the improvements in stages and for the extension of time under specific conditions stated in the contract.

#### ***E. When Subdivider Fails to Perform***

In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, or letter of credit for reimbursement, and may exercise any other remedies provided by law.

#### ***F. Termination of Performance Guarantee***

The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

### **16.22.140 FILING AND RECORDING FOR PARTITIONS AND SUBDIVISIONS**

#### ***A. Filing Plat with County***

Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Linn County for signatures of County officials as required by ORS Chapter 92.

#### ***B. Proof of Recording***

Upon final recording with Linn County, the applicant shall submit to the City evidence of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.



## **16.22.150 RE-PLATTING AND VACATION OF PLATS AND RIGHTS OF WAY**

- A. Re-platting and Vacations.** Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- B. Procedure.** All applications for a re-plat or plat vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process (See Chapter 16.20). Any road authority(ies), utility companies or public agencies affected by the re-plat or plat vacation shall be notified of the application. All right of way vacations shall conform to the requirements of state law.
- C. Recording of Vacations.** All approved plat vacations shall be recorded in accordance with Section 16.22.140 above. The recording of a re-plat or plat vacation shall be submitted to Linn County concurrently with the recording of any necessary right of way vacations.
- D. Street Requirement.** Except as prohibited by law, in approving a vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

## **16.22.160 PROPERTY LINE ADJUSTMENTS**

A Property Line Adjustment is the relocation or elimination of a common property line between abutting properties. A property line adjustment shall not result in the creation of any new parcel(s). The application submittal and decision process is as follows:

### **A. Submittal Requirements**

All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for Administrative review, as governed by the provisions of Chapter 16.20. The application shall include a preliminary map drawn to scale identifying all existing and proposed **(1)** lot lines and dimensions and resulting setbacks; **(2)** footprints and dimensions of existing structures (including accessory structures); **(3)** location and dimensions of driveways and public and private streets within or abutting the subject lots; **(4)** location of significant vegetation (see Chapter 16.15); **(5)** existing fences and walls; **(6)** public and private utility connections; **(7)** on site services (septic and well if any); **(8)** existing and proposed easements; and, **(9)** any other information deemed necessary by the Planning Official or designee for ensuring compliance with City codes.

## **B. Decision Process**

1. Decision-Making Process. Property line adjustments shall be reviewed by Ministerial procedure, as governed by the provisions of Chapter 16.20, using decision criteria contained in Subsection C below. The road authority(ies) shall be notified of property line adjustments that may affect property access, traffic volumes or operations of their facilities.
2. Lapsing of Preliminary Approval. The property line adjustment preliminary approval shall lapse if any of the following transpire:
  - a. The property line adjustment has not been recorded within one (1) year from the date of preliminary approval.
  - b. The property line adjustment has been improperly recorded with Linn County without the satisfactory completion of all conditions attached to the approval.
  - c. The final recording is a departure from the approved plan.

## **C. Decision Criteria**

The Planning Official or designee may approve or deny a request for a property line adjustment in writing based on all of the following decision criteria:

1. Parcel Creation. No additional parcel is created by the lot line adjustment.
2. Parcel and Lot standards. All parcels and lots conform to the applicable standards of the land use zone.
3. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Chapter 16.12 (Access and Circulation), and all applicable road authority requirements are met.
4. Nonconforming. If a lot or parcel is nonconforming to any City standard, it shall not be made less conforming by a property line adjustment.

## **D. Recording Property Line Adjustments**

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Linn County within one year of approval (or the decision expires).
2. Proof of Recording. Upon final recording with Linn County, the applicant shall submit to the City evidence of the recorded property line adjustment survey. This shall occur prior to the issuance of building permits for the reconfigured lot(s).