

RESOLUTION No. 2011-2942

A RESOLUTION INITIATING AMENDMENTS TO NEWBERG DEVELOPMENT CODE CHAPTER §15.235 PERTAINING TO TECHNICAL SPECIFICATIONS AND SIGNATURE REQUIREMENTS FOR PARTITION AND SUBDIVISION PLATS

RECITALS:

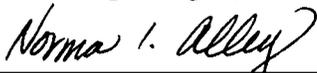
1. Newberg Development Code §15.235.030 to §15.235.190 contain detailed specifications for the submittal and official signature of tentative and final subdivision and partition plats.
2. Technical specifications contained in Newberg Municipal Code may be updated from time to time to reflect the changing standards and practices of industry professionals and governing bodies.
3. Newberg Development Code §15.100.060 defines an amendment to Newberg Development Code as a legislative action requiring a Type IV Procedure.
4. Oregon Revised Statute §92.048 provides procedural guidelines for amendments to local regulations for approval of tentative and final subdivision and partition plats.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council hereby initiates amendments, through the review process, to Newberg Development Code Chapter §15.235. The proposed amendments are shown in Exhibit "A," which is attached. Exhibit "A" is hereby incorporated.
2. The City Council hereby directs staff to guide the initiated amendment through the public hearing and review process as required by the Type IV Procedure as provided in Newberg Development Code §15.100.060.
3. The City Council hereby directs staff to comply with additional procedural guidelines required by Oregon Revised Statute §92.048.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 5, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of April 2011.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 7th day of April 2011.



Bob Andrews, Mayor

**Chapter 15.235
SUBDIVISIONS**

Sections:

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Article I. Land Division Procedures

15.235.010 Division of land.

No land may be divided without first obtaining a development permit.

A. No land may be divided prior to approval of a partition or subdivision in accordance with this code.

B. A land division is processed by approving a tentative plan prior to approval of the final land division plat ~~or map~~. Land divisions shall be processed under the Type II procedure unless a

hearing is requested pursuant to NMC 15.100.040(G). These procedures shall apply to the tentative plan approval. If there is compliance with the approved tentative plan requirements and conditions, the director shall approve final plats ~~and maps~~ for land divisions as a Type I development permit. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.1.]

15.235.020 Tentative plan application and copies.

An application for tentative plan approval of a land division shall be made by the person proposing the land division on a form provided by the director and meeting the submittal requirements identified in this code and in the application provided by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.240.2.]

15.235.030 Partition applications.

The tentative plan shall ~~be drawn with pencil or India ink on a good quality linen tracing cloth or suitable drafting material having the same or better characteristics of strength, stability and transparency and shall show all pertinent information to scale. The scale shall be standard, being stated in multiples of 10. one inch equals 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 100 feet or multiples of 100 feet.~~ The tentative plan shall contain the following information:

- A. Date, north point, scale, dimensions of all lines and a vicinity map locating the partitioning in relation to the surrounding area.
- B. Name and address of the land owner, all title holders, subdivider, mortgagee, if any, and the surveyor employed to make necessary surveys ~~and prepare the description of each tract involved.~~
- C. A statement regarding contemplated wastewater disposal systems and water supply systems.
- D. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets, location and size of wastewater and water lines (including laterals, drainage ways, and the location of power poles and any easements).
- E. Outline and location of existing buildings, trees and features to remain in place.
- F. Outline and location of existing buildings, trees, and features to be removed.
- G. Contour lines ~~related to federal or city data and statement of reference datum.~~
- ~~H. Legal description for each newly created parcel.~~
- ~~H.~~ Preliminary site grading and utility plan.
- ~~J.~~ Such additional information as is required by the director. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.241.1.]

15.235.040 Partition requirements – Type II.

The director shall approve a partition of three parcels or less under a Type II procedure if the resulting parcels comply with the following approval criteria:

A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the reasonable development of such remainder or adjoining land or access thereto.

B. The partition complies with this code and implementing ordinances and resolutions.

C. Either:

1. Improvements to be completed as part of the partition will be completed prior to final plat approval; or
2. The partitioner will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure the completion of all required improvements; or
3. A local improvement district shall have been formed to complete the required improvements; or
4. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction. [Ord. [2619](#), 5-16-05; Ord. [2529](#), 7-3-00; Ord. [2451](#), 12-2-96. Code 2001 § 151.241.2.]

15.235.050 Subdivision applications.

A. Drafting. The tentative plan shall show all pertinent information ~~to scale, normally at a scale of one inch equals 100 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. However, in all multiples of 100 feet to the inch. The scale shall be stated in multiples of 10.~~ Tentative plans for subdivisions shall be prepared by an ~~Oregon registered engineer or~~ Oregon licensed land surveyor.

B. Information Required. The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and ~~block~~ numbering of proposed subdivisions. Except for the words “town,” “city,” “place,” “court,” “addition,” or similar words, the name shall be clearly different than, and clearly pronounced differently than, the name of any other subdivision in the county, unless the subject subdivision is contiguous to or platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the ~~block~~ ~~lot~~ numbers of the subdivision of the same name last filed.

2. The date, north point, and scale of the drawing, and sufficient description to define the location and boundaries of the proposed subdivision and the names of all recorded subdivisions contiguous to such area.
3. The names and addresses of the owner and ~~engineer or~~ surveyor.
4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the transportation system plan.
5. The locations, names, ~~and~~ widths and grades of all existing and proposed streets and roads.
6. Contours on the site and within 100 feet of the site and statement of reference datum.
 - a. One-foot contour intervals for ground slopes up to five percent.
 - b. Two-foot contour intervals for ground slopes between five and 10 percent.
 - c. Five-foot contour intervals for ground slopes exceeding 10 percent.
7. Preliminary site grading plan, prepared by an Oregon registered engineer or land surveyor.
8. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in NMC 15.505.080.
9. The approximate radii of all curves.
10. The general design of the proposed subdivision including the approximate dimension of all proposed lots and ~~parcels~~ tracts.
11. The approximate location of areas subject to inundation of stormwater, and the approximate location, average width, and direction ~~or of~~ flow of all watercourses.
12. The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
13. The domestic water system proposed to be installed, including the source, quality, and quantity of water, if from other than a public water supply.
14. All proposals for wastewater disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.

15. All public areas proposed to be dedicated by the applicant and the proposed uses of the public areas.

16. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.

17. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision is a part; provided, that where the proposal comprises all of such area a written statement of such fact shall accompany the tentative plan.

18. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to remain in place on the site and within 100 feet of the site.

19. Outline and location of existing buildings, features, and trees (in excess of four inches dbh) to be removed on the site.

20. Such additional information as is required by the director.

C. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.242.1.]

15.235.060 Subdivision requirements – Type II and Type III.

A. The director (Type II) or planning commission (Type III) shall approve a subdivision of four **parcels lots** or more under a Type II or Type III procedure if the resulting **parcels lots** comply with the following approval criteria:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.
2. The subdivision complies with this code including but not limited to NMC 15.340.010 through 15.440.080 and NMC 15.235.030 et seq.
3. Either:

- a. **Required Improvements** required to be completed prior to final plat approval; or
- b. The subdivider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or
- c. A local improvement district shall have been formed to complete the required improvements; or
- d. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.

B. A subdivision shall be processed under the Type II or Type III procedure. Notice shall be mailed to the applicant and those identified by this code to receive notice. [Ord. 2619, 5-16-05; Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.242.2.]

15.235.070 Future street plan required.

A. A future street plan shall not be required for any portion of an area for which a proposed street layout has been established by either the Newberg comprehensive plan, its implementing ordinances, or a future street plan previously approved by a hearing body.

B. A future street plan is a conceptual plan in that its adoption does not establish a precise alignment. The plan shall demonstrate how access can be provided to adjoining parcels. The director may require that a traffic study be submitted where access to the land division includes streets that are classified as a collector or greater functional classification status.

C. Except as provided in subsection (A) of this section, a future street plan shall be filed and reviewed as part of an application for a partition or subdivision. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.243.1.]

15.235.080 Type III future street plan.

The city council or planning commission may initiate a future street plan for any area which impacts traffic conditions inside the urban growth boundary, providing the street plan is given consideration through a Type III procedure. [Ord. 2451, 12-2-96. Code 2001 § 151.244.]

15.235.090 Recording and filing a future street plan.

Upon final approval, a future street plan shall be recorded with the county recorder's office as follows:

A. Evidence of recordation shall be provided to the director by the applicant; or if there is no applicant, the director shall record the future street plan.

B. Filed by the director in the future street plan index. [Ord. 2451, 12-2-96. Code 2001 § 151.245.]

15.235.100 Revision of a future street plan.

An approved future street plan may be revised by the director under a Type II procedure in conjunction with a land division application or by the planning commission under a Type III procedure. An approved future street plan may be revised by the city council in conjunction with a revision of the Newberg comprehensive plan or implementing ordinances or resolutions. [Ord. 2451, 12-2-96. Code 2001 § 151.246.]

15.235.110 Criteria for approval of a future street plan.

A. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto; and

B. The future street plan complies with this code and its implementing ordinances and resolutions, and standards and policies of the Newberg comprehensive plan and the Newberg transportation system plan.

C. Except as provided by the provisions of this code, approval as stipulated herein does not relieve the applicant from other applicable provisions of the Oregon Revised Statutes or contained elsewhere in this code.

D. The future street plan shall adequately serve traffic with an origin in, and destination to, the area of the plan.

E. The future street plan shall provide for the logical extension of streets, to serve circulation and access needs within a district or neighborhood. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.247.]

15.235.120 Tentative plan expiration date.

Within two years following the effective date of the approval of a tentative land division plan, the subdivider or partitioner shall complete all required conditions, submit the final plat to the director for review and approval, and record the final plat with the county recorder. [Ord. 2529, 7-3-00; Ord. 2451, 12-2-96. Code 2001 § 151.248.]

15.235.130 Extension of partitions and subdivisions.

A. Partition Extension. The director may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process the director may add conditions to the partition to bring the partition into compliance with all current standards and ordinances and

extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new partition.

B. Subdivision Extension. Upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, the director may grant a one-time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the director makes a finding that the circumstances have changed to a minor extent, through the Type II process, or Type III process, an extension may be granted. The Type II process shall be used if original approval was a Type II. The Type III process shall be used if the original approval was a Type III. The director or planning commission may add conditions to the subdivision to bring the subdivision into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the director shall direct the applicant to refile the application for a new subdivision.

C. Phased Subdivisions. Each filing of a final plat (phase) shall extend the expiration of the tentative plan by 12 months from the date of its expiration or the date of the previously filed final plat, whichever is later. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (B) of this section. The extension of a phase under subsection (B) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the tentative plan more than five years from its approval. [Ord. [2451](#), 12-2-96. Code 2001 § 151.249.]

15.235.140 Modifications of an approved tentative plan.

Following tentative plan approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or major modification.

A. Minor modifications are those in keeping with the general layout and pattern of the approved plan and include minor relocations of property lines, streets, walkways and alleys, changes in the site utilities, and changes which do not increase the number of lots by more than five percent. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved tentative plan, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original tentative plan.

B. Other modifications including changes which increase the number of lots by more than five percent, changes in the patterns of streets, alleys, or walkways, changes in the site utilities and substantial changes to the conditions of approval are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. Major modifications may be approved using the same procedure as the original application. The criteria for approval shall be those for tentative plan approval.

C. An application for a modification shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.

D. The city council shall establish a fee for modification of approved tentative plans by resolution. [Ord. 2590, 11-6-03. Code 2001 § 151.249.2.]

15.235.150 Final partition ~~map~~ and subdivision plats – Drafting requirements.

~~A. Partition Plats. The application for final partition plat approval shall include one original and two copies drawn in black India ink in clear and legible form. Original plats shall be in substantial conformity to the Yamhill County surveyor's specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be specified by the county recording officer for partition plats offered for record.~~

BA. Subdivision Final Plats.

1. The application for a final partition or subdivision plat approval shall include one original and two exact copies, 18 inches by 24 inches in size, and drawn with black India ink. Original plats and exact copies shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County surveyor's specifications and requirements pertaining to ink and material that has characteristics of adequate strength and permanency, as well as sheet size and suitability for binding and copying.

2. Plats shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed upon three or more sheets. Scale requirements shall be the same as specified for tentative plans adjusted in multiples of ten (10) such that all lettering, symbols, line styles, and dimensions and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer than one inch to any edge of any sheet. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.1.]

15.235.160 Submission and review of final partition or subdivision plat ~~or final partition map~~.

A. The final subdivision or partition plat ~~or final partition map~~ shall be submitted to the director for final approval. Through a Type I procedure, the director shall determine whether the material conforms with the tentative plan approval requirements and with the applicable requirements of this code. If the director determines that the material does not conform, the applicant shall make corrections.

B. The director shall determine that:

EXHIBIT "A" TO
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1. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the city.
3. The proposal complies with this code.
4. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.
5. The plat contains a donation to the public of all common improvements within rights-of-way, tracts of land, or easements dedicated to the public or to the city, including but not limited to streets, roads, parks, stormwater systems, wastewater disposal and water supply systems.
6. Explanations and maintenance provisions for ~~of~~ all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition and intended to be privately owned and maintained have been accounted for and referenced on the plat.
7. There will exist an adequate quantity and quality of water and an adequate wastewater disposal system to support the proposed use of the land described in the plat.
8. Either:
 - a. Improvements as required by this code or as a condition of tentative plan approval have been completed ~~filed with the director~~; or
 - b. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the director in sufficient amount to insure the completion of all required improvements; or
 - c. A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.
9. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
10. The subdivider has entered into agreement with the city relating to completion of improvements, payment of wastewater and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.

C. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat ~~or final map~~ is not recorded by the tentative plan expiration date, the tentative land division approval is null and void. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.2.]

15.235.170 Information required.

The proposed subdivision or partition plat must contain the following information with respect to the subject area:

A. The lengths of all chords, radii points of curvature, and tangent bearings shown.

B. The lot lines of all lots within the subdivision, or all parcel lines within the partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot or parcel.

C. Numbers designating each ~~block and~~ lot in subdivisions, ~~or each parcel in partitions~~, lots ~~or parcels in each block~~ to be numbered consecutively.

D. Where a ~~subdivision~~ plat is an addition to a plat previously recorded, numbers of ~~blocks and~~ lots in consecutive continuation from such previous plat.

E. The description and location of all permanent reference monuments, including a ~~two (2) ties~~ to the city ~~Oreogn State Plane~~ coordinate system ~~as defined by Oregon Revised Statutes~~.

F. An affidavit of a surveyor who is an ~~Oregon registered engineer or~~ Oregon licensed land surveyor, and who surveyed the subdivision or partition, conforming to the requirements of the Oregon Revised Statutes.

G. The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or partition.

H. The locations, names and widths of all streets, existing or created.

I. The location, dimensions, ~~and~~ purpose ~~and beneficiary~~ of all recorded and proposed public and private easements and all reserve strips shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

J. Before a partition or subdivision ~~plat~~ can be approved, there shall appear thereon a restriction providing that no building, structure, or other obstruction shall be placed or located on or in a public utility easement.

K. A designation of all areas covered by water, and the approximate location and direction of flow of all watercourses.

L. A designation of all areas dedicated by the applicant, including proposed uses, and an effective written dedication of the areas.

M. Designation of all areas reserved for donations to the public of all common improvements, including but not limited to streets, roads, parks, stormwater systems, wastewater disposal and water systems, the donation dedication of which was made a condition of approval of the tentative plan for the subdivision or partition.

N. A copy of all protective deed restrictions and maintenance agreements being proposed and reference to recording of proposed restrictions and agreements on the face of the plat.

O. A title report issued no more than thirty (30) days prior to the date of final plat recordation by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public and listing title insurance exclusions. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.250.3.]

15.235.180 Approval signatures for final partition map and subdivision plats.

~~A. Approval of a final partition map, together with the effective date, shall be noted in writing on the final map by the director.~~

~~BA.~~ Approval of a final partition or subdivision plat shall be acknowledged by including on the plat the authorized signature of:

1. The director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.
2. The county assessor, certifying that all taxes on the property have been paid or bonded for in accordance with state law.
3. The county or city surveyor, certifying that the subdivision plat complies with applicable survey laws.
4. The city surveyor recorder, whose signature shall certify that all liens on the property have been paid indicate acceptance by the City of public improvements and rights-of-way, land and easements granted to the city or to the public as indicated on the final plat.
5. Additional county officials as required by the county surveyor.

~~CB.~~ Deliver one original and two exact copies of the approved subdivision plat to the office of the county clerk for recording.

~~DC.~~ Return one of the approved an exact copies of the recorded plat to the director. The copy shall be made with permanent black India-type ink or silver halide permanent photocopy on three millimeter polyester film. [Ord. 2451, 12-2-96. Code 2001 § 151.251.]

Cross-reference: See ORS 92.095 for prepayment of taxes before recording of subdivision plats can occur.

Article II. Standards for Land Divisions

15.235.190 Dedication.

A. Generally. The director may require right-of-way for adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant of such design and in such locations as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this code.

B. Special Safety Requirements. Where necessary to ensure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subject area, the director may require that local streets be so designated as to discourage their use by nonlocal traffic.

C. Ownership Verification of Dedications. In the event approval of a land division is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the director a title report issued **within the past thirty (30) days** by a title insurance company licensed in the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

D. Approval Required on Dedications. No instrument dedicating land, **rights-of-way or easements** to the public **or to the city** shall be accepted for recording unless such instrument bears the **approval authorized signature** of the **city surveyor director**.

E. Inclusion of a transportation route in the transportation plan is intended to indicate the public's need to acquire a public right-of-way in the area through legally and constitutionally allowed means. Notwithstanding other provisions of this code or the comprehensive plan, inclusion of such a route does not restrict the use of the property by the owner who owns the property when the route is first included in any city plan, unless the review body finds the restriction is exempt from those provisions of ORS Chapter 197, as amended by Ballot Measure 49, passed November 6, 2007, or that just compensation will be paid in accordance with that section. [**Ord. 2005-2619**, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.1.]

15.235.200 Lot and parcel side lines.

As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lots or parcels face, except that on curved streets they shall be radial to the curve. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.2.]

Penalty: See NMC 15.05.120.

15.235.210 Suitability for intended use.

All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, as determined by the director, in accordance with this code. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.3.]

Penalty: See NMC 15.05.120.

15.235.220 Future subdivision or partition of lots or parcels.

Where the subdivision or partition will result in a lot or parcel one-half acre or larger in size, which in the judgment of the director is likely to be further divided in the future, the director may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this code, and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the director deems it necessary for the purpose of future land division. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.4.]

15.235.230 Platting standards.

A. Drainage. Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water, or is traversed by any watercourse, channel, stream, or creek, the director may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements approved by the director for protection of such needs by conveying ownership of such drainage purposes to the city or to an incorporated drainage district, or domestic water supply district, within which such land may be located.

B. Railroads.

1. Crossings. Special requirements may be imposed by the director, including but not limited to provisions for separation of street and railroad grades, connection with any railroad crossing, which will immediately affect the safety of the residents of the subdivision or partition, for the protection of such residents and the safety of the general public in accordance with the purpose of this code.

2. Subdivision or Partition Adjacent to Right-of-Way. Where the subdivision or partition is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way.

C. Partial Development. Where the subdivision or partition include only a part of the area owned by the applicant, the director may require a sketch of a tentative layout of streets in the remainder of said ownership.

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D. Unsuitable Areas. Areas subject to slippage, flooding, or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, or the general public. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.252.5.]

Penalty: See NMC 15.05.120.