

## **CHAPTER 2.4 SUBDIVISIONS AND MAJOR REPLATS**

### **Section 2.4.10 - BACKGROUND**

The division of land is the first step toward establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or a partition procedure. A *subdivision procedure* is used when four or more units (generally called "lots") of land are created in a calendar year. Subdivision applications are reviewed by the Planning Commission and frequently involve creation of an internal street to provide access. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design. Procedural provisions for Planned Developments are addressed in Chapter 2.5 - Planned Development.

A *partition procedure* is used when three or fewer units (generally called "parcels") are created in a calendar year. Partitions may or may not involve creation of a street. Partition applications are reviewed by City staff and do not go through a public hearing, except upon appeal. Partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

This chapter presents the review process and plat requirements for subdivisions. Chapter 4.4 - Land Division Standards discusses lot and street design requirements and therefore must be reviewed in conjunction with this chapter in creating and developing a subdivision.

### **Section 2.4.20 - PURPOSES**

Land division review procedures are established in this chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- d. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
- e. Promote energy efficiency.

## **Section 2.4.30 - TENTATIVE PLAT REVIEW PROCEDURES**

When an application is filed for a subdivision, it shall be reviewed in accordance with the following procedures.

### **2.4.30.01 - Application Requirements**

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

**Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable requirements.**

Applications shall be made on forms provided by the Director and shall be accompanied by:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject propert(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of the graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the tentative plat and any other graphic(s), with sheet size not to exceed 24- by 36- in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. **Graphic Requirements**

A tentative subdivision plat application shall include the following information where applicable:

1. Public notice map (typically a street map at 1 in. = 800 ft. as per the City's public notice format);

2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
4. Existing land use map (typically a topographic map that extends at least a 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
5. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
  - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
  - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
  - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include

certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

- (d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

- 6. Tentative subdivision plat and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

The tentative subdivision plat and related graphics shall include:

- (a) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat;
- (b) Boundary of the proposed development site and any interior boundaries related to proposed development phases or land divisions;
- (c) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any significant natural features. A slope analysis shall be included on a topographic map of the site to identify slopes with a grade of less than 10 percent, 10 - 15 percent, greater than 15 percent and less than 30 percent, and in excess of 30 percent. The boundaries of the sloped areas shall be clearly identified and the areas discernable from other areas (through the use of different shade patterns, cross-hatching, etc.). Topographic contours at 2-ft. intervals shall be provided for slopes under 20 percent and at 5-ft. intervals for slopes at or greater than 20 percent;
- (d) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;

- (e) General location of existing and proposed structures and other improvements, including building types and gross density per acre for residential developments; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, and walkways; and proposed use restrictions. An indication of approximate building envelopes may be required to evaluate building relationships;
- (f) Location and dimensions of areas to be conveyed, dedicated, or reserved as common green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
- (g) Existing and proposed general circulation system plan and dimensions including streets, bikeways, off-street parking areas, service areas, loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
- (h) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems and indicating proposed treatments of points of conflict;
- (i) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- (j) Identification of significant natural features that were included on the significant natural features map(s) required in "5" above to indicate the relationship of the proposal to the site's significant natural features;
- (k) Proposed topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent. Where the grade of any part of the subdivision exceeds 10 percent or where the subdivision abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from individual

lots will be managed, and how the subdivision's surface waters will be disposed;

- (l) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;
- (m) For residential development, existing structures and trees located on land adjacent to the development that, between 10 a.m. and 3 p.m. on November 21, will reduce solar access to the subject property;
- (n) For residential development, location of existing structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved, and the shadow patterns of trees at their mature height for the reference period from 9 a.m. to 3 p.m. on November 21;
- (o) For residential development, the location of solar collectors on land adjacent to the development for which solar access permits have been granted;
- (p) For residential development, a copy of the tentative plat showing intended housing types per lot, when required to satisfy housing type variation provisions within the relevant zone. Single-family detached housing need not be identified. A deed declaration will be required to enforce the variations in housing types and ensure that Code and Comprehensive Plan densities are maintained. Single-family detached housing need not be enforced through the deed declaration;
- (q) For residential development, a copy of the tentative plat showing which lots are intended to have solar access protection, and showing an area on each lot available for construction of a solar-access protected dwelling; and
- (r) For residential development, a proposed solar envelope for each lot as necessary for solar access protection consistent with Chapter 4.6 - Solar Access.

**f. Narrative Requirements**

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the tentative subdivision plat. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the

review criteria in 2.3.30.04 below, including the development standards required by this Code.

2. Detailed statement outlining timing, responsibilities, maintenance, and financial assurances for all public and non-public improvements to be constructed or installed including:
  - (a) Provisions for domestic water supply including source, quality, and approximate quantity;
  - (b) Provisions for sewage disposal, storm drainage, and flood control;
  - (c) Provisions for improvements and maintenance of common areas and private roads and drives, if proposed; and
  - (d) Proposed landscaping and irrigation.
3. Quantitative data for the following, where appropriate :
  - (a) Total number and type of dwelling units;
  - (b) Parcel and lot sizes;
  - (c) Proposed lot coverage of buildings and structures, where known;
  - (d) Gross densities per acre;
  - (e) Total square footage of green area (lands not designated for buildings or vehicle parking and maneuvering areas); and
  - (f) Total square footage of nonresidential construction.
4. Statement describing phases of project, if proposed. Phases shall be:
  - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
  - (b) Arranged to avoid conflicts between higher and lower density development;
  - (c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and

- (d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the subdivision.

5. Traffic impact study prepared by a licensed transportation engineer.

#### **2.4.30.02 - Acceptance of Application**

- a. The Director shall process the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

#### **2.4.30.03 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

#### **2.4.30.04 - Review Criteria**

Requests for the approval of a tentative subdivision plat shall be reviewed to ensure consistency with the purposes of this chapter and the provisions of this Code. Pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "a" through "n" below, as applicable. If an application demonstrates compliance with the standards in chapters 3.1 through 4.10 of this Code, the application shall be deemed to have met the purposes of this chapter and the compatibility criteria in "a" through "n" below.

- a. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
- b. Visual elements (scale of potential development, etc.);
- c. Noise attenuation;
- d. Odors and emissions;

- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and offsite parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
- m. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
- n. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

#### **2.4.30.05 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. The public hearing shall pertain to whether the application meets the provisions of this Code. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative subdivision plat. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.4.30.06 - Notice of Disposition**

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.4.30.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.4.30.08 - Effective Date**

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

#### **2.4.30.09 - Effective Period of Tentative Subdivision Plat Approval**

Tentative subdivision plat approval shall be effective for a 2-year period from the date of approval. If the applicant has not submitted a final subdivision plat within the 2-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.

### **Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES**

#### **2.4.40.01 - Application Requirements**

Three originals of the final subdivision plat, as well as an electronic version of the plat that is compatible with City formats, shall be submitted to the Director. The final subdivision plat shall conform to the approved tentative subdivision plat and Article IV - Development Standards, except where modified by a Planned Development approval (see Chapter 2.5). The final subdivision plat shall also meet Benton County's survey and subdivision plat standards and contain or be accompanied by the following information:

- a. Name of the subdivision;
- b. Date, north arrow, scale, legend, and existing features such as highways and railroads;
- c. Legal description of subdivision boundaries;
- d. Reference and bearings to adjoining recorded surveys;
- e. Exact location and width of streets and easements intersecting the boundary of the subdivision;
- f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
  1. Lot numbers shall begin with the number "1" and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;
  2. Block numbers shall begin with the number "1" and shall be numbered consecutively without omission or duplication throughout

the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the final subdivision plat. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering of the original subdivision. The numbering sequence shall follow the same sequence as sections in a township; and

3. Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to a subdivision of the same name shall continue the numbering of the original subdivision.
- g.** Street rights-of-way indicating widths of the rights-of-way and lengths of center lines with dimensions to the nearest 0.01-ft; and bearings, deflection angles, radii, arcs, points of curvature, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings;
  - h.** Subject to Director approval, the name and width of proposed and existing streets; width of any existing right-of-way; and width on each side of street center lines. For streets on a curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated;
  - i.** Easements, clearly identified by fine dotted lines and, if already of record, their recorded reference. If an easement is not definitely located or recorded, a written statement defining the easement is required. The easement's width, length, bearing, purpose, and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated via the plat, it shall be properly referenced in the owner's certificates of dedication. The City Engineer shall approve written statements defining all easements;
  - j.** Locations and widths of waterways, drainageways, and other watercourses for review in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions;
  - k.** Locations and widths of railroad rights-of-way; and locations and widths of reserve strips at the end of or along the edge of incomplete streets on the subdivision boundary;
  - l.** Parcels to be dedicated to the City shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel;
  - m.** Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land;

- n. Clear identification of lots that have solar access height limitations, including a brief explanation and a reference to documents that specify exact height limits for each lot (see Chapter 4.6 - Solar Access);
- o. For residential development:
  - 1. A copy of the recorded final subdivision plat shall be provided to the Development Services Division. The copy shall indicate the housing types on the lots that satisfy the housing type variation provisions within the relevant zone. Single-family detached housing need not be identified;
  - 2. To enforce these required housing types, a deed declaration shall be provided for each affected lot; and
  - 3. A note shall be provided on the final subdivision plat that informs lot owners about the existence of deed declarations, describing the housing type that may be built.
- p. The following certificates, established by State law, may be combined where appropriate.
  - 1. Certificate signed and acknowledged by the owner(s) of record of the land to be subdivided, offering to dedicate all parcels of land for public use and offering to dedicate rights of access to and from prescribed streets, lots, and parcels of land;
  - 2. Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat;
  - 3. Certificate for execution by the chair of the Planning Commission on behalf of the Planning Commission;
  - 4. Certificate for execution by the City Engineer;
  - 5. Certificate for execution by the City Finance Director;
  - 6. Certificate for execution by the County Surveyor;
  - 7. Certificate for execution by the County Director of Finance and Tax Collection;
  - 8. Certificate for execution by the Benton County Assessor; and
  - 9. Certificate for execution by the Benton County Board of Commissioners.

#### **2.4.40.02 - Additional Materials**

The following additional information shall be submitted with the final subdivision plat:

- a. Complete and accurate survey made by a registered or licensed surveyor and pertaining to the land to be subdivided;
- b. Traverse data on standard work sheets or accurate and complete electronic computations, showing closure of the exterior boundaries of the subdivision and of each block in the subdivision;
- c. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs) or a written statement signed by the applicant establishing no such restrictions. CC&Rs shall reference Code requirements affecting the housing type and design of residential structures;
- d. Title guarantee by a Benton County title company doing business in Benton County, showing names of persons whose consent is necessary for preparation of the final subdivision plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements offered for dedication;
- e. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer; and
- f. Copy of solar envelopes for each lot as necessary for solar access protection consistent with Chapter 4.6 - Solar Access.

#### **2.4.40.03 - Dedications and Public Utility Requirements**

- a. The following items shall be dedicated for public use at the time the final subdivision plat is filed:
  1. Parcels of land shown on the final subdivision plat as intended for public use;
  2. Streets, sidewalks, multi-use paths, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat; and
  3. Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be surrendered.

- b. Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land to be dedicated for public use, including but not limited to rights-of-way, drainageways, open space, and easements. Environmental assessments shall be conducted in accordance with Chapter 4.0 - Improvements Required with Development.

#### **2.4.40.04 - Designation and Conveyance of Reserve Strips**

Reserve strips 1 ft. wide may be required across the ends of incomplete streets adjoining unsubdivided land or along half streets adjoining unsubdivided land. These strips shall be designated on the final subdivision plat and included in the dedication granting the City's right to control access over the reserve strips to ensure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.

#### **2.4.40.05 - Monumentation Requirements**

- a. Monuments shall be set according to provisions of State law.
- b. The surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the City Engineer. Setting of interior monuments may be delayed with approval of the Planning Commission as provided in "d" below.
- c. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with State law.
- d. Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that the applicant:
  - 1. Shows that it is necessary and practical to delay interior monumentation;
  - 2. Agrees to furnish a bond or cash deposit in an amount equal to 120 percent of the estimated cost of performing the work for interior monuments; and
  - 3. Signs an agreement with the project surveyor and City Engineer. The agreement shall state the following:
    - (a) Amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat;
    - (b) Amount the surveyor is to be paid for the work of establishing the interior monuments;

- (c) Adherence to the rules for post monumentation as provided in ORS Chapter 92;
- (d) Date when monumentation will be completed; and
- (e) Other particulars that may be necessary to ensure complete monumentation at a later date.

#### **2.4.40.06 - Review of Final Subdivision Plat Application and Review Criteria to Determine Compliance with a Tentative Subdivision Plat**

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved tentative subdivision plat. It shall be deemed to be in compliance when it does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of tentative subdivision plat approval. "Specific requirements" include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat.

Within 14 days after receiving an application for a final subdivision plat, the Director shall review it for compliance with the above submittal requirements and for consistency with the approved tentative subdivision plat. If an application is consistent with the approved tentative subdivision plat but is incomplete, the Director shall notify the applicant and state what is needed for a complete application.

#### **2.4.40.07 - Coordination by Director**

The Director shall coordinate review of the final subdivision plat in accordance with the provisions in section 2.4.40. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures: Planning Commission chair, City Engineer, City Finance Director, County Director of Finance and Tax Collection, County Assessor, County Surveyor, and County Board of Commissioners. The City Engineer may enter the property to verify that the map is sufficiently correct.

#### **2.4.40.08 - Installation of Required Improvements**

Before obtaining the signature of the City Engineer, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required improvements to public streets, sanitary sewers, storm drainages, water systems, sidewalks, and multi-use paths; electrical power, natural gas, cable television, and telephone services; and other improvements required with the tentative plat approval. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:

- a. **Install Improvements** - The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. For this procedure, the subdivision plat shall contain all the required certifications except those of the County Surveyor and the Board of County Commissioners. The subdivision plat shall be held by the City until the improvements have been completed and approved by the City Engineer. Upon the City Engineer's approval, the City shall forward the final subdivision plat for certification by the Board of County Commissioners and then to the County Clerk for recording; or
  
- b. **Agree to Install Improvements** - The applicant may execute and file with the City an agreement with the City specifying the period within which required improvements shall be completed. The agreement shall state 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 applicant. A performance guarantee as provided below in section 2.4.40.08.01 shall be required. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility services will be provided as required by section 2.4.40.08.02 below; or
  
- c. **Form Improvement District** - The applicant may have all or part of the public improvements constructed under an improvement district procedure. For this procedure, the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year. The City may also limit the boundaries of the final subdivision plat to the area to be improved. A performance guarantee shall be required under the improvement district procedure.

**2.4.40.08.01 - Performance Guarantee**

If the applicant chooses options "b" or "c" in section 2.4.40.08, the following provisions shall apply:

- a. The applicant shall provide a performance guarantee in one of the following forms:
  - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form approved by the City Attorney; or
  - 2. In lieu of the surety bond, the applicant may:

- (a) Deposit with the City Treasurer money to be released only upon authorization of the City Engineer;
  - (b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
  - (c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
  - (d) Provide bonds in a form approved by the City Attorney;
  - (e) Provide a lien on properties in a form approved by the City Attorney and of sufficient value as demonstrated by a professional appraisal; or
  - (f) Provide other financial security as approved by the City Attorney.
- b. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
- c. If the applicant fails to carry out provisions of the agreement and the City incurs expenses as a result, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expenses incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expenses incurred, the applicant shall be liable to the City for the difference.

**2.4.40.08.02 - Franchise Utility Service**

Unless specifically exempted during the review of the tentative subdivision plat, prior to approval of the final subdivision plat the applicant shall:

- a. Install franchise utility services; or
- b. Provide financial assurances to the satisfaction of the City Engineer that electrical power, natural gas, cable television, and telephone service will be provided for each lot.

#### **2.4.40.08.03 - Removal of Existing Services**

If the City Engineer determines that existing public utilities or service connections are not required for the proposed subdivision, these utilities or connections shall be removed prior to filing of the plat.

#### **2.4.40.09 - Recordation of Final Subdivision Plat**

When all required signatures have been obtained for the final subdivision plat, the County Surveyor shall record the subdivision plat and any required covenants with the County Recorder.

#### **2.4.40.10 - Effective Date**

Authorization of the final subdivision plat shall become effective when the subdivision plat is recorded by the County Surveyor in accordance with section 2.4.40.09 above.

#### **2.4.40.11 - Notice of Recordation**

After the final subdivision plat is recorded, the County Surveyor will notify the applicant of the recording.

### **Section 2.4.50 - MAJOR REPLAT**

An application for a major replat shall be reviewed and processed in accordance with the tentative and final subdivision plat procedures in sections 2.4.30 and 2.4.40 above.

### **Section 2.4.60 - MINOR REPLAT AND LOT LINE ADJUSTMENTS**

Applications for minor replats or lot line adjustments shall be reviewed and processed in accordance with Chapter 2.14 - Partition, Minor Replats, and Lot Line Adjustments.

### **Section 2.4.70 - VACATING PLATS**

Applications for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats and with ORS Chapter 271.080.

### **Section 2.4.80 - TENTATIVE SUBDIVISION PLAT MODIFICATION**

#### **2.4.80.01 - Purposes of a Tentative Subdivision Plat Modification**

- a. Provide a limited amount of flexibility with regard to site planning for approved tentative subdivision plats; and

- b.** Provide elements within the development site that compensate for requested variations from approved tentative subdivision plats such that the intent of the original approval is still met.

#### **2.4.80.02 - Thresholds of a Tentative Subdivision Plat Modification**

Within one calendar year, up to three factors identified in “a” through “i” below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in “a” through “i” below, the changes shall be processed as a new tentative subdivision plat and shall follow the procedures outlined in section 2.4.30.

No modifications to specific requirements established at the time of tentative subdivision plat approval, including conditions of approval, Code requirements, and all aspects of the tentative subdivision plat proposal, can be made as a tentative subdivision plat modification, unless they are less than the thresholds outlined in items “a” through “i” below. The thresholds for a tentative subdivision plat modification are as follows:

- a.** Increase in the number of lots;
- b.** Decrease in the number of lots resulting in a decrease in dwelling unit density by more than three units for development sites 1 acre or smaller in size; or resulting in a decrease in dwelling unit density by more than five units or more than 10 percent, whichever is less, for development sites larger than 1 acre;
- c.** Change in the ratio of different types of lots;
- d.** Change in lot pattern that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate (or further separate) a building from pedestrian facilities, etc.);
- e.** Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;
- f.** Change in lot pattern that adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);
- g.** Increase by more than 10 percent in the potential floor area for nonresidential use;

- h.** Decrease by more than 10 percent in the common and/or usable green area; and
- i.** Decrease by more than 10 percent in project amenities for pedestrians and/or bicycles, recreational facilities, screening, and/or landscaping provisions.

#### **2.4.80.03 - Procedures for a Tentative Subdivision Plat Modification**

- a.** An applicant may petition for review of previously approved plans for purposes of modifying a tentative subdivision plat, stating reasons for the changes.
- b.** Where the Director determines that the proposed changes qualify as a tentative subdivision plat modification in accordance with the thresholds outlined in section 2.4.80.02, the Director shall administratively process the application as a tentative subdivision plat modification. The tentative subdivision plat modification may be approved, conditionally approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section 2.4.80.02, the changes shall be processed as a new tentative subdivision plat and the applicant shall follow the procedures outlined in section 2.4.30.
- c.** In reviewing the proposed modification, the Director shall follow the procedures herein required for tentative subdivision plat modification.
- d.** To determine whether to authorize a tentative subdivision plat modification, the Director shall consider the review criteria in section 2.4.30.04 and the following additional review criterion:
  - 1.** New elements are provided that compensate for any negative effects cause by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.
- e.** Upon finding that the application qualifies as a tentative subdivision plat modification, the Director may consider the redesign in whole or in part of any tentative subdivision plat, to the extent that the redesign still falls within the thresholds outlined in section 2.4.80.02.
- f.** To the extent that the redesign does not exceed the thresholds outlined in section 2.4.80.02, notice for a tentative subdivision plat modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.

- g.** Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of the tentative subdivision plat modification shall be in accordance with sections 2.14.30.03 and 2.14.30.06 through 2.14.30.10 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

#### **2.4.80.04 - Determining Compliance with a Tentative Subdivision Plat Modification**

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved tentative subdivision plat modification. It shall be deemed to be in compliance if it does not involve deviations from Code development standards (other than those that have been approved in association with an approved Planned Development), and does not involve changes to any specific requirements established at the time of tentative subdivision plat modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat modification.