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. Residential Subdivision applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Nonresidential Subdivision applications are reviewed by the Planning Commission. For the purposes of this Chapter, Residential Subdivisions are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Subdivisions are those with a Zoning Designation other than those for Residential Subdivisions. 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 the Director and do not go through a public hearing, except upon appeal. Partitions, in addition to procedures for Minor Replats and Property Line Adjustments, are addressed in Chapter 2.14 - Partitions, Minor Replats, and Property 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 this Code's applicable requirements.

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

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of 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;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. 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;

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Map - Typically one in. = 400 ft., but up to one 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 one 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, parks, schools, and Significant Natural Features identified by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;

5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

a) All information and preservation plans required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;

b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

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

6. Tentative Subdivision Plat and Other Graphics -

a) Tentative Subdivision Plat and other graphics for both Nonresidential and Residential Subdivisions 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 in this Section and "b," below.

1. Nonresidential Subdivision graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; 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, 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.

2. Residential Subdivision graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets and parcel boundaries; existing structures in excess of 100 sq. ft.; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Subdivision site, the Residential Subdivision graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Subdivision site and the existing infrastructure.

b) The Tentative Subdivision Plat and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;

3) 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, parking calculations, and walkways; and any proposed use restrictions. Where required by the applicable zone, Lot Coverage

and Green Area calculations shall be provided, as applicable. An indication of approximate building envelopes may be required to evaluate building relationships;

4) Location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), 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;

6) 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 for points of conflict;

7) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

8) 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;

9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Subdivision exceeds 10 percent and where the Subdivision abuts existing developed lots, a conceptual grading plan shall be required as follows:

a. <u>Conceptual Grading Plans for Residential Subdivisions</u> - Conceptual grading plans for

Residential Subdivision applications shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to the provisions in Chapter 4.5 - Natural Hazard and Hillside Development Provisions. The conceptual grading plan shall also indicate how runoff and surface water from individual lots will be managed, and how the Subdivision's surface waters will be managed. Additionally, the conceptual grading plan for Residential Subdivisions shall meet the requirements in "10," and "11," below;

b. Conceptual Grading Plans for Nonresidential Subdivisions - Conceptual grading plans for Nonresidential Subdivision applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Subdivision, 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 managed. Additionally, Nonresidential Subdivision applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;

10) For residential development, excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence;

11) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying zoning designation standards in Article III of

this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

12) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;

13) For residential development, a copy of the Tentative Subdivision 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 this Code's densities and Comprehensive Plan densities are maintained. Single-family detached housing need not be enforced through the deed declaration;

14) 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;

15) 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;

16) For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted;

17) For residential development, a copy of the Tentative

Subdivision 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;

18) For residential development, a proposed solar envelope for each lot as necessary for Solar Access protection consistent with Chapter 4.6 - Solar Access; and

19) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat.

g. 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 Section 2.4.30.04 below, including the development standards required by this Code;

2. 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; and

   f) Total square footage of nonresidential construction;

3. 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.

4. Statement describing phases of project, if proposed. Phases shall be:

a) For Nonresidential Subdivisions - Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project;

b) Designed to Address Compatibility:

1) For Nonresidential Subdivisions - Addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development;

2) For Residential Subdivisions - Uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A Residential Use permitted outright within an existing zone is considered to be compatible with Uses permitted outright within existing neighboring zones;

c) For Nonresidential Subdivisions - Properly related to other services of the community as a whole and to those facilities and services yet to be provided;

d) For Nonresidential Subdivisions - 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; and

e) For Residential Subdivisions - Each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the Subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The Subdivision and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

5. Traffic impact study -

a) Nonresidential Subdivisions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be

proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.

6. Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable.

2.4.30.02 - Acceptance of Application

a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public Hearings. The Director shall process Residential Subdivisions in accordance with the procedures in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public Hearings. Notice for a Residential Subdivision shall be provided in accordance with Section 2.14.30.03.

c. After an application is accepted as complete, any revisions to it 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

a. **Nonresidential Subdivisions** - For a Nonresidential Subdivision, the Director shall prepare a report that evaluates whether the proposal complies with the review criteria outlined in Section 2.4.30.04.a below. The report shall include a recommendation for approval or denial and, if needed, a list of Conditions of Approval for the Planning Commission to consider if an approval is granted.

b. **Residential Subdivisions** - For a Residential Subdivision, the Director shall prepare a Notice of Disposition that contains findings as to whether the

proposal complies with the applicable review criteria outlined in Section 2.4.30.04.b, below; a decision for approval or denial; and, if needed, a list of Conditions of Approval if an approval is granted.

2.4.30.04 - Review Criteria

a. **Nonresidential Subdivisions** - Requests for the approval of a nonresidential Tentative Subdivision Plat shall be reviewed to ensure consistency with the purposes of this Chapter and the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-13" below, as applicable.

1. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

2. Visual elements (scale of potential development, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

13. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

b. **Residential Subdivisions** - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be

designed to fit the topography of the site to ensure compliance with these Code standards;

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.

4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

2.4.30.05 - Action

a. **Action by the Planning Commission for Nonresidential Subdivisions** - The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. 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.

b. **Action by the Director for Residential Subdivisions** - Following the staff evaluation outlined in Section 2.4.30.03, the Director shall approve, conditionally approve, or deny the Tentative Subdivision Plat. The Director’s decision shall include findings that specify how the application has or has not complied with the above review criterial.

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 Director or Planning Commission, whichever the decision-maker as outlined in this Chapter, 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 Director or 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 two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-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 - Planned Development. 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 - Natural Hazard and Hillside Development Provisions and Chapter 4.13 - Riparian Corridor and Wetland 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. See also Section 4.9.80. 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 this Code's 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, as applicable.

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 one 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, as amended;

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 this Code's 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, this Code's 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 2.4.40.09 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 2.4.40.10 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.

2.4.40.09 - Performance Guarantee

If the applicant chooses options “b,” or “c,” in Section 2.4.40.08, above, 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.

2.4.40.10 - 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.

2.4.40.11 - 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.

2.4.40.12 - Building Permit Requirements Prior to Installation of Public Improvements

Prior to the issuance of Building Permits for parcels created prior to the completion of required public improvements, the following requirements shall be met:

a. The plat shall be recorded and the developer shall provide a performance guarantee for the public improvements meeting the requirements of Section 2.4.40.09;

b. Complete Public Improvements by Private Contract (PIPC) plans shall be authorized for construction by the City Engineer or the appointed designee;

c. The developer shall install water mains and operational fire hydrants for fire protection, or shall install a temporary water supply approved by the Fire Chief. Water lines shall be properly chlorinated and accepted for service so there is no danger of cross contamination;

d. The developer shall submit, in writing, a proposal indicating the lots for which there will be Building Permit applications submitted prior to the acceptance of the public improvements and how access to these lots, including adequate access for fire apparatus as determined by the Fire Chief, will be accomplished without damage to underground public improvements or to the street sub-base or pavement.

e. A written agreement between the developer and the City shall be signed stating that Building Permits issued to the developer would not authorize connection to the City water system unless the water lines have been accepted by the City and that the Building Permits would not authorize connection to the City sewer system unless the sewer lines have been accepted by the City;

f. A written statement from the developer shall be submitted stating that no City water will be utilized without the approval of the City;

g. The developer shall submit to the City Engineer, for review and approval, a proposal describing how wastewater generated from the building process will be managed without sewer service availability;

h. A written agreement from the developer shall be submitted stating that the project as-built drawings will be submitted to and accepted by the City Engineer prior to connection to the City water and sewer systems;

i. A written agreement from the developer shall be submitted stating all potential and actual lot purchasers have been informed in writing that required public improvements have not been accepted and the City is not liable regarding the timing of such acceptance and ability to connect or occupy;

j. All street identification signs shall be installed to facilitate emergency response and building inspection. Any signs damaged prior to final acceptance of the project by the City shall be replaced at the developer's expense; and

k. The written agreements and statements referenced above shall be submitted to the Building Official.

2.4.40.13 - Revocation of permits

The Director may revoke building or site development permits in response to violations of the provisions of this Section.

2.4.40.14 - 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.

2.4.40.15 - 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.

2.4.40.16 - 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 PROPERTY LINE ADJUSTMENTS

Applications for Minor Replats or Property Line Adjustments shall be reviewed and processed in accordance with Chapter 2.14 - Partition, Minor Replats, and Property 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, as amended.

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 Separating a Tentative Subdivision Plat Modification from the Requirement for a New Tentative Subdivision Plat

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, this Code’s 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 one 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 one acre; in no case shall density fall below the minimum density required for the zone;

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 off-site 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, such as 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:

> New elements are provided that functionally 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. 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 Property 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 this Code's 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, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Tentative Subdivision Plat Modification.