

CHAPTER 16: LAND DIVISION REGULATION

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CHAPTER 16.04: TITLE AND PURPOSE.

Section

16.04.010 Title
16.04.020 Purpose

§ 16.04.010 TITLE.

This title shall be known as the land division regulations of the City of Jacksonville, Oregon.

§ 16.04.020 PURPOSE.

This ordinance is enacted for the purpose of adopting subdivision regulations for the city, and for the purpose of accomplishing the following objectives:

- (A) Assist property owners in developing their property in an expeditious manner.
- (B) Better living conditions will be created within new subdivisions.
- (C) Land descriptions will be simplified and made more certain.
- (D) Necessary city streets, utilities and public areas may be extended without expensive land purchases.
- (E) Property values will be enhanced and secured in the subdivision and adjacent lands.
- (F) Purchasers will be protected from unexpected assessments.

CHAPTER 16.08: PLANNING COMMISSION AUTHORITY.

Section

16.08.010 Powers of the Planning Commission

§ 16.08.010 POWERS OF THE PLANNING COMMISSION.

(A) The planning commission is hereby designated as the approving agency with respect to subdivisions as provided in the state subdivision laws.

(B) The planning commission shall have all the powers and duties with respect to tentative plats, and the procedure relating thereto, which are specified by law and by Title 16.

CHAPTER 16.12: TENTATIVE SUBDIVISION PLANS.

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§ 16.12.02 SCOPE.

(A) Jacksonville's building history is generally one of individual or very small scale projects of less than two (2) or three (3) structures. Jacksonville's character is to a large extent defined by its uniqueness. Differentiation abounds, from street to street, from house to house.

(B) Typical development in the city varies from the "typical" development found in other, less uniformly historic, communities. While in larger cities, the separation of "new" and "old" districts is possible or even desirable, the compact nature of Jacksonville generally creates less distinct divisions, with new and old resources intermingling city-wide.

(C) Much of the non-compatible construction within the Jacksonville city limits is contained in post- 1960s subdivision areas, often built to standardized requirements contained within city or uniform building code that governs street width, curb design, materials, and other character defining features.

(D) Modern, larger scale, subdivisions, by nature tending toward uniform design, uniform setback, and uniform materials are, by definition counter to the city's character. Therefore, due to the historic significance of the City of Jacksonville, the following regulations are structured to encourage the approval of overall "development concepts" that are compatible to the City's National Landmark status, encourage the above described differentiation, and are not standardized "cookie-cutter" subdivisions.

§ 16.12.03 DEFINITION.

A land subdivision is the division of one (1) lot into four (4) or more lots or any division that will create a street. The land subdivision is used in situations where substantial engineering and improvement work will need to be done.

§ 16.12.04 APPLICATION CONFERENCE.

(A) It is in the best interests of the City to provide planning services that assist applicants in constructing appropriate developments. In that spirit, the City requires that prior to filing an application, a prospective applicant shall hold an application conference with the City Planner or his/her designee.

(B) The purpose of an application conference is to provide advice to prospective applicants regarding compliance with the purpose and requirements of this title, and to determine which application materials must be submitted to constitute a complete application.

(C) Given that the Jacksonville HARC and Planning Commission have differing scopes of review and both bodies may have to decide on separate aspects of the same proposal, the applicant shall be informed as to the process(es) involved with their proposal as presented at the application conference and the following flow chart shall be reviewed with each applicant to ensure their understanding of the time frames and decision-making bodies involved.

(ORD. 547, passed 5-17-2005)

§ 16.12.06 APPLICATION REQUIREMENTS.

All applicants shall submit to the City information and materials consistent with the requirements of this section. The City Planner is empowered to waive the submittal of any of the following application items, except filing fees, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall only occur following an application conference. If the City Planner position is vacant, all application materials must be submitted.

(A) Completed Application Form. The applicant must submit a completed application form signed by the owner of record of the real property covered by the application. If multiple owners are involved, the applicant shall submit a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

(B) Tentative Plan. The applicant shall submit eleven (11) complete copy sets of documents. Maps and drawings should be 11 x 17 and color when applicable. The applicant shall also submit a copy of the plan on sheets not less than eighteen (18") inches by twenty-four (24") inches at a scale of 1" = 50' with the following information: (Am. Ord. 579, passed 3-4-2008)

1. Proposed name and the title "Tentative Plan." The name shall not be similar to or pronounced the same as the name of any other subdivision in Jackson County except as provided in ORS 92.090, and shall be related to Jacksonville's historic context.
2. The name, address, and telephone number of all property owners, preparer of plan, surveyor, and engineers. The stamp of the registered professional preparer of the plan shall also be clearly indicated, along with the date the plan was prepared.
3. Boundary lines (to scale) of the tract to be divided. This shall include section lines, corners, city boundaries, monuments, and lot and block dimensions and other identifying numbers as deemed necessary. The plan shall also include a North arrow and the zoning of the subject and adjacent properties. Location by section, township, range, and tax lot sufficient to define the location and boundaries of the proposed tract shall be called out in the title block.
4. A vicinity sketch shown on the plat at a small scale (i.e., 1" = 400') showing all existing and adjacent subdivisions, streets, tract lines of acreage parcels, names of the recorded owners of parcels of land immediately adjoining the land to be divided, including properties across a street, and between it and the nearest existing or proposed public road.

5. Topographic contour lines having the following minimum intervals:

| Overall Site Elevation Difference | Contour Interval |
|--------------------------------------|---------------------|
| 0' - 25' | 2' |
| 26' - 50' | 5' |
| 51'+ | 10' |

With slopes indicated as follows:

Slopes twelve percent (12%) to twenty percent (20%) light shading.

Slopes exceeding twenty percent (20%) heavy shading.

6. The existing uses of the property including scaled location and present use of all existing structures with an indication as to whether they will remain on the property after platting. The accurate location and outline of the exterior walls of all existing (dotted line) and proposed (solid line) buildings and structures, with the square footages, uses, and heights of each shall be clearly noted. Include setback dimensions for front, side, and rear yards.
7. The general type, size and location of existing (dotted line) and proposed (solid line) trees, shrubs and ground cover, including the location, height, and type of trees having a caliper of one and one half inches or greater measured four (4) feet above the base of the tree. Groups of three (3) or more trees with a closed canopy may be indicated using scalloped lines. The Landscaping Plan shall include a diagram of irrigation system piping and sprinkler locations. Preference shall be given to native plants and drought resistant plants. Calculate irrigation water use for each month of the year. Include water conservation devices.
8. The accurate location, height, and dimensions of all signs which are not to be attached to buildings.
9. Existing (dotted line) and proposed (solid line) exterior walls and fencing, including specification of construction materials and height.
10. The location and type of all exterior lighting.
11. The location of existing major site features, including water courses (location, direction, and extent of streams and their high banks), wetlands, rock outcroppings, drainage swales, springs, woodlands, significant isolated trees, and other natural features which influence site layout and design. Any proposed changes to such site features shall be shown

12. The existing drainage demonstrating disposition of storm water runoff and the direction of flow for the site. A drainage Plan showing all proposed drainage ways, sized inlets, culverts, drainage lines, drainage easements, disposition of storm water runoff, and approximate slopes of drainage channels to demonstrate adequate disposition of storm water runoff. A grading plan is required if more than one hundred (100) cubic yards of material will be disturbed. Include slope calculations, contours, and erosion control.
13. The location and elevation of 100-year floodplains, and all other areas subject to seasonal flooding.
14. The location of special setback lines (see Chapter 17.80), along with the location, widths, and purpose of all existing, or proposed easements on or abutting the tract.
15. The location and size of all existing and proposed sanitary sewer mains, storm drains, water lines, fire hydrants, street lights and irrigation canals on and within one hundred (100') feet of the tract. Include wells, septic tanks, and drain fields, if applicable.
16. The location of waste handling facilities and outdoor storage areas, along with screening technique.
17. The typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.
18. Existing Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and abutting the tract. Source of datum shall be indicated on the plan and shall be acceptable to the review body.
19. Proposed Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and providing service for the direct benefit of the proposed land division, including approximate radius of curves and grades. Include entry and exit points for motor vehicles and pedestrians using off-street parking areas, and internal circulation patterns, and location of any street plugs required to direct future street extensions.
20. A Future Transportation Plan: The pattern of future transportation routes from the boundaries of the proposed land division to include other tracts within two hundred (200') feet of the proposed land division and properties to each side of a proposed route which will primarily benefit the proposed subdivision.
 - (a) A Future Transportation Plan shall not be required for any portion of the area for which a proposed street layout has been established by a Transportation System Plan previously approved by the governing body.

- (b) The Planning Commission may adopt a Future Transportation Plan submitted by an applicant, provided the Transportation Plan does not conflict with a Transportation System Plan previously approved by the governing body and contains only local streets.
- (c) If a Future Transportation Plan submitted by an applicant does conflict with a Transportation System Plan previously approved by the governing body or contains other than local streets, review and adoption of the Future Transportation Plan by the City Council will be required before a Tentative Plan can be approved.

- 21. The numbering, location, dimensions, and lot sizes (in square feet or acres) of all proposed lots and blocks.
- 22. The Building Envelopes necessary to show compliance with solar performance standards and other setback requirements. Approved building envelopes shall be enforceable and recorded as a supplement to the final plat and/or covenants, conditions, and restrictions.
- 23. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.

(D) Development Schedule. The applicant shall submit a construction timeline schedule showing all major events. If the project is to be constructed in phases, a schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan.

(E) Architectural Details. The applicant shall submit the details of any structures proposed to be built in conjunction with the proposed subdivision. The applicant shall acquire a Certificate of Appropriateness from the Historic and Architectural Review Commission (HARC) for such structures prior to Final Plat approval in accordance with the City's Historic Protection Regulations.

(F) Deed Restrictions. The applicant shall prepare preliminary covenants, conditions, and restrictions (CCRs) that affect all resulting properties in order to ensure the compatibility of the proposed subdivision with the historic character of Jacksonville. These CCRs shall also establish a homeowners association if necessary to address the development and maintenance of all common areas.

(G) A copy of the proposed covenants, conditions, and restrictions which will be applicable to the subject property shall be submitted to the Planning Commission and HARC. The proposed preliminary covenants, conditions, and restrictions are subject to the approval of HARC and, once approved, may not be substantially altered when presented back to the city in their final form.

(H) State Required Documentation. The applicant shall notify the State Historic Preservation Office of any project element calling for alteration of historically, architecturally, or archaeologically significant property. The applicant must mail one original packet to the state and submit a copy of the cover letter to the city.

Mail the original to:

Staff Architectural Historian
State Historic Preservation Office
Parks and Recreation Division
525 Trade Street SE
Salem, OR. 97310

The information must include a cover letter briefly describing the proposed project and a copy of all submittal information required by the city, including photographs.

(I) Photographs or Architectural Elevations of Adjacent Building(s) or Structure(s). The applicant shall submit photographs or drawings mounted on individual sheets of cardboard segregated by building showing elevations of all adjacent structures. Each elevation shall be properly identified as a north, south, east, or west elevation.

(J) Names and Mailing Addresses. The applicant shall submit the correct name and mailing address of all fee title holders of real property situated within 300 feet of the outer boundaries of the property covered by the application. The names and mailing addresses shall be submitted on an 8-1/2 by 11 inch sheet(s) of peel-and-stick transferable label paper. This information shall be provided to the City Recorder's office twenty-five (25) days in advance of the hearing at which the application is scheduled for consideration.

(K) Application Fee. The applicant shall pay an application fee for processing all applications. No part of any application fee is refundable. The amount for such fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the city.

(L) Legal description of the property. The applicant shall submit a land division guarantee issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premise.

(M) Supplemental Information. The applicant shall submit the following information:

1. Land use Tabulation:

- (a) Total Site Area (Acres).
 - (b) Area Dedicated to Public Right of Way (Acres).
 - (c) Useable Site Area (Acres - Item (a) minus item (b)).
 - (d) Density Factor Used (du/Acre).
 - (e) Maximum Allowable Dwelling Units (du-item (c) times item (d)).
 - (f) Actual Dwelling Units (du) total, and per stage of development.
 - (g) Area Recreation/Open Space (Acres and % Useable Site).
 - (h) Area Impervious Surface (Acres, # of parking spaces, and % Usable).
2. If the subdivision proposal is adjacent to any resource land, either in the City or in the County, a written mitigation plan is required that describes buffering techniques that will utilize current best management practices.
 3. A written disclosure to the effect that there are no special or unusual seismic, soils or geologic conditions on the site. If there are any such conditions, an engineer's report and recommendations as to mitigation of those concerns are required.
 4. A written statement that there are no wetlands on the subject. If, when compared to National Wetlands Inventory and soils maps, there are any wetlands identified on or potentially impacted by the tentative plan proposal, the Division of State Lands shall be notified at least 30 days prior to any hearing.
 5. Any documentation demonstrating compliance with the solar performance standards found in Chapter 17.56 of this Code.
 6. A statement showing the source and availability of the municipal water supply, sanitary sewer, adequate drainage, public parks, schools, transportation facilities, and police and fire services.
 7. A statement as to how the proposal satisfies all zoning requirements.
- (ORD. 547, passed 5-17-2005)

§ 16.12.08 ADDITIONAL REQUIREMENTS FOR COMMERCIAL PROPOSALS.

For Commercial land to be eligible for a subdivision, the applicant must submit a legitimate development proposal to substantiate the need for the subdivision and the ability of the resulting parcels to provide adequate off-street parking and loading. The applicant shall submit the following:

1. Parking Plan:

A parking plan must have adequate, convenient, well-marked and safely lighted off-street parking. Include shade trees and landscaping to ameliorate the effect of paved areas. Handicapped access is required. Loading areas must be safely integrated.

2. Pedestrian Plan:

A pedestrian circulation plan must provide adequate pedestrian access in the vicinity and within the project. The plan must provide hard surfaced, safely lit walkways suitable for use by the handicapped.

3. Traffic Plan:

A traffic plan must provide adequate vehicle circulation in the vicinity of and within the project and also must coordinate internal and external transportation networks, including bikeways and mass transit to extent possible. Traffic noise must be minimized.

4. Loading Plan:

A plan for loading dock or space must provide adequate room for safe truck backing and turning movements.

5. Public Safety Plan:

A plan that must eliminate areas that are neither clearly private nor clearly public and by using landscaping that allows maximum observation while providing desired aesthetics to minimize the likelihood of criminal activity.

6. Perimeter Plan:

A plan for the perimeter of the project that must protect adjacent properties from noise, visual incompatibility, light glare, heat pumps, fans, or other potential nuisances. This may be accomplished through screening, setbacks, site review, or other means.

§ 16.12.10 CONVERSION PLAN REQUIREMENT.

(A) If the land being subdivided is only a part of the land owned or controlled by the applicant or if the land will have additional division potential after the current proposal is completed, the applicant must submit a conversion plan for the un-subdivided portion, or convey the remaining development rights on that un-subdivided portion to a disinterested third party.

(B) The conversion plan must provide all of the graphic information required for a land subdivision as found in Sections 16.12.06 (B) (2), (3), (5), (6), (11), (12), (13), (14), (18), and (19) above, based on the ultimate practical number of lots allowable under the zoning. The conversion plan must show the location and gradient of the streets involved and how they will connect to existing streets and streets proposed for the new subdivision. The conversion plan must show how the presently proposed division will be compatible with the allowable ultimate land division. The conversion plan must be simultaneously recorded with the approved subdivision plat and shall be binding, unless amended with the Planning Commission's approval.

§ 16.12.12 PREPARATION OF TENTATIVE PLAN.

The tentative plan must be prepared under the direction of a registered civil engineer, or registered surveyor, licensed by the state of Oregon.

§ 16.12.14 DETERMINATION OF A COMPLETE APPLICATION.

If an application is incomplete, the city shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The applicant must submit all additional information within one hundred eighty (180) days from the date of initial submission. The application shall be deemed complete for purposes of this subsection upon receipt by the city of the missing information. The applicant must make available for public inspection at the Jacksonville City Offices, the complete application and all evidence to be used by the applicant in seeking approval no less than fourteen (14) days prior to the first public hearing date regarding the proposal.

§ 16.12.16 REFERRAL FOR REVIEW.

(A) On the same day the applicant submits the application to the City; the applicant must also mail or deliver copies of the application to each of the following:

1. School District.
2. Committee for Citizen Involvement.
3. State highway department if the property abuts a state highway.
4. Electric, natural gas, telephone, garbage, and cable TV utilities.
5. County surveyor.
6. Irrigation district if the property is within the district.
7. Affected Governmental Agencies and Special Districts, and others, as determined by the City Planner.

(B) Any comments received will be included in the staff report as part of the official record and distributed to the review body.

§ 16.12.18 LIMITED LAND USE DECISION.

Processing a land subdivision is a limited land use decision requiring discretionary decision-making. Subdivision approval shall be considered a "Limited Land Use Decision" and subject to the procedures established by ORS 197.195. Following review and a recommendation by the Site Plan Committee, the Planning

Commission shall approve, approve with condition(s), or deny the application based on the evidence and the application of the comprehensive plan and zoning ordinance criteria.

§ 16.12.20 PROPOSAL PRESENTATION.

The licensed professional who is retained by the applicant to prepare the application including the tentative plan, must supervise the presentation of the proposal before the planning commission and be available for questioning during the presentation.

§ 16.12.22 BURDEN OF PROOF.

The applicant must produce substantial evidence to support the requisite findings of compliance with all the standards and criteria applicable to subdivisions.

§ 16.12.24 CRITERIA FOR APPROVAL.

The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

1. That the applicant has submitted all the information required by this chapter.
2. That the project is compatible and suitable within the context of its surroundings as described in 16.12.02 Scope.
3. That all proposed deed restrictions have been approved by the HARC for historic compatibility.
4. That the project will maintain a high quality visual appearance, and to the extent possible, a distinct rural/urban transition at city limits along major city entryways.
5. That the project will be compatible with the use or character of any adjacent resource land.
6. That the project conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by steep slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the Jacksonville Comprehensive Plan, or where objective levels are not available, as determined by the Planning Commission.
7. That the project identifies, preserves, and protects natural wildlife habitats and wetlands.
8. That the project demonstrates the adequate availability of the following:
 - (a) public sanitary sewers

- (b) drainage facilities
- (c) municipal water facilities
- (d) transportation facilities
- (e) police and fire services
- (f) public elementary schools
- (g) improved parks or recreation facilities
- (h) solar access

Alternately, that the applicant agrees to provide, concurrent with the subdivision development, such improvements as would bring any inadequate facilities and services to the level necessary to accommodate the project.

- 9. That the project's proposed transportation plan affords the most economic, safe, efficient and least environmentally damaging circulation of people, goods, and information and layout of utilities and parking possible. In those circumstances where City Council approval of the project's Future Transportation Plan is required and not provided the planning Commission must deny the Tentative Plan.
- 10. That the project conserves and revitalizes any existing housing stock, particularly historic structures.
- 11. That the project, through sensitive housing and site design, minimizes the cost of housing and barriers to the handicapped.
- 12. That the project demonstrates that adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the Jacksonville Comprehensive Plan and this Code, and with the Jackson County Comprehensive Plan and Code, where applicable.
- 13. That the project complies with all design standards contained in this Title and applicable portions of the Comprehensive Plan, this code, and State and Federal Laws.

§ 16.12.26 CONDITIONS AND LIMITATIONS.

In granting a land subdivision permit, the review body may impose such reasonable conditions or limitations as it deems necessary to assure compliance with comprehensive plan and zoning ordinance criteria and standards, or State and Federal laws. The review body may require dedication of land and easements, and may specify conditions or modifications in the drawing to facilitate development, including but not limited to deed restrictions and constructed on-site and off-site improvements. All conditions of approval shall be satisfied prior to final plat approval unless otherwise specified by the review body.

§ 16.12.28 APPEAL.

The final action of the review body may be appealed as provided in Chapter 17.112.

§ 16.12.30 REVISED TENTATIVE PLAN.

Prior to receiving a development permit for the tentative plan, the applicant shall submit a revised plan to the Planning Commission demonstrating compliance with the conditions of tentative plan approval. The review body may waive this requirement if no significant modifications are required. Any significant modifications must be approved by the Planning Commission.

§ 16.12.32 FILING TENTATIVE PLAN

After the tentative plan has been approved, or approved as revised, two (2) copies are to be indelibly inscribed with the approval date and a reference adequately directing the reader to any documents that describe conditions of approval. One (1) copy of the inscribed tentative plan is to be given to the applicant and one (1) copy is to be filed with the city recorder.

§ 16.12.34 EXPIRATION OF TENTATIVE PLAN.

(A) Within eighteen (18) months following the effective date of approval of a tentative plan, improvements must be completed and the final plat shall be submitted to the City Planner and shall incorporate any modification or condition required by the approval of the tentative plan. If the improvements have not been completed or the final plat has not been submitted for approval, then the tentative plan shall become null and void.

(B) The planning commission may extend the validity for good cause, for one (1) additional year. An extension must be applied for in writing before the original eighteen months expire. Upon granting such an extension, the City Planner shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant taking the tentative plan back through the application process and that no other development approval would be affected.

§ 16.12.36 STAGED DEVELOPMENT.

When an applicant desires to record and develop subdivision plats in stages, the reviewing body may authorize a time for the submittal of the final plat and development in various stages. The time period may exceed one (1) year, but in no case shall the total

time period for all stages exceed five years without resubmission of the tentative plan application for review and approval. Each stage so platted and developed shall conform to the applicable requirements of this Code. Stages platted after one year are subject to further review against current standards for compliance with modifications or any changes in the Comprehensive Plan or implementing regulations.

§ 16.12.40 PERMIT RUNS WITH LAND.

A land subdivision development permit runs with the land and continues to be valid upon a change of ownership. However, if the city grants a land subdivision permit and the specified development is not effectuated as agreed, the land reverts to the original configuration and the permit is void.

CHAPTER 16.16: SUBDIVISION FINAL PLATS

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- 16.16.26 Filing an Approved Final Plat
- 16.16.28 Permit runs with land

§ 16.16.02 SCOPE.

The subdivision final plat is a document that provides information necessary to the legal description of land, easements, right-of-way, and other obligations. The final plat for a land subdivision must be approved by the city before it can be recorded by the county clerk. This assures that the subdivision is consistent with any conditions imposed at the tentative plan stage of planning.

§ 16.16.04 SUBMITTAL TIME LIMIT.

After the corrected tentative plan and additional supplementary information have been resubmitted and accepted, the final plat shall be prepared in compliance with the terms of its tentative plan approval. The subdivision final plat must be submitted not more than eighteen (18) months after the date the tentative plan was approved.

§ 16.16.05 IMPLIED SUBDIVISION PLAT APPROVAL.

A subdivision final plat must subsequently be approved if it is substantially the same as the approved tentative plan and complies with all other city and state requirements.

§ 16.16.06 PREPARATION OF FINAL PLAT.

The subdivision final plat must be prepared under the direction of, and bear the seal of, a licensed professional land surveyor. All subdivisions shall be surveyed by a registered professional land surveyor, setting lawfully approved monuments at all the parcel corners. If the surveyor finds a discrepancy in a previous survey, the discrepancy must be corrected as part of the subdivision process. Signatures of all property owners whose properties are altered by the subdivision must be included on the final plat.

§ 16.16.08 SUBMITTAL OF FINAL PLAT.

At the time of submittal of the final plat, all required materials and required fees shall be accepted by the City Planner prior to review of the final plat. The final plat shall be prepared under the supervision of a licensed professional land surveyor and contain the following information, along with any additional information required by Oregon Revised Statute Chapter 92, Section 209.250 and other applicable ORS statutes:

1. The date, north arrow, and scale.
2. Legal description of the tract boundaries.
3. Name of the owner or owners, sub dividers, and engineer or surveyor.
4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) City boundary lines when crossing or adjacent to the subdivision.
 - (d) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.
5. The exact location and width of streets and easements intercepting the boundary of the tract.
6. Tract, block and lot or parcel boundary lines and street right-of -way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points or curvature, and tangent bearings. Approximate high water lines and high banks for any creek, lake or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with bases of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
7. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on a curvature which are being dedicated, curve data shall be based on the street centerline dimensions, the radius and central angle shall be indicated.

8. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.
9. Lot numbers beginning with the number "1" and numbered consecutively.
10. The area of each lot or parcel which is one acre or larger to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot.
11. Block numbers in any addition in the subdivision of the same name shall be a continuation of the numbering in the original subdivision. No other block numbers shall be used.
12. Identification of land to be dedicated for any purpose, public or private, to distinguish is from lots or parcels intended for sale. The following phrasing shall be used when identifying open space dedications.
 - (a) Common Open Space - shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved Homeowners Association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.
 - (b) Public Open Space - shall be used when identifying those parcels of land dedicated in fee simple to the City of Jacksonville or Jackson County for open space purposes.
 - (c) Open Space or Landscape Easement - shall be used to identify that portion of a lot or lots that has established an open space or landscape easement agreement with the City of Jacksonville, or a Homeowners Association.
13. The following certificates which may be combined where appropriate:
 - (a) A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the final plat.
 - (b) A certificate signed and acknowledged as above, dedicating all lots for land shown on the final plat intended for the exclusive use of the owners in the subdivision, their licensees, visitors, tenants, and servants.
 - (c) A certificate conforming to ORS 92.060 through 92.070 with the seal and signature of the surveyor responsible for the survey and final plat.
 - (d) A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads, without any reservation or restriction other than reversionary rights upon vacation of any such street or road, and easement for public utilities.

(e) Other certifications now or hereafter required by law.

14. Statement of Water Rights: A statement of water rights noted on the subdivision plat together with the water rights certificate number, if applicable, per ORS 92.120 (5).
15. Plat Notes: The City may require, through the terms of approval, additional notes to be placed on the face of the plat including, but not limited to, restrictions, notices, and special conditions which are peculiar to the subdivision. The City shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.

§ 16.16.10 SUPPLEMENTARY INFORMATION.

The applicant must submit:

1. A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises, and written documentation stating that all taxes and assessments are paid to date. The report must not be more than thirty (30) days old at the time it is submitted.
2. A copy of all final conditions, covenants and deed restrictions applicable to the subdivision.
3. A copy of any dedication agreement requiring separate documents.
4. Contracts with the private companies that will install public utilities and improvements.
5. Sheets and drawings showing the following:
 - (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - (b) Computation of distances, angles, and courses shown on the plat.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and street highway stationing.
 - (d) One hundred (100) year Floodplain designation, as applicable.
6. Building envelope and/or setback lines, if any, are to be made a part of the subdivision's Deed Restrictions.
7. Solar envelope documentation shall be provided as required by Section 17.56 of this Code.
8. Any and all instruments of improvement guarantees, including warranty bonds.

9. Payment of one hundred and ten percent (110%) of all outstanding inspection fees incurred by the City and bonding for one hundred and ten percent (110%) of all estimated inspection fees that are likely to be incurred by the City with any remaining work yet to be completed.

§ 16.16.12 REFERRAL FOR REVIEW.

(A) On the same day the applicant submits the application to the city, the applicant must also mail or deliver copies of the application to each of the following:

1. School District.
2. Committee for Citizen Involvement.
3. State highway department if the property abuts a state highway.
4. Electric, natural gas, garbage, telephone and cable TV utilities.
5. County surveyor.
6. Irrigation district if the property is within the district.
7. Affected Governmental Agencies and Special Districts, and others, as determined by the City Planner.

(B) Any comments received will be included in the staff report as part of the official record and distributed to the review body.

§ 16.16.14 DETERMINING COMPLETE SUBMITTAL AND GENERAL CONFORMANCE.

Within eighteen (18) months of tentative plan approval, or not later than the extension date authorized by the Planning Commission, a final plat shall be submitted to the City Planner for review and processing. With thirty (30) days of submission, the City Planner shall determine whether or not the application is complete and the final plat generally conforms to the approved tentative plan and conforms to the applicable requirements of this Code. If the City Planner determines that generally the final plat fails to conform, or if the required supplemental information required in 16.16.10 is inadequate, then the applicant shall be advised and afforded an opportunity of up to thirty (30) days to make corrections.

§ 16.16.16 ACTION ON FINAL PLAT.

Processing a subdivision final plat is an administrative action that does not require discretionary decision-making. The application Final Plat and all required material is judged solely on its merits by the City Planner. If the application fails to comply with all objective criteria, the subdivision final plat must be denied.

§ 16.16.18 CRITERIA FOR APPROVAL.

The City Planner shall approve or deny the request based upon the following criteria:

1. The final plat must be accompanied by application must contain all of the final plat and supplemental all of the information asked for in this chapter.
2. The layout shown on the subdivision plat must be substantially the same as the layout approved for the tentative plan.
3. The subdivision plat must be technically correct.
4. All required off-site and on-site improvements and other conditions of approval have been satisfied or guaranteed.
5. Adoption of any proposed Future Transportation Plan by the governing body has occurred.
6. The applicant has acquired a Certificate of Appropriateness from the Historic and Architectural Review Commission (HARC) for all proposed structures in accordance with the City's Historic Protection Regulations. Failure to acquire such a Certificate constitutes grounds for Final Plat denial.

§ 16.16.20 FINAL ACTION.

The City Planner shall review the final plat and shall state findings to approve or deny the request. A denial of the final plat shall render the tentative plan void.

§ 16.16.22 APPEAL.

The final action of the City Planner may be appealed as provided in Chapter 17.116 of this Title.

§ 16.16.24 SIGNATURES ON FINAL PLAT.

Following the final action of approval by the City Planner, the applicant shall obtain the following signatures on the original of the final plat:

1. The County Surveyor
2. The director of any Special District shown on the final plat.
3. The County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with State law.
4. The City Administrative Services Department certifying that all fees, charges, and special assessments on the property have been paid.

5. Following (1) through (4) above, the review authority of the final plat, and other officials as required by law.
6. Following (5) above, the Jacksonville Planning Commission.

§ 16.16.26 FILING AN APPROVED FINAL PLAT.

After obtaining all required approvals and signatures, the developer shall:

1. Within thirty (30) days, file the plat with the County Recorder. Failure to file within thirty (30) days will render the final plat null and void, and will require resubmission of the tentative plan in the same manner as a new tentative plan.
2. File one print each of the approved and recorded plat with the City Planner and the City Engineer.

§ 16.16.28 PERMIT RUNS WITH LAND.

A subdivision plat runs with the land and continues to be valid upon a change of ownership. However, if the city grants a subdivision plat and the specified development is not effectuated as agreed, the land reverts to the original configuration and the tentative plan and final plat approvals are rendered void.

CHAPTER 16.32: LAND PARTITIONS

Section

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§ 16.32.02 SCOPE.

(A) A land partition is the division of one (1) lot into two (2) or three (3) lots within a period of one (1) calendar year. Splitting a lot into two lots, where a flag lot is created, is considered a land partition. Only one flag lot shall be created from a parent parcel subject to Section 16.32.18. This definition is subject to any exclusion provided for by State Law.

(B) The land partition is used in situations where only the lot lines need to be changed or added. If a partition will create a new street, compliance with the Jacksonville subdivision regulations is required.

(C) An Expedited land division is used solely for the purposes of residential use and will create three or less parcels as defined by State Law.

§ 16.32.04 APPLICATION CONFERENCE.

(A) Prior to filing an application, a prospective applicant shall hold an application conference with the City Planner or his/her designee.

(B) The purpose of an application conference is to provide advice to prospective applicants regarding compliance with the purpose and requirements of this title, and to determine which application materials must be submitted to constitute a complete application.

§ 16.32.06 APPLICATION REQUIREMENTS.

All applicants shall submit to the City information and materials consistent with the requirements of this section.

(A) Completed Application Form. A completed application form signed by the owner of record of the real property covered by the application. If more than one ownership is involved, a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

(B) Site Plan. A site plan is required only to the extent necessary to adequately and reasonably permit findings that the provisions of this chapter have been met. The City Planner is empowered to waive the submittal of any of the following site plan items, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall occur following an application conference. If the City Planner position is vacant, all application materials must be submitted.

The applicant shall submit three (3) copies of a site plan, accurately drawn to a scale of sufficient size to illustrate the following site plan details as determined to be required during the application conference and the review for completeness:

1. The location and dimension of property boundaries and the location, name, surface type, and width of public and private streets, pedestrian ways, driveways, and any off-street parking, along with a north point and indication of scale.
2. The accurate location and outline of the exterior walls of all existing buildings and structures, if any, with the square footages, uses, and heights of each clearly noted. Include setback dimensions for front, side, and rear yards.
3. The site plan shall conceptually illustrate the location of existing major site features, including water courses, topography for sites having slopes in excess of five percent (5%), rock outcroppings, drainage swales, springs, woodlands, and other physical features which may influence future site layout and design. If there are any special or unusual seismic, soils or geologic conditions on the site, a written disclosure to that effect must accompany the application.

4. Street light, fire hydrant, water, sanitary sewer, and storm drain
5. locations within one hundred (100) feet of the subject property. Show direction of flow for the site.
6. Wells, septic tanks, and drain fields, if applicable.
7. Flood elevation of one hundred (100) year floodplain, if applicable.
8. Zoning, total land area; section lines, corners, city boundaries,
9. Monuments, and lot and block dimensions and identifying numbers.
10. Location and purpose of easements, if applicable.
11. Title block with section, township and range; street address; title of proposal; names of applicant and owner; name and stamp of person preparing the plan (if applicable); and date of drawing.

(C) Application Fee. An application fee for processing all applications shall be charged by the city. No part of any application fee is refundable. The amount for applications fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the city.

(D) Legal description of the existing property.

(E) Vicinity map. Mark the location of the proposal on the vicinity map available from the city offices.

(F) Deed Restrictions. A copy of any covenants, conditions, and restrictions applicable to the subject property.

(G) If an application is incomplete, the city shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The applicant has one hundred and eighty (180) days from the date of initial submission to submit all additional information. The application shall be deemed complete for purposes of this subsection upon receipt by the city of the missing information.

§ 16.32.08 QUASI-JUDICIAL/EXPEDITED ACTION.

(A) Processing a Land Division is subject to the Expedited procedures put forth in ORS 197.360 except as noted below. A decision by the local governing body must be reached within sixty-three (63) days of receipt of a completed application based on whether it satisfies the substantive requirements of this Title. Appeal procedures for expedited land divisions are contained in ORS 197.375.

(B) Processing a commercial land partition proposal is a quasi-judicial action requiring discretionary decision-making. Commercial land partition approval is a Land Use Decision and subject to the procedures established by ORS 197.763. Following review and recommendation by the Site Plan Review Committee, the Planning Commission has the authority to base its decision on the evidence and interpretation of comprehensive plan and zoning ordinance criteria and standards.

§ 16.32.10 CONVERSION PLAN REQUIREMENT.

At the time an application is made to divide a parcel into any number of lots, a conversion plan must also be submitted, if the parcel will have additional division potential after the current proposal is completed. The conversion plan must show how the parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning.

§ 16.32.12 CONVERSION PLAN CONTENT.

The conversion plan must provide all of the graphic information required for a land subdivision or a partition, as applicable, based on the ultimate number of lots allowable under the zoning. The conversion plan must show how the presently proposed division will be compatible with the allowable ultimate land division. The conversion plan must be simultaneously recorded with the approved partition plat and shall be binding unless amended with the Planning Commission's approval.

§ 16.32.14 JUSTIFICATION FOR COMMERCIAL DIVISION.

For Commercial land to be eligible for a land partition, the applicant must submit a legitimate development proposal to substantiate the need for the partition and the ability of the resulting parcels to provide adequate off-street parking and loading. If the city grants the partition a phasing plan that details the completion time of all necessary improvements must be submitted for Planner approval within one hundred eighty (180) days, the land reverts to the original configuration.
(ORD. 547, passed 5-17-2005)

§ 16.32.16 MANDATORY STREET ACCESS.

After partition, all lots must directly access a public street with a minimum frontage dimension of forty (40) feet, except a flag lot as provided below.

§ 16.32.18 FLAG LOT STANDARDS.

(A) If it can be demonstrated and guaranteed through a recorded building envelope, that the building site of the rear lot will be within two hundred (200) feet of an existing street, a deep lot may be split into a front and rear lot, creating a maximum of one flag lot, if the original lot cannot be otherwise divided separately or in conjunction with adjoining lots. The length, width, and yard dimensions of each resulting lot must be at least the minimum required in the zoning district, with the front lot retaining a minimum lot depth of one hundred (100) feet.

(B) The rear lot must have an access to the street that is at least twenty (20) feet wide with twenty (20) feet of frontage and a maximum length of one hundred and fifty (150) feet. The "flagpole" access must be conveyed with ownership of the rear lot and be an integral part of the rear lot.

(C) The driveway access shall be improved to a permanent surface of asphalt, concrete, Portland cement, or similar surface acceptable to the Fire Chief with a minimum width of fifteen (15) feet. However, in order to minimize the number of parallel driveways accessing a public street, shared access agreements benefiting two adjacent parcels shall be encouraged, particularly where two accesses are less than fifty (50) feet apart.

(D) The partition must still comply with the legal frontage requirement. However, the improvement requirement may be waived for the shorter driveway of two (2) parcels sharing such an agreement.

§ 16.32.20 APPROVAL CRITERIA.

The application must meet all of the following objective criteria:

1. The submittal contains all of the information asked for in the application.
2. The application does not violate any city or state regulations, including but not limited to lot configuration requirements, unimpeded drainage, accessibility by public utilities and vehicular/foot traffic, and zoning requirements.
3. The project is compatible and suitable within the context of its surroundings. This shall include, but not be limited to, consideration of human scale, street scape, landscaping, and any view shed, noise, and lighting impacts.
4. The development will be compatible with the use or character of any adjacent resource land.

5. Development conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by steep slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the Jacksonville Comprehensive Plan, or where objective levels are not available, as determined by the Planning Commission.
6. Natural wildlife habitats and wetlands have been identified, preserved, and protected.
7. There is adequate availability of solar access.
8. The conservation and revitalization of any existing housing stock, particularly historic, has been encouraged.
(Am. Ord. 579, passed 3-4-2008)
9. Adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the Jacksonville Comprehensive Plan and this Code, and with the Jackson County Comprehensive Plan and Code, where applicable.
10. The drawing is technically correct and the final partition plat conforms to the approved site plan.

§ 16.32.22 CONDITIONS AND LIMITATIONS.

In granting a permit, the Planning Commission may impose such reasonable conditions or limitations, as it deems necessary to assure compliance with comprehensive plan and zoning ordinance criteria and standards. The Planning Commission may require dedication of land and easements, and may specify conditions or modifications in the drawing to facilitate development, including but not limited to deed restrictions and constructed improvements. Any conditioned changes shall be reviewed by the City Planner or his/her designee, prior to recording the final partition plat.

§ 16.32.24 PARTITION PLAT.

A partition plat conforming to all applicable provisions of ORS Chapter 92: Approval of Plans, Plats; ORS Chapter 209: County Surveyors; and other applicable ORS requirements must be prepared under the direction of, and bear the seal of, a licensed professional land surveyor. Prior to recording, the survey must be monumented. If the surveyor finds a discrepancy in a previous survey, the discrepancy must be corrected as part of the partition process. Signatures of all property owners whose properties are directly affected by the partition must be included on the application map.

§ 16.32.26 FILING APPROVED PLAT.

Within one hundred and eighty (180) days after the partition has been approved by the Planning Commission, a phasing plan that details the completion time of all necessary improvements must be submitted for Planner approval, along with two (2) blue line copies of the indelibly inscribed and recorded partition plat, with the approval date and a reference adequately directing the reader to the file where conditions of approval are stored, are to be delivered to the city. If the phasing plan has not been approved or the two (2) copies of the partition plat are not submitted, then the partition plat shall become null and void. The Planning Commission may extend a partition approval for an additional period of up to one (1) year.
(ORD. 547, passed 5-17-2005)

§ 16.32.28 PERMIT RUNS WITH LAND.

A land partition runs with the land and continues to be valid upon a change of ownership.

CHAPTER 16.36: PROPERTY LINE ADJUSTMENTS

Section

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§ 16.36.02 SCOPE.

(A) Lots created in years past, some as long ago as 1852, may not meet modern land use needs. Consequently a method for adjusting the dividing lines between adjacent lots to improve usefulness is necessary. The city provides a way for unusable or poorly dimensioned lots to be reconfigured to meet modern land use standards.

(B) A property line adjustment map must be prepared as a part of the application process. The purpose of the property line adjustment map is to locate and eliminate past survey

§ 16.36.04 APPLICATION CONFERENCE.

Prior to filing an application, a prospective applicant shall hold an application conference with the City Planner or his/her designee. The purpose of an application conference is to provide advice to prospective applicants regarding compliance with the purpose and requirements of this title, and to determine which application materials must be submitted to constitute a complete application,

§ 16.36.06 APPLICATION REQUIREMENTS.

All applicants shall submit to the City information and materials consistent with the requirements of this section:

(A) Completed Application Form. A completed application form signed by the owner of record of the real property covered by the application. If more than one (1) ownership is involved, a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

(B) Site Plan. A site plan is required only to the extent necessary to adequately and reasonably permit findings that the provisions of this chapter have been met. The City Planner is empowered to waive the submittal of any of the following site plan items, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall occur following an application conference. If the City Planner position is vacant, all application materials must be submitted.

The applicant shall submit three (3) copies of a site plan, accurately drawn to a scale of sufficient size to illustrate the following site plan details as determined to be required during the application conference and the review for completeness:

1. The location and dimension of property boundaries and the location, name, surface type, and width of public and private streets, pedestrian ways, driveways, and any off-street parking, along with a north point and indication of scale.
2. The accurate location and outline of the exterior walls of all existing buildings and structures, if any, with the square footages, uses, and heights of each clearly noted. Include setback dimensions for front, side, and rear yards.
3. The site plan shall conceptually illustrate the location of existing major site features, including water courses, topography for sites having slopes in excess of five percent (5%), rock outcroppings, drainage swales, springs, woodlands, and other physical features which may influence future site layout and design. If there are any special or unusual seismic, soil or geologic conditions on the site, a written disclosure to that effect must accompany the application.
4. Street light, fire hydrant, water, sanitary sewer, and storm drain locations within one hundred (100') feet of the subject property. Show direction of flow for the site.
5. Wells, septic tanks, and drain fields, if applicable.
6. Flood elevation of 100-year floodplain, if applicable.

7. Zoning, total land area; section lines, corners, city boundaries, monuments, and lot and block dimensions and identifying numbers.
8. Location and purpose of easements, if applicable.
9. Title block with section, township and range; street address; title of proposal; names of applicant and owner; name and stamp of person preparing the plan (if applicable); and date of drawing.

(C) Application Fee. An application fee for processing all applications shall be charged by the city. No part of any application fee is refundable. The amount for applications fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the city.

(D) Legal description of the existing property.

(E) Vicinity map. Mark the location of the proposal on the vicinity map available from the city offices.

(F) Deed Restrictions. A copy of any covenants, conditions, and restrictions applicable to the subject property.

(G) If an application is incomplete; the city shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The applicant has one hundred and eighty (180) days from the date of initial submission to submit all additional information. The application shall be deemed complete for purposes of this subsection upon receipt by the city of the missing information.

§ 16.36.08 ADMINISTRATIVE ACTION.

Processing a property line adjustment permit is an administrative action that does not require discretionary decision-making. The application is judged solely on its merits by the Site Plan Review Committee. If the application fails to comply with all objective criteria for a property line adjustment, the permit must be denied.

§ 16.36.10 CONVERSION PLAN REQUIREMENT.

At the time an application is made to adjust property lines, a conversion plan must also be submitted, if the parcel will have additional division potential after the current proposal is completed. The conversion plan must show how the parcel can be ultimately divided into the maximum practical number of lots allowed by the zoning.

§ 16.36.12 CONVERSION PLAN CONTENT.

The conversion plan must provide all of the graphic information required for a land subdivision or a partition, as applicable, based on the ultimate number of lots allowable under the zoning. The conversion plan must show how the presently proposed division will be compatible with the allowable ultimate land division. The conversion plan must be simultaneously recorded with the approved map of adjustment and shall be binding unless amended with the Site Plan Review Committee approval.

§ 16.36.14 MANDATORY STREET ACCESS.

After property line adjustment, all lots must directly access either a public street or an easement that benefited the subject property(s) prior to the property line adjustment.

§ 16.36.15 FLAG LOT STANDARDS.

(A) The length, width, and yard dimensions of each resulting lot must be at least the minimum required in the zoning district, with any front lot retaining a minimum lot depth of one hundred (100) feet.

(B) Any rear lot must have an access to the street that is at least twenty (20) feet wide with twenty (20) feet of frontage and a maximum length of one hundred and fifty (150) feet. The "flagpole" access must be conveyed with ownership of the rear lot and be an integral part of the rear lot.

(C) The driveway access shall be improved to a permanent surface of asphaltic concrete, Portland cement, or similar surface acceptable to the Fire Chief with a minimum width of fifteen (15) feet. However, in order to minimize the number of parallel driveways accessing a public street, shared access agreements benefiting two (2) adjacent parcels shall be encouraged, particularly where two (2) accesses are less than fifty (50) feet apart.

(D) The adjustment must still comply with the legal frontage requirement. However, the improvement requirement may be waived for the shorter driveway of two (2) parcels sharing such an agreement.

§ 16.36.16 OBJECTIVE CRITERIA.

The application must meet all of the following objective criteria:

1. The submittal contains all of the information asked for in the application.
2. The application does not violate any city or state regulations, including but not limited to lot configuration requirements, unimpeded drainage, accessibility by public utilities and vehicular/foot traffic, and zoning requirements.
3. The drawing is technically correct and the map of survey conforms with the approved site plan.

§ 16.36.18 PROPERTY LINE ADJUSTMENT MAP.

The map of survey of the property line adjustment conforming to application provisions of Oregon state law must be prepared under the direction of, and bear the seal of, a licensed professional land surveyor who must certify the correctness of the survey of the lots being adjusted. Prior to recording, the survey must be monumented. If the surveyor finds a discrepancy in a previous survey, the discrepancy must be corrected as part of the property line adjustment. Signatures of all property owners whose property lines are directly affected by the adjustment must be included on the application map.

§ 16.36.20 FILING APPROVED MAP OF SURVEY.

Within one hundred and eighty (180) days after the map of survey has been approved, improvements must be completed and two (2) blue line copies of the indelibly inscribed and recorded map of survey with the approval date are to be delivered to the city. If the improvements have not been completed or the two (2) copies of the map of survey have not been submitted, the map of survey shall become null and void. The Planning Commission may extend a property line adjustment permit for an additional period of up to one (1) year.

§ 16.36.22 PERMIT RUNS WITH LAND.

A property line adjustment runs with the land and continues to be valid upon a change of ownership.

CHAPTER 16.48: VALIDITY, PENALTIES AND ENFORCEMENT

Section

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| 16.48.010 | Validity |
| 16.48.020 | Penalties for violation |
| 16.48.030 | Other enforcement |

§ 16.48.010 VALIDITY.

If any provision of this title shall for any reason be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of the title, it being expressly declared that each and every provision hereof is severable and independent of each and every other provision of this title.

§ 16.48.020 PENALTIES FOR VIOLATION.

The provisions of this title are subject to enforcement proceedings specified in Chapter 1.07, including but not limited to sections 1.07.150 through 1.07.220

§ 16.48.030 OTHER ENFORCEMENT.

It is declared that any act or omission of any person, firm or corporation, whether as principle, agent or employee, or otherwise, to comply with any term or condition of this title constitutes a public nuisance. In addition to any other remedies provided by law, the city may immediately commence action or proceeding to abate, remove, and/or temporarily or permanently enjoin the nuisance pursuant to title 8 and/or in any manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove the nuisance.