Type II _____ Fee $_____

Type III _____ Fee $_____

CITY OF PENDLETON

Planning Department (541) 966-0204 Fax (541) 966-0251
500 SW Dorion Avenue, Pendleton, OR 97801

Land Division/Replat Application

NOTICE TO APPLICANT: On original application form, please print legibly using blue or black ink, or type. Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees.**

Failure to provide complete and/or accurate information may result in delay or denial of your request.

APPLICANT _____

Mailing address _____

Phone _____ **Fax** _____ **Email** _____

Applicant's interest in property _____

Signature _____ **Date** _____

PROPERTY OWNER _____

Mailing address _____

Phone _____ **Fax** _____ **Email** _____

Signature _____ **Date** _____

If same as applicant, mark SAME. If there is more than one property owner, please attach additional sheets as necessary.

SITE LOCATION AND DESCRIPTION **Zoning** _____

Tax Map #(S) _____ Tax Lot #(s) _____

Tax Map #(S) _____ Tax Lot #(s) _____

Frontage street or address _____ Nearest cross street _____

Site size *(acres or square feet)* _____ **Dimensions** _____

SPECIFIC REQUEST **Replat** ☐ **Subdivision** ☐ ___ lots **2 parcel partition** ☐ **3 parcel partition** ☐

For partitions only:

Parcel 1 area _____ **square feet**

Setbacks: Front _____ **Side** _____ **Side** _____ **Rear** _____ **N/A,** No Structures ☐

Parcel 2 area _____ **square feet**

Setbacks: Front _____ **Side** _____ **Side** _____ **Rear** _____ **N/A,** No Structures ☐

Parcel 3 area _____ **square feet**

Setbacks: Front _____ **Side** _____ **Side** _____ **Rear** _____ **N/A,** No Structures ☐

OFFICE USE ONLY.

This institution is an equal opportunity provider and employer.

120 day time limit	Accepted as complete _____	Final decision by _____
DLCD 45-day notice required	Y/N Date mailed _____	Date of first hearing _____
Planning Commission hearing date	_____	Notice mailed _____
Notice to media	Publication date _____	Emailed _____
Notice of Decision	Date mailed _____	Appeal deadline _____

Associated applications _____

LIVESTOCK Please list the number and type of all livestock currently present on the property *(horses, cattle, sheep, goats, chickens, etc. Do not include domestic pets such as cats and dogs)* _____

BUSINESSES Are any businesses operating on the property? If yes, please describe. _____

All businesses operating within the City of Pendleton must obtain a Business License.

STRUCTURES *Please indicate the type and number of structures currently on the site, and proposed for construction*

Single Family Residence(s) _____ Multi Family Residence(s) _____
Manufactured Home(s) _____ Travel Trailer(s) _____
Other residential structure(s) _____ Barn/other ag building(s) _____
Commercial building(s) _____ Industrial Building(s) _____
Accessory buildings/structures _____ Other _____

SERVICE PROVIDERS *Please indicate which of the following services are provided on the property*

Water City of Pendleton ☐ Well ☐ Other/None ☐ _____
Sewer City of Pendleton ☐ Septic ☐ Other/None ☐ _____
Fire City of Pendleton ☐ RFD ☐ Other/None ☐ _____

Does the property have access to City streets? Yes ☐ No ☐ What and where? _____
Does the property have access to County Roads? Yes ☐ No ☐ What and where? _____

If the property is subject to special assessment or debt from any special districts (fire, road, etc), please provide details.

_____

The criteria listed below relate to approval of a tentative plat only. Additional criteria apply after tentative plat approval.

APPROVAL CRITERIA – Land Divisions. Ordinance No. 3845 – City of Pendleton Unified Development Code

Article III. Residential Zones

3.08 **General Provisions for Residential Zones**
This Section sets forth development standards that apply within Residential zones. However, in designated Opportunity Areas, the dimensional standards may be modified by an approved Master Development Plan (MDP) pursuant to the Opportunity Area Subdistrict in Article 7.

3.08.1 **Density.** In all of the residential zones, the minimum and maximum residential densities shall be as shown in Table 3.1.

3.08.2 **Lot Size.** In all of the residential zones, the minimum lot sizes shall be as shown in Table 3.1.

3.08.3 **Maximum Lot Size.** The maximum lot size that may be approved administratively shall not exceed twice the minimum lot size under the corresponding zone and slope. Mapped constraints may be removed from the maximum lot size calculation.

3.08.7 **Miscellaneous Lot Provisions.**

A. Building Lots must abut a public right of way or other public access. No residential, commercial, or industrial building shall be erected on a lot which does not abut at least one street. Where there is a residence constructed, as of the date of this Ordinance, on an interior lot not abutting on a public street, such property shall continue unaffected except that in the case of reconstruction of such a structure, as provided in Section 11.07 of this Ordinance, nothing more than a single family dwelling and accessory buildings may be constructed upon such interior lot, and then only when easements for ingress and egress are recorded.
B. The primary access shall be via a street that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission.
C. Parking, Storage or Use of Recreational Equipment. No equipment shall be used for living, employment, sleeping or housekeeping purposes, nor connected to utilities, when parked or stored on a residential lot, or in any location not approved for such use. Recreational vehicles may be used for guest accommodation for a maximum of 14 days within a three month period.
D. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially used property other than in completely enclosed buildings.

Table 3.1 Development Standards in Residential Zones			
Lot size and Density	**R-1**	**R-2**	**R-3**
Minimum Density (DU/acre)	3.9	6	12
Maximum Density (DU/acre)	9	18	35
Minimum Lot Size (<10% slope)	6000sf	5000sf	5000sf
Single Family attached	3000sf	3000sf	3000sf
Minimum Lot Size (10-20% slope)	7000sf	7000sf	6000sf
Single Family attached	3500sf	3500sf	3500sf
Minimum Lot Size (>20% slope)	9000sf	8000sf	7000sf
Single Family attached	4000sf	4000sf	4000sf
Planning Commission approval required for any lot or parcel more than 2X the minimum - see Section 3.8			
Maximum height (feet / stories)	30 / 2	40 / 3	50 / 5
Maximum lot coverage (%)	35	40	45
Setbacks (feet)	**R-1**	**R-2**	**R-3**
Front	15	15	10
Front (unenclosed elements)	10	10	10
Side	5	4	3
Rear	5	5	5
Street/Side	10	10	10
Garage/Carport Face all sides	20	20	20
Front - accessory structure	20	20	20
Side - accessory structure	3	3	3
Rear - accessory structure	3	3	3
Street/Side - accessory structure	10	10	10

Article IX. Design Standards for Land Divisions

9.01 Blocks

9.01.1 Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted due to topography, or in blocks adjacent to arterials, railroads, waterways, cemeteries, parks, or public land or farmland.

In certain blocks, the Planning Commission may require an easement or dedicated right-of-way through the block to accommodate utilities, drainage facilities, pedestrian ways, or bicycle ways. The dedication of pedestrian or bicycle ways, not less than five (5) feet wide for the travel way, may be required by the Commission through a block or to connect to a cul-de-sac or where deemed necessary to provide circulation or access for non-motorized traffic.

In order to promote efficient pedestrian and vehicular circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or access ways, in accordance with the following standards. The standards preferably determine minimum and maximum distances between streets and access ways):

A. Residential Districts: Minimum of one hundred (100) foot block length and maximum of eight hundred (800) length; maximum two thousand (2,000) feet block perimeter;
B. Downtown: Minimum of one hundred (100) foot length and maximum of four hundred (400) foot length; maximum one thousand seven hundred (1,700) foot perimeter;
C. General Commercial Districts: Minimum of one hundred (100) foot length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot perimeter;
D. Master planned Developments: Large multi-use sites may be granted a variance from these limits if the development is developed with multiple users and owners in its final development. These developments may not include districts solely developed for retail sales establishments or other similar uses that involve high traffic; and not applicable to the Industrial Districts.

9.02 Lot or Parcel Arrangement

9.02.1 The lot or parcel arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots or parcels in compliance with this ordinance and health regulations and in providing reasonable driveway access to buildings on such lots or parcels from improved streets.

9.02.2 Developers shall encourage solar energy usage when topography allows by ensuring that a maximum number of lots can be developed with access to active and passive solar energy potential.

9.02.3 In general, side lot or parcel lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street, lot or parcel plan. Dimensions of corner lots or parcels shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties anticipated for business, commercial or industrial purposes shall be adequate to provide for the off-

street parking and loading facilities required for the type of use and development contemplated, as established in this ordinance.

9.02.4 Lot or parcel dimensions shall comply with the minimum standards of this ordinance. Where lots or parcels are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged to allow further subdivision or partition and the opening of future streets or other means of access.

9.02.5 To allow creativity and flexibility in subdivision design and to address physical constraints such as topography, existing development, significant trees and other natural and built features, the Planning Commission may grant a modification to the minimum and maximum lot area, provided that the overall density of the subdivision meets the standards of the zone and every lot has a sufficient building envelope.

9.02.6 Through lots or parcels shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Flag lots or parcels shall also be discouraged, unless deemed appropriate by the Planning Commission to overcome topographical or other hardships.

9.02.7 A parcel, partitioned solely for the purpose of segregating one separate smaller parcel for an existing or proposed single family house, shall be exempt from the provisions above provided the parcel to be created for the single-family house shall not contain sufficient lot area to allow further division under the standards of the applicable existing zone.

9.02.8 Development Permits for siting of new dwellings on any lot more than twice the minimum size of the underlying zone that would prohibit future land divisions are discouraged unless topographical or other similar constraints merit consideration of a larger lot in order to achieve a suitable building envelope.

9.03 Zero Lot Line Development

9.03.1 In a newly platted land division, side setbacks may be combined onto one side and reduced to zero on the other side provided the remaining setback equals the total of both minimum side setbacks.

9.03.2 Zero-lot line houses are subject to the same standards as non-attached single family housing, except that a side yard setback is not required on one side of the lot. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance.

9.03.3 The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; accessory structures shall conform to the applicable setback requirements of the zone.

9.03.4 Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto the adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not be less than six (6) feet wide and shall not preclude the adjoining owner from landscaping the easement area.

9.04 Flag Lots, Lots Accessed by Mid-Block Lanes

9.04.1 Flag lots shall be discouraged unless topographical constraints limit construction of a City-standard right of way for access. Flag lots may be created only when a through street or mid-block lane cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Fire Code access standards are met for more units. When Fire Code standards are met, the maximum number of dwellings shall be three (3). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

9.04.2 Mid-block lanes shall be permitted when topographical constraints or pre-existing development limit dedication and construction of a City-standard right of way meeting standards for maximum block length and/or connectivity. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown at right. Mid-block lanes or shared driveways may be required when practicable to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the minimum standards for Alleys and Fire access.

9.05 Access to Lots or Parcels

9.05.1 All lots in any land division shall have frontage on or access from an existing street on the official map or Comprehensive Plan or:

A. An existing State Highway, County Road, or City street;

B. A street shown upon a plat or map approved by the City Planning Commission and recorded in the Umatilla County Clerk's office. Such street shall be suitably improved as required by the standards of the jurisdiction, or be secured by a performance agreement or bond as required by this Ordinance, with the width and right-of-way required by this Ordinance and the Transportation System Plan.

9.05.2 Driveways Permitted.

A. City Streets. In any district, driveways or access-ways providing ingress and egress to or from private parking areas or garages, public parking areas or garages and parking spaces shall be permitted and constructed consistent with the standards in this Section, together with any appropriate traffic control devices in any required yard.

B. County Roads. Access to lots fronting on County Roads requires a Umatilla County Access Permit, issued through the Public Works Department.

C. State (ODOT) facilities. Access to ODOT rights-of-way requires a Permit to Operate, Maintain and Use a State Highway Approach issued through the ODOT District 12 Office at 1327 S.E. 3rd Street.

D. Permits for new driveways or any other form of access to a street not improved to City standards shall carry, as a condition of approval, the requirement to either improve the street to City standards or provide a consent to LID to do so at a later date.

9.05.3 Residential lots or parcels shall derive access other than from an arterial street. Where driveway access from an arterial may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive, or not be served at all, in order to limit possible traffic hazards on such a street. Driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on an arterial or collector street.

9.05.4 When a land division borders on or contains an existing or proposed arterial, the Planning Commission shall require that access to such streets shall be limited to the following means (and in priority order):

A. Lots shall be subdivided and parcels partitioned so as to not front the arterial, but to front onto a minor or local street. Screening shall be provided in a strip of land along the property line common to the arterial of such lots or parcels;

B. Alleys or dedicated access easements located between an arterial and a local street shall meet all applicable fire code standards.

C. A series of cul-de-sacs, U-shaped streets, or short loop streets entered from and designed generally at right angles to such a parallel street, with rear and/or side lines of their terminal lots or parcels being adjacent to the arterial;

D. A marginal access street (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

9.05.5 Corner and Intersection Separation; Access Spacing; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

A. On lots having two or more street frontages, the frontage abutting the street with a lower classification shall be used for access.

B. On lots having two or more street frontages, all of which are the same classification, the longer frontage shall be used for access.

C. In all cases, vehicular access on corner lots shall be the maximum practical distance from the intersection.

D. Except as provided under subsection H, below, the following minimum distances shall be maintained between access points or approaches, where distance is measured from the edge of one approach to the edge of another:

1. On an arterial street: 300-500 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051; and
2. On a collector street: 100 feet; and
3. On a local street, 30 feet.

E. New property access on state highways shall conform to the State highway access spacing requirements in OAR 734-051.

F. New property access on Collector and Arterial streets other than state highways shall not be permitted within fifty (50) feet of an intersection, unless no other reasonable access to the property is available or could be developed and a modification in the site design of the property cannot remedy the situation. The measurement shall be taken from the curb edge, or if no curb exists, from the theoretical curb location based on the planned roadway section for the given street. Where no other alternatives exist, the City may, at its discretion, allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions and other traffic management techniques (i.e., right in/out, right in only, or right out only).

G. Access to and from off-street parking areas shall generally not permit backing onto a public street, except for single-family dwellings and duplexes. Where no other alternative exists the City, at its discretion, may allow backing onto a public street from perpendicular or angle parking spacing with the employment of a variety of transportation engineering or transportation planning techniques designed to mitigate or reduce to a reasonable level the safety hazard. Required features may include one-way streets with curb bulb-outs, curvilinear design, and modification of sidewalk locations.

H. The Director may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:
   1. Joint-use driveways and cross-access easements are provided, where practical;
   2. The site plan incorporates a unified access and circulation system in accordance with this Section; and
   3. The property owner(s) enter in a written agreement with the City that pre-existing connections on the site will be closed and eliminated in conjunction with construction of each side of the joint-use driveway. Said written agreement can take the form of a condition of approval for a subdivision, partition, development review, site plan review, or recorded with the deed.

I. While the TSP does not restrict private driveway access on urban local streets, residential projects under review will be encouraged to combine driveway access through joint-use driveways or to access parking off of established alleys where conditions are practical.

9.05.6 Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site and does not conflict with traffic on adjacent roads. Pedestrian and, as applicable, bicycle way connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must meet minimum City Standards.

9.05.7 Joint and Cross Access Requirement. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the Director may require joint access and/or shared driveways in the following situations as follows:

A. For shared parking areas;

B. For adjacent developments, where access onto an arterial is limited;

C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
   1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
   2. A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;
   3. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway.

9.05.8 Joint and Cross Access: Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions.

9.05.9 Joint and Cross Access: Easement and Use/Maintenance Agreement. Pursuant to this Section, property owners shall:

A. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

B. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

C. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

9.05.10 Width of Driveway Approach Apron. The width of driveway approach aprons shall not exceed the following dimensions:

A. For residential driveways, 14 feet for single driveways and 22 feet for double driveways. No more than one driveway shall be permitted for lots having frontages of 60 feet or less.

B. For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed 30 feet in width if the property abuts a street where the speed limit is 25 miles or less per hour; or 35 feet in width where the speed limit is in excess of 25 miles per hour.

C. A safety island of full height curb shall be provided between driveway approaches serving any one property frontage. Whenever possible, this safety island shall be 22 feet in length and in no case shall it be less than 10 feet

in length.

D. In no case shall single driveways serving more than one property be combined to allow greater widths than stated above.
E. Deviations not to exceed 50%, of the maximum Driveway Approach Apron width limitations may be considered for Type II Minor Variance approval.

9.05.11 Driveway Surfaces.

A. Driveway surfaces shall be designed for all weather conditions (paved or compacted gravel). Vehicle driveway and storage areas will not be allowed to be dirt or vegetation. For grades over 8 percent, paved driveway surfaces are required. All portions of the driveway within the public right-of-way, and at a minimum of the first 20 feet behind the curb or sidewalk shall be paved as an apron to control gravel.
B. For residential driveways, including private roads, the maximum slope of any portion of the driveway shall be 20 percent, with an overall average grade of less than 15 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 12 percent for a crest situation and 16 percent for a sag situation. The maximum number of houses served by a driveway or private road is three.
C. For commercial or industrial driveways, including private roads, the maximum slope of any portion of the driveway shall be 15 percent for any point above the elevation of the roadway, and shall be 8 percent for any point below the elevation of the roadway. The overall average grade shall be less than 12 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 8 percent for a crest situation and 12 percent for a sag situation.
D. Every driveway approach or entrance to abutting property shall be maintained and kept in safe condition by the owner of the abutting property. Any driveway approach which is not so maintained or which interferes with the drainage or safe travel of the street shall be repaired to conform to the specifications of the City ordinances and the City Engineer or be removed.
E. Driveways less than 18 feet in depth, or those that would force a vehicle to park over an existing or future public sidewalk, shall be prohibited.

9.05.12 Abandoned Driveways. When a driveway approach no longer provides necessary access for vehicles to parking areas, driveways, or doors intended and used for vehicles, such driveway approach shall be removed. Upon removal of any such driveway approach, that portion of the street occupied by the same shall be restored as nearly as practicable to match the conditions adjacent to the driveway approach or in accordance with design standards for public streets. Restoration shall include curbing, sidewalk to the nearest grid section, and landscaping, all by and at the expense of the owner abutting the property.

9.06 Public Parks, Recreation Facilities and Open Spaces

9.06.1 The developer shall dedicate land for parks and playgrounds and other public purposes in locations designated by the Comprehensive Plan, or in locations deemed by the Planning Commission, on recommendation of the Parks Commission, to be appropriate for the public welfare.

9.06.2 Dedication Required. Each land dedication for parks purposes shall be of suitable size, shape, topography, and location and shall have adequate street frontage and pedestrian access. When recreation areas are required by the Planning Commission, on recommendation of the Parks and Recreation Commission, the area to be dedicated shall be based upon the standard of .015 acres of recreation land for every lot or dwelling unit proposed. The developer shall dedicate all such recreation areas to the City without any reservation at the time of final plat approval.

A. In single-family residential developments (limited to single family by covenant or other restriction) the recreation standard shall be based on one dwelling unit per lot.
B. In duplex, multi-family, and high density residential districts (not limited to single-family dwellings by covenant or other restriction) the recreation standard shall be based upon the maximum number of dwelling units per acre that could occupy the property as permitted by this ordinance. The only exception to this standard shall be when a lesser density than that permitted by this ordinance is attached as a condition of approval of the plat by the Planning Commission. In no case shall greater density be allowed at a subsequent date without additional dedication or fee payment by the developer, based upon the recreation standards above and the remainder of this Section.

9.06.3 Minimum Size of Dedication. In general, land dedicated and accepted for recreation purposes shall have an initial or potential area of at least five (5) acres. The Planning Commission may require that the recreation area be provided at a suitable place on the edge of the subdivision, or on suitable lands outside of the subdivision but under the same ownership, so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two acres be accepted for recreational purposes if it will be impractical to secure additional lands in order to increase its area.

9.06.4 Character. Land set aside for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or other recreational purposes, and shall be relatively level.

9.06.5 Street Frontage. Any recreation site shall have frontage on public streets of at least thirty three (33) percent of its perimeter. All land to be dedicated to the City for park purposes shall be marked on the plat: "Dedicated for park/public purposes."

9.06.6 Payment in Lieu of Land Dedication. Where, with respect to a particular subdivision and in all cases with respect to partitions, the dedicating of land pursuant to this Section does not meet the minimum requirements for park dedication, or in cases when the Planning Commission determines (on recommendation of the Parks and Recreation Commission) that such a dedication is not in the public interest, the land divider shall pay a fee in lieu of land dedication prior to final plat or map approval. Such fee shall be deposited in a Neighborhood Park and Recreation Improvement Fund. This fund shall be used by the City in developing neighborhood parks, play lots, and other recreation facilities that will be available to and benefit the persons that will inhabit the land division and surrounding neighborhood.

9.06.7 Maximum Dedication. A land divider shall not be required to dedicate more than thirty percent (30%) of his land for public purposes, including streets but not including easements. If greater land areas are required for public use, the Planning Commission may require the reservation of such areas for a period of three (3) years, during which time the appropriate agency may acquire such land at such price as is established prior to final approval of the plat or map.

9.07 Noise Buffering

9.07.1 A buffer zone and/or noise barrier may be required by the Planning Commission to protect and minimize the noise created in new residential subdivisions from arterial streets, state highways, and the federal interstate system (including on and off-ramps).

9.07.2 Open space areas, landscaped areas, man-made barriers or walls (constructed of wood, earth, masonry, concrete, etc.) may be acceptable as noise mitigation measures. The location of any proposed or required noise buffering shall be indicated on the Tentative Plat for Planning Commission approval.

9.08 Pedestrian Walkways

9.08.1 The City recognizes the need to provide safe, non-vehicular access to all areas of the City. The developer is encouraged to design the land division in such a manner as to creatively provide for the efficient and secure flow of pedestrian traffic.

9.08.2 Sidewalks shall be included within the dedicated rights-of-way of all streets, unless a variance is approved by the Planning Commission at the tentative plat stage:

A. Minor Street: five-foot wide sidewalks on both sides in residential or nonresidential zones;
B. Collector Street: five-foot wide sidewalks on both sides in residential or nonresidential zones;
C. Arterial Street: five-foot wide sidewalks on both sides in residential zones and on both sides from the curb line to the private property line in nonresidential zones, for a maximum of 8' in width.

9.08.3 Variances for sidewalks on both sides may be granted by the Planning Commission if:

A. The topography of the site does not permit the reasonable use of a sidewalk; or
B. Some other existing or proposed access way, sidewalk or other facility exists that provides a safe and convenient bicycle and pedestrian route (e.g. pedestrian and bicycle pathways along the rear or side of the lot, easements, bridal paths).

9.08.4 Concrete is the standard material for sidewalk construction. Asphalt sidewalks shall be permitted only on approval of the City Council.

9.08.5 The City recognizes that certain developers may wish to consider more aesthetic materials for the construction of pedestrian walkways in order to add to the value and attractiveness of the land division. The City encourages the developer to discuss the construction of such innovative walkways with the Community Development Director as early as possible in the platting process.

9.08.6 The Planning Commission may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, the dedication of a strip of land or provision of an access easement at least five (5) feet in width for a pedestrian right-of-way. All such dedications or easements shall be noted on the tentative plan and

the final plat.

9.09 Pedestrian and Bicycle Access Ways

9.09.1 The dedication of access ways through a block, not less than ten (10) feet wide shall be required to connect to a cul-de-sac or a long block where it is deemed necessary to provide circulation or access for non-motorized traffic and potentially emergency access for vehicles. Design considerations should be considered to restrict non-emergency motorized vehicles from accessing such ways. Where constraints limit access to pedestrians only, or where it can be determined that bicycle use may be minimal or non-existent, the Pedestrian Walkway Improvement standards shall apply.

9.10 Natural Features and Trees

9.10.1 Existing features which would add to the value of residential development or to the City as a whole, such as trees, waterways, historic sites, and similar assets, shall be preserved as they exist in the design of the land division. No trees shall be removed from any land division nor any change in grade of land affected until approval of the Tentative Plat has been granted. The Tentative Plat shall indicate the location of existing trees, and whether they are planned for removal or retention. Trees required to be retained shall be preserved and protected against excavations. The location of all proposed new shade trees along the street side of each lot or parcel as required by this Ordinance shall also be shown on the Tentative Plat.

9.10.2 As a requirement for any subdivision or major partition approval, and prior to City acceptance of the street improvements, the developer shall plant shade trees as established by this Ordinance. Such trees are to be planted within the planting strip five (5) feet of the right-of-way of the streets within and abutting the land division, unless this location is altered for utility purposes. A minimum of at least one (1) tree shall be planted for every seventy (70) feet of frontage along each street unless otherwise approved by the Planning Commission. A minimum of two trees per frontage is required. Sleeves shall be provided under the sidewalk for irrigation of the planting strip. Tree planting is required before the City will establish a Water service account, or other agreements must be made with the City. Shade trees planted in planting strips shall come from the street tree manual developed by the City. At the discretion of the Director and where the sidewalks are curb-tight, the Plantings can be allowed behind the sidewalk or within tree wells.

9.10.3 New shade trees to be provided pursuant to this Ordinance shall have a minimum trunk diameter of not less than two (2) inches measured twelve (12) inches above the ground level, and be oak, honey locust, hard maples, or other long-lived shade trees as approved by the Planning Commission. Shade tree maintenance shall be the responsibility of the property owner.

9.11 Design of Streets

9.11.1 Streets shall be designed consistent with American Association of State Highway and Transportation Officials (AASHTO) and Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) standards. Consideration shall also be given to the National Association of City Transportation Officials (NACTO) Urban Street Design Guide. Bicycle facilities may be designed according to the NACTO Urban Bikeway Design Guide. This Code recognizes that some other jurisdictions in Oregon and elsewhere may have more progressive design standards than those contained in the adopted AASHTO, MUTCD and NACTO guides. Developers have the option of proposing treatments that have been approved in other jurisdictions, subject to review and approval by the Community Development Director and/or City Engineer.

9.11.2 Streets shall be related appropriately to the topography, to permit efficient drainage and utility systems, and to provide convenient and safe access to property. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above the grade of the adjoining streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided where possible.

9.11.3 Streets shall be graded and improved to conform with City construction standards and specifications and shall be approved as to design and specifications by the Community Development Director, in accordance with the construction plans required to be submitted prior to final plat or map approval.

9.11.4 As topography permits, streets within a new land division should be oriented east-west to take advantage of solar energy applications. East-west streets are conducive to more north-south lot orientations and east-west home orientations that are desirable for solar access.

9.11.5 All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-

way as set forth in the Comprehensive Plan.

9.11.6 Minor streets shall be platted to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to provide convenient and safe access to property.

9.11.7 A rectilinear gridiron street pattern need not be adhered to, provided the network achieves a similar level of connectivity.

9.11.8 The use of cul-de-sacs and U-shaped streets may be considered only when a reasonable grid cannot be accomplished.

9.11.9 Proposed streets shall be extended to the boundary lines of the property to be divided, unless prevented by the topography or other physical conditions, or unless the Planning Commission determines that the extension is not necessary or desirable for the coordination of the layout of the subdivision or partition with the existing layout or the most advantageous future development of adjacent tracts.

9.11.10 In commercial and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflicting movements between various types of traffic.

9.11.11 In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, transit, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardship to adjoining properties, design standards are set forth in this Section and the Design Standards Table at the end of this Article. The pavement surface width indicated herein are the maximum permitted and lesser widths may be approved by the Planning Commission when it can be shown that the projected traffic volume can be safely and efficiently accommodated on the proposed width.

9.11.12 After sewer and water utilities have been installed by the developer, he shall construct curbs and gutters and shall surface roadways to the widths prescribed in this Ordinance. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Community Development Director. Adequate provisions shall be made for culverts, drains, and bridges. All street pavements, shoulders, drainage improvements and structures, curbs, turnarounds, pedestrian walkways, and bicycle ways shall conform to all construction standards and specifications adopted by the Community Development Director and shall be incorporated into the construction plans required to be submitted by the developer for final plat or map approval.

9.11.13 Right-of-way widths in excess of the standards designated in this Ordinance shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

A. In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot or parcel required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots or mapped parcels and shall be designated on the plat or map: This strip is reserved for landscape buffering; the placement of structures hereon is prohibited.
B. In districts zoned for commercial or industrial uses, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, whenever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of adequate approach gradients.

9.11.14 The creation of reserve strips controlling access to streets shall not be approved unless necessary to protect the public welfare or a substantial property right. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

9.11.15 Dead End Streets. A temporary “T” or “L-shaped” or circular turnaround shall be provided on all temporary dead-end streets (which may extend into adjoining vacant property as some future date). The plat or map shall contain a notation that such land outside the normal street right-of-way shall revert back to the abutting property owners whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of this Ordinance.

9.11.16 When a street does not extend to the boundary of the land division or cannot be extended due to topography or other

means, and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, utilities, or the dedication of land for pedestrian or bicycle ways. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street in accordance with this Ordinance and the City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of this Ordinance and be appropriately signed.

9.11.17 Temporary dead-end streets shall include clear signage that the street is a dead-end and that it is barricaded. The sign shall read "Dead End, This road will be extended with future development". Further the street shall include a reflective barricade (per Manual of Uniform Traffic Control Devices) constructed at the end of the street by the developer and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade and signage shall be included in the street construction cost and born by the developer

9.11.18 Intersections

A. The use of roundabouts instead of traditional intersections may be considered for all new intersections unless prohibited by topography.
B. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets shall not be less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. A maximum of two streets (four approaches) shall intersect at any one point, unless alternative intersection designs are considered, such as roundabouts.
C. Proposed new intersections along one side of an existing street shall, whenever practical, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets shall not be less than 125 feet, except where the intersected street has reserve strips without median breaks at either intersection. Where streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least 800 feet apart.
D. Minimum curb return radius at the intersection of two minor streets shall be at least twenty feet, and the minimum curb return radius at an intersection involving a collector or arterial street shall be at least twenty-five feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practices, as approved by the Community Development Director, to permit safe vehicle movement.
E. Intersections shall be designed with a grade no greater than five percent (5%). In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having no greater than a ten percent slope at a distance of fifty feet from the nearest right-of-way line of the intersecting street.
F. Wherever street intersections will involve earth banks or existing vegetation inside any lot or parcel corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. However, the design of any proposed street shall take into consideration the location of any existing trees and vegetation. Trees shall not be destroyed for the construction of a street or other improvement if practical alternative design is available.
G. The cross slopes on all streets, including intersections, shall be five (5) percent or less.

9.11.19 Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the expense of the developer, with no reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant (as determined by the City Council on recommendation of the Planning Commission) if approved, will be established by agreement. Said cost shall be charged to the applicant pro rata as the percentage of vehicular impact of the proposed land division versus the bridge capacity or potential traffic volumes.

9.11.20 Alleys. Alleys shall be permitted in all zones.

A. The minimum alley width shall be 20 feet unless additional width is warranted due to Fire code or other applicable standards.
B. Dead-end alleys shall not be permitted, except that the Planning Commission may waive this restriction if such an alley is unavoidable, provided that adequate turnaround facilities are either provided or deemed unnecessary to preserve/satisfy public safety needs.
C. Access and utility easements shall be preferred over dedication of ROW for alleys. Maintenance of alleys and access easements shall be the responsibility of developer and abutting property owners. Any access easement that may serve future infill development shall be recorded with a reservation for dedication as future right-of-way.

9.11.21 Perimeter Streets. Streets systems in new land divisions shall be laid out so as to eliminate or avoid the creation of new perimeter half-streets. Where an existing half-street is adjacent to a new land division, the other half of the street shall

be improved and dedicated by the land developer. The Planning Commission may authorize a new perimeter street where the land divider improves and dedicates the entire required street right-of-way width within his own land division boundaries.

9.11.22 Where directions of travel are separated by a median, such as with boulevard cross-sections with or without a left turn lane, the median shall be no less than twelve (12) feet and be provided for landscaping. Planted medians may be a minimum of six (6) feet in width when separating travel lanes for a road section without center or left turn lanes in the median. Median shall be planted with shade trees no less than every thirty (30) feet. Trees planted in medians shall come from the street tree manual developed by the City.

9.12 Street Improvements

9.12.1 All streets shall be constructed and surfaced in accordance with the applicable standard specifications of the City. In a residentially zoned area, if the City requires a developer to install a street with pavement width greater than 36 feet to provide an arterial street or traffic route, the City will pay only the portion of the pavement and rock base cost in excess of the cost of a 36 foot street. If the City determines that a developer shall install a street with pavement width greater than 36 feet to provide a collector street or traffic route, the City will have no obligation to participate in oversizing costs. In a commercial or industrially zoned area, if the City requires a developer to install a street with a pavement width greater than 36 feet to provide a collector or arterial street or traffic route, the City will have no obligation to participate in oversizing costs.

9.12.2 In instances where streets will provide direct access for any residential zone utilizing a density of less than 21 dwelling units per acre, the developers shall provide excavation and embankment for every right-of-way within their development from the back of the curbs and/or sidewalks to the property line to a vertical grade not to exceed five (5%) percent. In all other instances, developers shall provide excavation and embankment behind the curb and/or sidewalk to plus or minus five (5%) percent vertical grade for a total width of fifty-two (52) feet for a thirty-six (36) foot wide street, and sixty (60) feet for a forty-four (44) foot wide street.
If after construction of the street, the land requiring access is changed to any residential zone utilizing a density of less than 21 units per acre, the developer making the change to any residential zone utilizing a density of less than 21 units per acre shall modify the direct access streets to provide excavation and embankment of those rights-of-way within their development from the back of the curbs and/or sidewalks to the property line to a vertical grade not to exceed five (5%) percent.

9.12.3 When a parcel borders an existing narrow road or street, or when the Comprehensive Plan or other City policies indicate plans for realignment or widening of a street that would require use of some of the land in the land division, the developer shall provide an irrevocable commitment to pay for the dedication and improvement of said substandard street to the full width as required by the Comprehensive Plan and City standards. Land dedicated for street purposes shall not be counted in satisfying area or yard requirements of this ordinance.

9.12.4 Street names are assigned by the City and reviewed and approved by the Planning Commission at the time of Tentative Plat approval. All new street names and house numbers shall conform to Ordinance No. 2290 (Street Naming). A street which is or is planned as a continuation of an existing street shall bear the same name. Names of any new streets shall be sufficiently different in sound and in spelling from other street names in the City so as to not cause confusion.

9.13 Mail Boxes

9.13.1 Joint mail box facilities shall be provided in all residential subdivisions, with each joint mail box group servicing at least two, but no more than twelve dwelling units, unless otherwise approved by the Planning Commission. Joint mailbox structures shall be placed in the street right-of-way adjacent to the curb as set forth in the design standards adopted by the Community Development Director. Proposed locations of joint mailboxes shall be designated on the Tentative Plat and shall be approved by the Community Development Director and the U.S. Postal Service. Sketch plans for the structures shall be approved by the City prior to final plat approval.

9.13.2 The applicant shall be responsible for the cost for all street name and traffic signs required by the City. The City shall install all street signs before accepting a street for public maintenance.

9.14 Soil Grading, Drainage, and Retention

9.14.1 Prior to the issuance of a Certificate of Occupancy, final grading shall be completed in accordance with applicable Code requirements and the approved final subdivision plat or partition map.

9.14.2 Lots or parcels shall be laid out so as to provide positive drainage away from all buildings and individual lot or parcel drainage shall be coordinated with the general storm drainage pattern for the entire area. Drainage shall be designed using berms, swales, and other techniques so as to not permit storm water drainage from each lot or parcel to adjacent lots or parcels.

9.14.3 Each land developer shall be required to furnish and install retaining walls should the Planning Commission determine that a hazardous condition may exist without such walls. Retaining walls shall be constructed according to standards established by the City. Any wall greater than 4' in height or subject to surcharging above the top of the wall shall be designed by an Oregon Registered Engineer. Such improvements shall be installed prior to the approval of occupancy of any home or structure in the land division.

9.15 Drainage Improvements

9.15.1 The Planning Commission shall approve a plat only when adequate provisions are made for the handling of storm or flood water runoff. The storm water drainage system shall be separated and independent of any sanitary sewer system. Storm sewers shall be designed to the approval of the Community Development Director, and a copy of design computations shall be submitted along with the construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in a gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Manholes shall be installed at the end of each line; at all changes in size, alignment, or grade; at all intersections; and at distances not greater than five hundred (500) feet, or as approved by the Community Development Director. All manholes must be accessible by a motor vehicle. Manhole construction shall be in accordance with City standard specifications.

9.15.2 The development of commercial or industrial sites, and all subdivision type land developments, shall restrict the rate and volume of stormwater runoff from the site to a pre-construction/pre-development peak rate for a 25-year storm. All calculation methods and analysis shall follow the Central Oregon Stormwater Manual.

9.15.3 All drainage facilities shall be installed at the fair share expense of the land divider (as determined by the City Council) and be large enough to accommodate potential runoff from the entire upstream drainage basin, whether inside or outside of the City limits or land division. The Community Development Director shall determine the necessary size of the drainage facilities based on the provisions of the construction standards and specifications and the adopted stormwater manual, assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan, zoning ordinance, and other regulations.

9.15.4 The developer shall provide a drainage study showing the effect of each development or land division on existing downstream facilities outside the area of development or the land division for flow greater than a 25-year storm, and up to a 100-year storm. This drainage study, together with other such studies as shall be appropriate, shall serve as a guide to improvements. Where it is anticipated that the additional runoff` from the development from an incident greater than a 25-year storm will overload an existing downstream drainage facility, and especially when it is found that there is imminent potential of downstream property damage, the Planning Commission may withhold approval of the land division until provisions have been made to upgrade the drainage facility so it can handle the anticipated flows.

9.15.5 For any land division proposed within a Special Flood Hazard Area, all applicable standards contained in the City's Floodplain Ordinance (No. 3791) shall be observed.

9.15.6 Drainage Easements.

A. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the street rights-of-way, perpetual unobstructed easements at least ten feet in width for such drainage facilities shall be provided across property outside the street lines with satisfactory access to the street. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
B. When a proposed drainage system will carry water across private land outside of the land division, appropriate drainage rights must be secured and indicated on the plat.
C. The applicant may be required to dedicate land (either in fee or by drainage or conservation easement) adjacent to existing water-courses, in locations to be determined by the Planning Commission to meet the policies of the City.

9.16 Water System Improvements

9.16.1 Water system design shall take into account provisions for extension beyond the development and to adequately grid the City system. All public water lines shall be extended through the property served consistent with City polices and as approved by the Community Development Director.

9.16.2 In an area utilizing municipal water, the developer will be required to install public water lines to acceptable standards and of sufficient size to meet all demands including fire flow demands, actual and potential, of the area being developed. The sizes required shall be established by the Community Development Director in accordance with acceptable engineering standards, but in no case, except in certain dead-end water lines recognized by the Community Development Director, shall this size be less than eight (8) inches in diameter. Should the City require water line oversizing in excess of that normally required for the area being developed, the City shall reimburse the developer in the amount of the difference in pipe material costs.

9.16.3 Nothing in this Ordinance shall be construed as requiring the City to furnish water to any land division.

9.16.4 All water lines shall have a minimum depth of thirty (30) inches.

9.16.5 Wherever a water main or service passes beneath a sidewalk, this location shall be permanently identified by etching a "W" into the concrete curb directly above the water line at the time of street and curb improvements.

9.16.6 Fire hydrants shall be required for all subdivisions and may be required for a partition. Fire hydrants shall be so located per the Fire Code. The location of fire hydrants shall be approved by the Community Development Director and the Fire Chief. To minimize future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, shall be installed before any final paving of a street shown on the final plat. Fire Hydrants shall be installed and flow tested to the satisfaction of the Fire Department, Public Works Department, and Community Development Director prior to the beginning of any combustible construction.

9.17 Sewer System Improvements

9.17.1 General Requirements.

A. All developers shall install sanitary sewer facilities in a manner prescribed by the construction standards and specifications of the City. All plans must be approved by the Community Development Director.
B. All sanitary sewage facilities of any land division shall connect to the City sanitary sewer system. Individual disposal systems or treatment plants (private or group disposal systems) will not be permitted.

9.17.2 Design Criteria.

A. These design criteria are not intended to cover exceptional circumstances or situations which may be granted an exception by the Community Development Director if adequate justification is provided by the applicant.
B. Sanitary sewer design shall take into account the capacity and grade to allow for desirable extension beyond the development. All public sanitary sewer lines shall be extended through the property served consistent with City policies and as approved by the Community Development Director.
C. In an area utilizing municipal sanitary sewage disposal, the developer shall be required to install public sewer lines to acceptable standards and of sufficient size to meet all demands, actual and potential, of the area being developed. The sizes required shall be established by the Community Development Director in accordance with acceptable engineering standards. In no case, except in certain dead-end sewer line instances approved by the Community Development Director, shall this size be less than eight (8) inches in diameter. Should the City require sewer line sizing in excess of that normally required for the area being developed, the City shall reimburse the developer in the amount of the difference in pipe material costs.
D. Sewer capacities shall also be adequate to handle anticipated maximum hourly quantities of sewage and industrial waste, including acceptable allowances for infiltration or other extraneous flow. Sewer line size, slope, depth and alignment shall be to City standards as approved by the Community Development Director.
E. Manholes shall be installed at the end of each line; at all changes in size, alignment, or grade; at all intersections; and at distances not greater than five hundred (500) feet, or as approved by the Community Development Director. All manholes must be accessible by a motor vehicle. Manhole construction shall be in accordance with City standard specifications.
F. Sanitary sewers shall be located within street rights-of-way unless topography or other extraordinary circumstances dictate otherwise. When located in easements on private property, all such easements shall be at least twenty (20) feet in width.
G. Wherever a sanitary sewer line passes beneath a sidewalk, this location shall be identified by permanently etching an "S" into the concrete curb directly above the sewer line, at the time of street and curb improvements.
H. Clean outs are required at all points where the service lateral crosses the right-of-way line, and shall be permitted otherwise only when approved by the Community Development Director.
I. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply.
J. A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer mains. The

sewer shall be constructed of ductile iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicularly to the water lines. These requirements are not applicable when the water main is at least three (3) feet above the sewer line.

9.18 Utilities

9.18.1 All utility facilities, including but not limited to gas, electric power, telephone, and television cables, shall be located underground throughout the land division. The costs associated to the installation of all utilities shall be the responsibility of the developer. Wherever existing facilities are located above ground, they shall either be removed and/or placed underground at the cost of the developer. When possible all utility facilities should be located within a public utility easement (PUE). Utilities may be located in the dedicated street right-of-way with prior approval of the Community Development Director. All new subdivisions shall provide a minimum ten foot (10') wide PUE outside of, but continuously adjacent to all public right-of-ways.

9.18.2 Easements centered on rear or side lot lines shall be provided for utilities, both public and private, when deemed necessary by the Planning Commission, the Community Development Director, and/or Public Works Director, or upon recommendation of the appropriate utility. Such recommendations shall be made at the prehearing conference for a subdivision or major partition, and during plat review for a minor partition. Such easements shall be a minimum of ten feet wide, five (5) feet on each side of the property line.

9.18.3 All utility easements shall be kept free of any building, structure, or tree in accordance with the City easement standards. If approved, fences, hedges, and other landscaping may be located within an easement, as may parking areas.

9.19 Dedication of Public Improvements.

9.19.1 Land dedicated for public purposes may be provided to the City by any of the following methods:
A. By dedication on the land subdivision plat, condominium plat or replat; or
B. By a separate dedication or donation document on the form provided by the City.

9.20 Maintenance of Public Improvements

9.20.1 The developer shall be required to maintain all improvements and provide for snow removal, sweeping and flushing on streets and walkways, until acceptance of said improvements by the City.

9.20.2 The developer shall be required to file a maintenance bond with the City in an amount determined by the Community Development Director and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of one (1) year after the date of their acceptance by the City.

9.21 Bonding and Assurances

9.21.1 Performance Guarantee for Public Improvements. On all projects where public improvements are required, the City shall require a guarantee prior to final plat approval in order to guarantee completion of the public improvements.

9.21.2 Performance Guarantee Required. When a performance guarantee is required, the developer shall file an assurance of performance with the City supported by one of the following:
A. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
B. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
C. Cash.

9.21.3 Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

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

9.21.5 Agreement. An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City. The agreement shall contain all of the following:
A. The period within which all required improvements and repairs shall be completed;

B. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
C. The improvement fees and deposits that are required;
D. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

9.21.6 Any and all right-of-way and public improvements proposed for dedication to the public shall be constructed in accordance with an approved tentative plat, construction plans and/or other adopted standards and any applicable conditions of approval.

9.21.7 Any required landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City or a qualified landscape architect is filed with the City assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

9.21.8 All improvements, new right-of-way and other public infrastructure, including receipt of staff approved as-builts, shall be completed prior to acceptance by the City; otherwise, all public improvements will remain under the ownership of the developer with notification sent to the entity providing assurance.

9.21.9 Final acceptance of all improvements shall be submitted to the City Council for adoption by Resolution.

9.21.10 Concurrent with acceptance of any new infrastructure, the Resolution shall authorize staff to notify the provider of assurance that applicable constructions bond(s) have been released.

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

9.21.12 When Developer Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

Article X. Land Divisions

10.03 Land Division Classifications

10.03.1 Under Oregon Revised Statutes, Chapter 92, land divisions are classified as one of two types:
A. Partition (parent parcel into no more than three individual parcels in a calendar year)
B. Subdivision (parent parcel into more than three individual lots in a calendar year)

10.04 General Requirements

10.04.1 Land Division Approval through Two-step Process. Applications for subdivision, partition or replat approval shall be processed by means of a tentative plat evaluation and a final plat evaluation, according to the following two steps:
A. The tentative plat must be approved before the final plat can be submitted for consideration; and
B. The final plat must include all conditions of approval of the tentative plat.

10.04.2 Compliance with ORS Chapter 92. All subdivision, partition or replat proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

10.04.3 Future Re-division Plan. When subdividing, partitioning or replating tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size required in the underlying zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone. A re-division plan shall be submitted for large lots identifying:
A. Potential future lot division(s), consistent with the density and lot size standards of the zone;
B. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
C. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

10.04.4 Lot Size Averaging. Single family residential lot sizes may be averaged to allow lots less than the minimum lot size in Residential districts, provided all lots can show an adequate building envelope.

10.04.5 Temporary Sales Office. A sales office in conjunction with a subdivision may be located in an approved model home.

10.04.6 Flood Damage. All land divisions shall be designed to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and State Building Code requirements, including elevating structures above the base flood elevation.

10.04.7 Utilities. All lots created through land division shall have adequate public utilities and facilities such as water, sewer, gas and electric. Utilities shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

10.04.8 Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

10.04.9 Preservation of Natural Features. In all subdivisions and partitions, due regard shall be shown for all natural features such as natural vegetation, water courses, historical sites and structures, and similar community assets which, if preserved and maintained in perpetuity, will add, in the opinion of the Planning Commission, attractiveness and value to the area and the City as a whole.

10.04.10 Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable.

10.04.11 Unsuitable Lands. Land which the Planning Commission finds to be unsuitable for land division or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will be harmful to the safety, health and general welfare of the present or future inhabitants of the land division and/or its surrounding areas, shall not be subdivided or partitioned unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the Public Works Director, to solve the problems created by unsuitable land conditions. Such unsuitable land shall be reserved for uses that do not involve such danger.

10.04.12 Water Bodies. If a tract being subdivided or partitioned contains a water body or portion thereof, the responsibility for safe maintenance of the water body shall be that of the abutting property owners. Where such a watercourse separates the buildable area of a lot or parcel from the street by which it has access, provisions shall be made for installation of a bridge, culvert or other structure of a design approved by the Public Works Director.

10.04.13 Naming of Subdivisions and Partitions. The proposed name of a Tentative Plat or final plat of a subdivision shall not duplicate, be similar to, or too closely approximate phonetically, the name of any other subdivision in the county. The Planning Commission shall have final authority to determine the name of the land division at the time of Tentative Plat approval. If a partition name is selected by the developer, it shall conform to all the requirements of a subdivision name.

10.04.14 Conditional Approvals. Regulation of the subdivision of land, and the attachment of reasonable conditions to land divisions is an exercise of valid powers delegated by the state of Oregon to the City. The developer has the duty of compliance with reasonable conditions established by the Planning Commission for design, dedication, improvements, and restrictive usage of land so as to conform to the Comprehensive Plan.

10.04.15 Conformance to Applicable Rules and Regulations. In addition to the requirements established in this Ordinance, all subdivisions, partitions and replats shall comply with the following laws, rules, and regulations:

A. All applicable statutory provisions;
B. The Structural Code, Fire Code, and all other applicable laws of the City;
C. The Comprehensive Plan, official map, public utilities plan and capital improvements program, including all streets, drainage systems, and parks shown on the official map or Comprehensive Plan as adopted;

D. The special requirements of these regulations and any rules of county and state agencies, such as the State Department of Transportation (if any part of the subdivision or partition were to abut a state highway);
E. The standards and regulations adopted by the Public Works Director and all boards, commissions, agencies and officials of the City of Pendleton;
F. All pertinent standards contained within the planning guides published by any state or regional planning agency;
G. The Transportation System Plan.
H. If the owner places restrictions on any of the land contained in the land division greater than those required by this ordinance, such restrictions or reference thereto may be required to be indicated on the plat, or the Planning Commission may require that restrictive covenants be recorded with the Umatilla County Office of County Records in a form approved by the City Attorney. Such restrictions shall not be the enforcement responsibility of the City of Pendleton.

10.04.16 Sale of Land, Issuance of Permits.

A. Approval of a final plat in accordance with these regulations and the filing of said plat with the Umatilla County Clerk is required before any owner, or agent of the owner, of any lot or parcel of land located in a proposed subdivision or partition shall transfer or sell any such lot or parcel. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the plat for such subdivision or partition has been so recorded, pursuant to the standards contained in ORS Chapter 92.
B. The description of any lot or parcel of land, by the use of metes and bounds descriptions for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such described land divisions shall be subject to all of the requirements contained in this Ordinance.
C. A building permit shall be withheld for the construction of any building or structure located on a lot or parcel of a subdivision or partition sold in violation of this Ordinance.
D. In a subdivision or partition, no approval of occupancy for any building in the land division shall be issued prior to the completion of the public improvements required, and their acceptance by the City.
E. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotions, or practices, or any applicable conflict of interest legislation with respect to the lot or parcel which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

10.05 Subdivisions, Partitions and Replats

10.05.1 **Pre-Application Conference.**

A. Purpose. Due to the technical data required for the consideration of a subdivision or partition tentative plat, and to inform the developer of the requirements of public and private agencies affected by the proposed development, after the filing of an application for tentative plat approval, a pre-application conference shall be held with the developer and/or his agent meeting with City Staff and representatives of other public and private agencies affected by the proposed development. Said conference shall be held at a time and place convenient to all participants.
B. Study of Initial Tentative Plat. After receipt of the initial tentative plat, the City shall transmit copies of the plat to appropriate officials or agencies of the City, county, school district and special districts or other bodies applicable under any state or federal law. The City shall request that all officials and agencies requested to comment submit their written report prior to the pre-hearing conference or transmit their report verbally at the conference.
C. Scheduling of Pre-application Conference. Within ten (10) days after receipt of the application for tentative plat approval, the Department of Planning and Building shall, after consultation with the parties concerned, notify the applicant and other affected parties of the time and place of the pre-hearing conference. The conference will be held within fifteen (15) days after receipt of the application.
D. Pre- application Conference. At this conference, representatives of the City and other public and private agencies affected by the proposed land division may transmit, either in writing or verbally, such information and make such recommendations to the developer as they deem desirable for the benefit of the developer in preparing the tentative plat. The conference shall include on its agenda the requirements of this Ordinance. Reasonable attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, natural features, open space and school requirements, sewage disposal, drainage, lot or parcel sizes and arrangement, the further development of adjoining lands as yet not subdivided or partitioned, the requirements of the Comprehensive Plan and official map.
E. Report of Pre-application Conference. Within ten (10) days after the pre-application conference, the City shall give written notice to the developer or his agent of the specific changes or additions, if any, in the layout, and the character and extent of required improvements and dedications or reservations deemed necessary for approval of the proposed subdivision or major partition. The report concerning the pre-hearing conference shall be presented to the Planning Commission at the time it considers the tentative plat.

10.05.2 **Tentative Plat Procedure.**

A. Purpose. The process of tentative plat approval is intended to present for evaluation:
   1. The plat documents and statements submitted by the developer or his agent concerning the plan for the proposed development;
   2. The report of the pre-hearing conference;
   3. Additional reports or statements of public officials or agencies affected by the proposed land division;
   4. The testimony of all citizens who wish to comment upon the proposed land division;
   5. The staff report of the Planning Department and other City officials concerning the tentative plat.

B. Application Procedure and Requirements. Prior to proceeding to application for final plat approval, the developer of a subdivision or major partition shall file an application for approval of a tentative plat. The application shall:
   1. Be made on forms available at the Community Development Department;
   2. Include all the land which the applicant proposes to divide and any abutting properties under the same ownership;
   3. Be accompanied by a statement of the intended method of developing the proposed land division, indicating:
      a. If the land will be developed in one or more stages or phases;
      b. If the lots or parcels, in whole or in part, will be sold to additional contractors for the construction of structures or if the contracting will be undertaken in whole or in part by the applicant for tentative plat approval.

C. Information Required on the Tentative Plat. The tentative plat shall be prepared by an Oregon licensed Surveyor or Engineer. All sheets shall be numbered in sequence and the following shall be shown on all documents:
   1. General Information.
      a. The proposed name of the land division;
      b. The name and address of the owner or owners, land divider, engineer, and/or surveyor and land planner;
      c. Appropriate identification clearly stating the map is a tentative plat;
      d. The date, north arrow, and scale of the drawing.
   2. Vicinity Map. A vicinity map shall be provided and shall specify:
      a. All existing subdivisions, partitions, streets and tract lines of acreage land parcels within 1500 feet of the proposed land division;
      b. The manner in which streets and alleys in the proposed land division will connect with existing and proposed streets and alleys in neighboring land divisions or undeveloped property to produce the most advantageous development of the entire area.
   3. Detail Map. The Tentative plat shall be drawn at a scale of one inch equals 100 feet. The size of the plat shall be either 18 inches by 24 inches or 24 inches by 36 inches. The following information shall be shown on the detailed map:
      a. The location of the proposed land division by section, township, range, and a legal description sufficient to define the location and boundaries of the property;
      b. The area of the proposed land division;
      c. The date of the last property survey;
      d. The number of lots or parcels.
   4. Existing Conditions. The detailed map shall show the following existing conditions:
      a. The location, widths, and names of all existing and platted or mapped streets or other public rights-of-way within or adjacent to the proposed land division, railroad rights-of-way and other features such as section lines and corners, political subdivision or corporate lines, monuments and easements;
      b. The location in the adjoining streets or property of existing sewer and water mains, culverts and drain pipes, electrical conduits or lines proposed to be used or connected to the property to be subdivided. The invert elevations of sewers, culverts and drains shall be shown at points of proposed connection;
      c. Contour lines having the following minimum intervals:
         - Two foot contour intervals for ground slopes less than ten percent;
         - Five foot contour intervals for ground slopes more than ten percent.

         The elevations of all control points which are used to determine the contours shall be indicated and must be to U. S. Geodetic Survey Datum, if within a one-mile radius of an existing monument. If datum is not within a one-mile radius, datum shall be that approved by the City Engineer.
      d. The approximate location of area subject to inundation or storm water overflow with the approximate high water elevation. Surface water drainage patterns shall be shown for every lot, parcel and block;
      e. Location, width, direction and flow of all water courses;
      f. Natural features, such as rock outcroppings, marshes, wooded areas and existing trees;
      g. Existing use or uses of the property and adjacent property, including the location of existing structures to remain on the property or immediately adjacent to the property after final approval;
      h. The land use zoning on and adjacent to the tract;
      i. The location of at least one temporary bench mark within the plat boundaries.
   5. Proposed Plat of Land Division. The following information shall be included on the tentative plat:

a. The location, width, names, approximate grades and radii of curves of proposed streets;
b. The locations, widths and purposes of all easements on the land proposed to be divided and on abutting property;
c. The location, area, and approximate dimensions of proposed lots or parcels and the proposed lot or parcel and block numbers;
d. The proposed land use, including any lots or areas allocated for multi-family dwellings, shopping or commercial facilities, churches, industrial uses, parks, schools, playgrounds, public or semi-public use;
e. Applicants shall also submit a circulation plan which includes the subject site and all adjacent parcels. Proposed streets must be shown to the point of connection with the existing street system within six hundred (600) feet. The circulation plan shall demonstrate feasibility with development of adjacent properties, or may revise the off-site portion of prior approved plans. Circulation plans shall also be consistent with the Transportation System Plan Map, as amended.
Circulation plans shall be schematic in nature and include sufficient off-site and on-site conditions to evaluate it against the review criteria. It shall include:
- Proposed project boundary;
- Existing and proposed streets (from TSPM), transit routes and facilities, and other pedestrian/bicycle destinations within six hundred (600) feet of the project boundary;
- Site access points for vehicles, pedestrians, bicycles, and transit; and
- Contours showing changes in elevation.
- Sensitive lands (wetlands, shorelines, geologic hazard, floodplain, etc.)

6. Explanatory Information. The following information shall be included with the tentative plat, but may be submitted in the form of statements in lieu of being drawn on the detailed map:
a. Proposed deed restrictions, if any, in outline form;
b. The location within the land division and in the adjoining street and properties of existing sewer and water mains, culverts, drain pipes and electrical lines as well as the provisions to be made for water supply, sewage disposal and drainage and flood control.
7. Supplementary Proposals with Tentative Plat. Any of the following may be required by the Community Development Department to supplement the plat of land division:
a. Approximate center-line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction;
b. A plan for domestic water supply lines and related water service facilities;
c. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways;
d. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil;
e. Proposals for other improvements such as electric utilities, pedestrian walkways, bikeways, etc.

10.05.3 Study of Tentative Plat.

A. The tentative plat, upon being submitted to the City Planner and distributed to appropriate departments and agencies for their review and comment, will be checked against the Comprehensive Plan and City Ordinances; and if conforming, may be processed pursuant to the standards for a Type II action contained in Article 13.
B. If the proposed tentative plat is a residential subdivision containing ten or more lots, if it does not appear to comply with the Comprehensive Plan, or if it appears to comply only if conditions are imposed, the application shall be submitted to the Planning Commission under the standards for a Type III action contained in Article 13. The Planning Commission may require such dedications of land and easements and may specify such conditions and modifications to appear on the final plat as are deemed necessary to achieve compliance with the Comprehensive Plan and City Ordinance.

Article XIII. Land Use Application Procedure

13.01 Application Submittal and Completeness Review

The City of Pendleton provides a consolidated procedure by which an applicant may apply at one time for all land use permits needed for a development project.

13.01.1 Application Forms and Checklists

A. The Director shall supply land use application forms pursuant to the standards contained in the applicable state law, comprehensive plan, and implementing ordinance provisions. All applications provided for in this Ordinance shall be made on the application forms prescribed by the City.

B. The Director shall supply checklists or information sheets for applications, which shall detail the specific information which must be contained in the application, including format and number of copies. Such checklists may be incorporated into the application forms.

13.01.2 Who May Apply

A. An application for a Special Permit may be filed by:

1. The owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser.
2. The City Council, Planning Commission, City Manager, or the City Manager's designee, as to property owned by the City, including public right of way and easements, or which the City intends to acquire.
3. Public agencies that own the property or have passed a resolution declaring that they intend to exercise their statutory authority to condemn the property.

13.01.3 **Classification of Applications**

A. All applications shall be subject to the procedure type specified in this Code. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.

1. A Type I (Ministerial) application is subject to non-discretionary criteria or criteria that require the exercise of professional judgment only about technical issues.
2. A **Type II (Ministerial)** application is subject to criteria that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest.
3. A **Type III (Quasi-Judicial)** application is subject to criteria that require the exercise of substantial discretion and about which there may be broad public interest, although the application applies to a limited number of land owners and properties.
4. A Type IV (Legislative) procedure typically involves the adoption, implementation or amendment of policy or law by ordinance. The subject of a Type IV procedure generally applies to a relatively large geographic area containing many property owners.
5. When an applicant submits more than one complete application for a given proposal, where each application addresses a separate set of code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type of the application which requires the broadest notice and opportunity to participate. For example, a Type II application will be consolidated with a Type III application for the same proposal on the same site, in which case, the Type II application will be reviewed by the decision making authority of the Type III application. The decision making authority's action on the Type II application will be based on the approval criteria governing the Type II application.

B. In the event that the completed applications involve applications where the decision making authority is a combination of the Director and the Planning Commission, the decision making authority will be the Planning Commission.

C. Notwithstanding any other provision and at no cost to the applicant, the Director may choose to combine multiple applications for the same development as a way to increase the efficiency of development review.

D. For applications within the Historic District, the Director shall determine the appropriate decision-making authority between the Façade Committee, the Landmarks Commission and the Planning Commission. Such determination will be based upon the characteristics of the proposal and the associated application, if any.

13.01.4 **Application Submittal**

A. Applications for development permits shall be submitted upon forms supplied by the Director. Partial submittal of applications will not be accepted. All of the following items must be submitted to initiate the completeness review:

1. Applications for Type I and Type II actions which do not require a public hearing shall be processed administratively in the order they are received. One copy of the application and all attachments shall be submitted.

2. All applications for **Type III quasi-judicial** actions shall be submitted to the Planning Department no less than 28 days before the next scheduled meeting of the Planning Commission. Ten complete sets of the application and all attachments shall be submitted.
3. Any proposal for a Type IV Legislative action to amend the City of Pendleton Comprehensive Plan or any City of Pendleton land use regulation or to adopt a new land use regulation shall be submitted a minimum of 50 days prior to the first evidentiary hearing, consistent with the standards contained in ORS 197.760. Twenty complete sets of the application and all attachments shall be submitted.
4. In no instance shall an application be scheduled for a public hearing if local or State notice requirements cannot be met. Applications submitted after applicable deadlines shall be scheduled for the next available hearing date upon determination of completeness.

B. **All applications shall provide the following minimum information, unless specifically waived by the Planning Director:**
1. Application form, including required notarized signature(s) that demonstrate consent of all owners of the affected property;
2. Deed, title report or other proof of ownership;
3. Completed checklist provided for each type of application, including all required materials;
4. A narrative summarizing the project, including (but not limited to) such information as: the nature of the structure(s) and/or activities proposed (Residential, Commercial, Industrial, Institutional, Mixed Use, etc.) number of dwellings/employees/ students/participants, hours of operation, and any other information to assist staff and the public in understanding the proposal. If negative impacts are anticipated, please identify them and provide a proposal for mitigation.
5. Plans and specifications, drawn to scale, showing the following:
   a. The actual shape and dimensions of the lot or site to be built upon. Site drawings should be provided at a scale of 1" = 20' or 1" = 40' unless a large site dictates a more appropriate scale, which shall in all cases be consistent with a U.S. Standard Engineer scale.
   b. The sizes and locations of all structures on the site (existing and proposed), including all setbacks.
   c. Elevations of any proposed buildings, if part of or relevant to the application.
   d. The number of dwelling units, if any, that exist on the site or are proposed for construction.
   e. The relationship of the property to the surrounding area.
   f. Documentation of the public improvements abutting the site (streets, curb/gutter, sidewalks, etc.).
   g. Elevation Certificate and/or topographic map prepared by a registered land surveyor to show compliance with floodplain standards, if applicable.
   h. Any other information deemed necessary by the Planning Director to determine conformance with this Ordinance or compatibility with the general neighborhood or zone.
6. Special reports or plans required to demonstrate that the specific proposal and its site constraints comply with applicable codes. These are noted on the application checklist.
7. Application narrative to address each applicable approval criteria and standards.
8. Any mitigation proposed to address actual or potential negative impacts.
9. A Trip Generation study or Traffic Impact Analysis, if deemed necessary pursuant to this Ordinance and/or the City of Pendleton Transportation System Plan.
10. Electronic copies of all submittal materials, if possible.
11. Payment for the appropriate land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal.

13.01.5 **Completeness Review**

A. The Director shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within thirty (30) calendar days after the city receives the application submittal.
B. Incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required information listed in the checklist and shall not be based on differences of opinion as to quality or accuracy. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Development Code standards.
C. Submittal and/or acceptance of the required fees shall not constitute acceptance of a complete application.
D. Failure to provide necessary or relevant information may result in delay or denial of an application.
E. If the application was complete when first submitted or the applicant submits additional information within 180 days of the date the application was first submitted, and a decision has not been issued, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.
F. If an application is incomplete, the Director shall prepare a notice of incompleteness. The notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, to be returned to the Director by the applicant, indicating whether or not the applicant intends to

amend or supplement the application.

G. The application will be deemed complete for purposes of this Section upon receipt by the city of:
   1. All of the missing information;
   2. Some of the missing information and written notice from the applicant that no other information will be provided; or
   3. Written notice from the applicant that no additional information will be provided.

H. The application will be deemed void if the application has been on file with the city for more than 180 calendar days and the applicant has not met the obligations of subsection G. above.

I. The City shall take final action on an application for a permit, limited land use decision or zone change consistent with the standards contained in ORS 227.178, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The 120 calendar day time limit may be extended pursuant to subsection J. below or as may otherwise be permitted under State law.

J. The 120 calendar day time line may be extended at the written request of the applicant. The total of all extensions may not exceed 245 calendar days, for a total of 365 days from the date the application is deemed complete.

13.01.6 **Withdrawal of an Application**

A. An applicant may withdraw an application at any time before the application is deemed complete.
   1. An applicant may withdraw an application previously deemed complete at any time prior to adoption of a final City decision if the Director determines that:
   2. The owners or contract purchasers or the interest holders in the property consent in writing to withdraw the application.

B. No violation of this Code has been identified on the subject property and processing of the application would not correct the identified violation.

C. The City Manager or his designee may withdraw any City-initiated application at any time.

D. If an application is withdrawn after public notice has been mailed, the Director shall send written notice stating the application has been withdrawn to all persons to whom notice of the application or hearing has been sent. This provision shall not apply to legislative applications that require Citywide mailed notice.

E. Once an application has been withdrawn, the application fees shall be refunded by the following formula:

F. Application withdrawn prior to being deemed complete: 85%.

G. Application withdrawn prior to publication or distribution of public notice: 50%.

H. Application withdrawn after publication or distribution of public notice: no refund.

I. There shall be no refund of fees for appeal of a Type III/Planning Commission decision; appeal fees may be refunded if the appellant prevails in an appeal of a Type II decision pursuant to ORS 227.175.

13.06 Burden of Proof

The following language shall be included with all decisions for Type II, III and IV actions.

The specific findings made in granting a Permit shall be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the Permit. If no evidence is produced by the applicant concerning any of the findings, the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings relating to approval or denial of an application.

A. The applicant has the burden of proof regarding all requests affecting a subject property, and the applicant recognizes that it is the sole obligation of the applicant to substantiate the request.

B. If any administrative review, suit or action is instituted in connection with any appeal of a decision, the applicant shall be required to either (1) reimburse the City for all costs incurred in defending this action, including but not limited to attorney fees, staff costs, any materials and other related costs, or (2) notify the City that the applicant does not desire to undertake such costs and will drop its request.

C. The applicant shall notify the City Manager within five (5) days from City's receipt of any notice of appeal by delivering a written statement to the City Manager within said five (5) days advising the City Manager whether the applicant will reimburse the City for all costs as described above or desires to drop the request.

D. In the absence of written communication from the applicant within the allotted five (5) days the City may at its option presume the applicant desires to drop the request and the City shall have no obligation to defend the appeal.

E. In appeals involving questions of City-wide significance, the City Council may determine to participate in part of the costs specified herein. Nothing in this condition shall affect applicant's right to retain independent counsel in making their own legal appearance upon appeal.

F. If any suit or action, including rescission, is instituted by the applicant in connection with any controversy arising out of a request, there shall be taxed and allowed to the City as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees in such suit or action, both at trial and upon appeal. In addition, the City may charge a fee for preparation of a written transcript, not to exceed the actual cost of preparing the transcript, up to $500 plus one-half the actual costs over $500.

Please refer to Section 13.04 Type III Procedure (Quasi-Judicial) of the Unified Development Code for procedural language for all Type III applications.

Article XV. Administrative Provisions

15.03 Compliance with Ordinance Provisions

15.03.1 The provisions of this Ordinance shall be deemed minimum requirements for the preservation of the public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Pendleton.

15.03.2 A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this Ordinance permits.

15.03.3 No lot area, yard or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance.

15.03.4 No lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard, or open space for another use.

15.03.5 Development shall not commence until the applicant has received all of the appropriate land use and development permits (including but not limited to a Development Permit and building permits).

15.12 Consent to Annexation Required

Pursuant to the Joint Management Agreement with Umatilla County, any land use action on land in the Joint Management Area (lands inside the Pendleton Urban Growth Boundary but not inside the Pendleton city limits) is subject to all City of Pendleton criteria and standards. However, such properties do not pay City taxes, rely on Umatilla County as the primary response for police and fire service, and are also subject to a surcharge for water and sewer service. In order to reduce inter-jurisdictional issues, all land use actions inside the JMA shall carry, as a condition of approval, that:

A. If the property abuts the City limits of the City of Pendleton, property owner shall provide a consent to the City for annexation; or
B. If the property is inside the Urban Growth Boundary but does not abut the City limits of the City of Pendleton, property owner shall provide a consent to the City for annexation at such time as the property does abut the city limits.

15.14 Violation of Conditions

The Planning Commission, on its own motion, may revoke any Permit for noncompliance with conditions set forth in the granting of said permit after first providing notice and holding a public hearing pursuant to the standards for a Type III application. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a Permit.

15.15 Agreements for Conditional Approvals

Conditions imposed upon rezoning approvals, discretionary permits, land divisions, or any other authorizations to applicants pursuant to this Ordinance, may be incorporated into an agreement which shall be binding on the applicant and the applicant's successors, heirs and assigns as a continuing obligation running with the property which is the subject of such authorization. The Mayor and City Recorder are hereby authorized to execute such agreements when approved by the Planning Commission in the case of discretionary permits, or by the City Council in the case of rezoning ordinances, appeals on discretionary permits, or other authorizations requiring Council action.

Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other ordinance, the provisions which are more restrictive shall govern.

The applicant bears the burden of proof to show that the application meets all standards and criteria for approval. Applicants should demonstrate compliance with all applicable criteria and standards as part of the application materials. Applicants should also be prepared to demonstrate compliance before the Planning Commission.

Although not required, it is highly recommended that applicants have the property surveyed and the tentative plat prepared by a surveyor prior to making an application. A proper survey prepared as part of the tentative plat application can save many headaches later on. Please trust us on this.

SUBMITTAL REQUIREMENTS

The following items must be received in order to deem an application complete and process it at the staff level or schedule it for a hearing before the Planning Commission. If you need assistance completing the forms, please contact the Planning Department. If you do not have a copy of the deed to your property to verify ownership, contact the Umatilla County Office of County Records at (541) 278-6236 or www.co.umatilla.or.us/records.htm.

1. Original, signed **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink.
2. **The tentative plat** showing all lot lines, park lands, utility and/or other easements, water ways, flood plain, right-of-way dedications and other items outlined in the approval criteria above.
3. **Narrative** specifically addressing compliance with every section listed above.
4. Please **submit all plans to scale**; use 1"=20' or 1"=40' or 1"=100" unless plans are exceptionally large.
5. Any additional information you wish to supply to support your request.
6. The appropriate **fee**.
7. If the application is a Type II (staff review), please submit **3 copies** of all materials.
8. If the application is a Type III (Planning Commission review), please submit **10 copies** of all materials for staff and Planning Commission distribution.

Electronic submittals of all materials are encouraged.

Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. Failure to submit materials adequate to support approval of the request may result in delay or denial of the application.

The Planning Department will review all tentative plats for conformance with applicable standards. The City of Pendleton is not responsible if an approved land division results in lots that have a less-than desirable building envelope, slope, frontage, access, or other constraints. Although certain variances may be considered as part of preliminary plat approval, creation of such lots shall not be the basis for approval of a variance after approval of a tentative plat.

Expedited Land Division Application Form (ORS 197.360-380)

What is an Expedited Land Division?
The expedited land division process provides an alternative to the standard procedures for certain land division requests. An applicant may choose to use the expedited land division process if their land division request meets all of the applicable requirements specified in Oregon Revised Statute (ORS) 197.360 (see reverse side). The steps in this procedure differ from the regular subdivision procedure, but still include a public review and opportunity for appeal. The steps are described in ORS 197.365-375.

Is it faster than the regular subdivision process?
The expedited land division process is intended to streamline the regular land use process that land divisions normally follow under state law, which allows up to 120 days for final city approval. The City of Pendleton Typically processes land division applications (subdivision, partition, or replat) that meet city standards and are complete when submitted, in far less than the "120 day rule." Therefore, in Pendleton, there may be no difference in processing time between a regular land division and expedited land division.

What are the requirements to qualify for the Expedited Land Division process?
ORS 197.360 lists the requirements to qualify for an expedited land division review. These requirements are summarized below. The full text of ORS 197.360 is included on the reverse side of this form.

The proposed land division (i.e. subdivision, partition, or replat):

1. Must be on residentially zoned land and must be solely for the purposes of residential use;
2. Must not create building lots that provide for dwellings or accessory buildings within areas that contain natural resource protections, such as, open spaces, scenic and historic areas and natural resources;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must either:
   a. *Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or*
   b. *Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built. (2013 Umatilla County median household income was $48,389)*

Is the filing fee more for an Expedited Land Division?
Yes. The application filing fee for an expedited land division is higher than the filing fee for a standard subdivision application, to cover the costs of processing the application following a different, specialized set of expedited procedures. See the City Fee Schedule for fee amounts.

Why am I receiving this application form for Expedited Land Division now?
The expedited land division process has existed since 1995; however, the 2015 Oregon Legislature, in response to a Bill supported by the Oregon Homebuilders Association, required that all land division applicants be notified of the expedited land division option and how to apply.

Are you applying for an Expedited Land Division?
Yes ☐ No ☐ (If yes, then attach a written description of how the proposal satisfies ORS 197.360)

APPLICANT _____

Mailing address _____

Phone _____ **Fax** _____ **Email** _____

Signature _____ **Date** _____