

**ARTICLE VI
LAND DIVISION**

Chapter 8-6.180

SUBDIVISION

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8-6.180.010 Purpose

The purpose of this chapter is to:

- A. Implement the comprehensive plan.
- B. Provide rules, regulations, and standards governing the approval of plats of subdivisions.
- C. Carry out the development pattern and plan of the city.
- D. Promote the public health, safety, and general welfare.
- E. Lessen congestion in the streets and secure safety from fire, flood, pollution, and other dangers.
- F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage.
- G. Encourage the conservation of energy resources.

8-6.180.020 Administration

- A. An application for a subdivision shall be processed through a two-step process: the preliminary plat and the final plat:
 - 1. The preliminary plat shall be approved by the Planning Commission before the final plat can be submitted for approval consideration; and
 - 2. The final plat shall reflect all conditions of approval of the preliminary plat.
- B. Preliminary plat applications shall be administered and reviewed as a Planning Commission review in accordance with Article II, Procedures, of this title.

- C. Final plat applications shall be administered and reviewed as an administrative decision in accordance with Article II, Procedures, of this title.

8-6.180.030 Submittal Requirements: Preliminary Plat

- A. In addition to the forms and information required in Section 8-6.24.030, the following information shall be submitted:
1. The preliminary plat map and required data or narrative (number to be determined at the preapplication conference);
 2. The preliminary plat map and data or narrative shall include the following:
 - a. The name, address, and telephone number of:
 - i. the owner(s) of the subject property;
 - ii. the owner(s)' authorized agent; and
 - iii. the land surveyor and engineer.
 3. Sheet size for the preliminary plat shall preferably not exceed 18 inches by 24 inches;
 4. The scale shall be an engineering scale of 1 inch equals 100 feet or larger;
 5. The proposed name of the subdivision shall comply with ORS Chapter 92 and shall not duplicate or resemble the name of any other subdivision in the county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name;
 6. Vicinity map showing the general location of the subject property in relationship to arterial and collector streets;
 7. The date of application;
 8. The boundary lines of the tract to be subdivided;
 9. The names of any adjacent subdivisions;
 10. Contour lines related to a City established benchmark at 2-foot intervals for grades 0 to 10 percent and 5-foot intervals for grades over 10 percent;
 11. The purpose, location, type and size of all the following (within and adjacent to the proposed subdivision) existing and proposed:
 - a. Public and private rights-of-way and easements;
 - b. Public and private sanitary and storm sewer lines, domestic water mains including fire hydrants, gas mains, major power (50,000 volts or higher), telephone transmission lines, cable television lines, and watercourses; and
 - c. Deed reservations for parks, open spaces, pathways, and any other land encumbrances.

12. Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plans of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 13. Approximate centerline profiles showing the finished grade of all streets including street extensions for a reasonable distance beyond the limits of the proposed subdivision;
 14. Scaled cross sections of proposed street rights-of-way;
 15. The location of all areas within the floodplain or areas subject to inundation or storm water overflow, and the location, width, and direction of flow of all watercourses and drainageways;
 16. The proposed lot configurations, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots. Each lot shall abut a public street;
 17. The location of all trees or groupings of trees having a 6-inch caliper or greater measured at 4 feet above ground level, and the location of proposed tree plantings, if any;
 18. The existing use of the property, including location of all structures and present use of the structures, and a statement of which structures are to remain after platting;
 19. Supplemental information including proposed deed restrictions, if any, proof of property ownership, and a proposed plan for provision of subdivision improvements;
 20. Existing natural features including rock outcroppings, wetlands, and riparian areas; and
 21. The north arrow.
- B. If any of the foregoing information cannot practicably be shown on the preliminary plat, it shall be incorporated into a narrative and submitted with the application.
- C. The Administrator may require information in addition to that required by the chapter when it is found that certain information is necessary to properly evaluate the application.
- D. The Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application.

8-6.180.040 Approval Standards: Preliminary Plat

- A. The Planning Commission may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with provisions of this title and other applicable ordinances and regulations;
 2. The proposed plat satisfies the provisions of ORS Chapter 92, Subdivisions and Partitions;
 3. The proposed roads and streets are designed in accordance with the City's street standards;

4. The roads and streets are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern;
 5. Oversized lots or remnant parcels shall be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district and this title;
 6. The subdivision design will allow for efficient development of adjoining properties;
 7. All subdivision proposals shall have appropriate public utilities and facilities such as sewer, gas, electrical, water, and storm water systems; and
 8. An explanation has been provided for all improvements owned in common by either owners of property within the subdivision or for the public.
- B. Reserve strips may be required by the City for the purpose of controlling access to adjoining undeveloped properties.
- C. Waiver of remonstrance agreements may be required by the City to provide the opportunity to form a local improvement district (LID) in the future. The purpose of an LID is to finance needed public improvements which must involve more than one property or development.
- D. The Planning Commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations.

8-6.180.050 Phased Development

- A. The Planning Commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than 2 years without reapplying for a preliminary plat.
- B. The following criteria for approving a phased site development review proposal shall be:
1. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. (For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard); and
 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
- C. The application for phased development approval shall be heard concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

8-6.180.060 Submittal Requirements: Final Plat

The applicant shall submit a final plat and three copies to the City Administrator within 2 years of the preliminary plat approval which complies with the approved preliminary plat.

8-6.180.070 City Review of Final Plat: Approval Criteria

The Administrator and the City's consulting engineer shall review the final plat and shall approve or deny the final plat approval based on following findings.

- A. The final plat complies with the plat approved by the Planning Commission and all conditions of approval have been satisfied.
- B. The plat complies with the applicable provisions of this title and other applicable City regulations.
- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
- D. The streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the City.
- E. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal, and water supply systems.
- F. An explanation regarding all of the common improvements required as conditions of approval are provided to be recorded.
- G. Proper verification has been provided showing that the necessary water, sanitary, storm drainage, and other utilities will be available.
- H. Copies of signed deeds have been submitted granting the City a reserve strip as provided by the preliminary plat approval.
- I. The final plat has been made upon materials that are suitable for binding and copying purposes, that have characteristics of strength and permanency, and that comply with the recording requirements of Hood River County.
- J. The lettering of the approvals, dedication and affidavit of the surveyor is of such a size and type, and the plat is at such a scale, as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch.
- K. If there is more than one sheet, a face sheet and index has been provided.
- L. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92 and the requirements of Hood River County.

8-6.180.080 Centerline Monumentation: Monument Box Requirements

- A. Centerline Monumentation:
 - 1. The centerlines of all street and roadway rights-of-way shall be monumented before City acceptance of street improvements; and
 - 2. The following centerline monuments shall be set:
 - a. All centerline-centerline intersection points;
 - b. All cul-de-sac center points; and

- c. Curve points, beginning and ending points (point of curvature, P.C. and point of tangency, P.T.).

B. Monument Boxes Required

1. Monument boxes conforming to City standards will be required around all centerline intersection points and cul-de-sac center points; and
2. The tops of all monument boxes will be set to finished pavement grade.

8-6.180.090 Improvement Agreement

- A. Before City approval is certified on the final plat, and before approved construction plans are issued by the City, the subdivider shall:
 1. Execute and file an agreement with the Administrator specifying the period within which all required improvements and repairs shall be completed; and
 2. Include in the agreement provisions that if such work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the subdivider.
- B. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract. All improvements shall comply with the City public improvements standards.

8-6.180.100 Bond: Cash Deposit

- A. As required by Section 8-6.180.100, the subdivider shall file with the agreement an assurance of performance supported by one of the following:
 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
 2. 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
 3. Cash.
- B. The assurance of performance shall be for a sum determined by the City's consulting engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. The subdivider shall furnish to the City's consulting engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City's consulting engineer in calculating the amount of the performance assurance.
- D. In the event the subdivider fails to carry out all provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- E. The subdivider shall not cause terminating of nor allow expiration of said guarantee without having first secured written authorization from the City.

8-6.180.110 Filing and Recording

- A. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 8-6.180.160.
- B. Upon final recording with the County, the applicant shall submit:
 - 1. One mylar and 2 archive quality copies of the recorded final plat to the County; and
 - 2. One mylar and 1 archive quality copy of the recorded final plat to the City.

8-6.180.120 Prerequisites to Recording the Plat

- A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.
- B. No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92.

8-6.180.130 Vacation of Plats

- A. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. All applications for a plat or street vacation shall be made in accordance with Sections 8-6.180.020 and 8-6.180.030, and Subsection 8-6.180.080 (A).
- C. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys.
- D. All approved plat vacations shall be recorded in accordance with Section 8-6.180.110:
 - 1. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 - 2. The vacation shall also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.
- E. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

8-6.180.140 Vacation of Streets

All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

Chapter 8-6.184

MAJOR AND MINOR LAND PARTITIONS AND LOT LINE ADJUSTMENTS

Sections

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- 8-6.184.090 City Council Acceptance of Dedicated Land
- 8-6.184.100 Centerline Monumentation: Monument Box Requirements
- 8-6.184.110 Recording of Partitions and Lot Line Adjustments

8-6.184.010 Purpose

The purpose of this chapter is to provide rules, regulations, and standards governing approval of major and minor land partitions and lot line adjustments.

8-6.184.020 Applicability of Provisions

- A. A major land partition approval is required when a division of land creates 3 lots or less within one calendar year, including a public street or road.
- B. A minor land partition approval is required when three lots or less are created without creating of a public street or road within one calendar year.
- C. A lot line adjustment approval is required for any adjustment to a property line which does not create an additional lot of record nor make the existing lots in violation of the base zone minimum lot requirements.

8-6.184.030 Administration

- A. Major and minor partition applications shall be administered and reviewed as a City Administrator review in accordance with Article II, Procedures, of this title.
- B. Lot line adjustment applications shall be administered and reviewed as an administrative decision in accordance with Article II, Procedures, of this title.
- C. Final major and minor partition and lot line adjustment applications shall be reviewed as an administrative decision in accordance with Article II, Procedures, of this title.

8-6.184.040 Preliminary Application Submittal Requirements

- A. In addition to the form and information required in Section 8-6.24.030, the following information shall be submitted:
 - 1. Copies of the preliminary partition map or lot line adjustment map (number of copies determined at preapplication conference) and necessary data or narrative;

2. The preliminary partition map and necessary data or narrative shall include the following:
 - a. The name and address of the following:
 - i. The owner(s) of the subject property;
 - ii. The owner(s)' authorized agent; and
 - iii. The land surveyor and engineer;
 3. The map scale, north arrow, and date;
 4. Sufficient description to define the location and boundaries of the proposed area to be partitioned or adjusted;
 5. The scale shall be an engineering scale;
 6. The location, width, and names of streets or other public ways and easements within and adjacent to the proposed partition;
 7. Other important features to include:
 - a. The location of all permanent buildings on and within 25 feet of all property lines;
 - b. The location and width of all drainageways and/or floodplain areas;
 - c. Any identified wetlands or riparian areas;
 - d. Any trees or groupings of trees having a 6-inch caliper or greater at 4 feet above ground level;
 - e. All slopes greater than 15 percent; and
 - f. The location of existing utilities and utility easements;
 8. In the case of a major land partition, the applicant shall include the proposed right-of-way location and width, and a scaled cross section of the proposed street (to include any reserve strip);
 9. Any deed restrictions that apply to the existing lot; and
 10. Where it is evident that the subject property can be further partitioned, the applicant must show that the land partition will not preclude the efficient division of land in the future.
- B. The preliminary plan shall be as accurate as possible to ensure proper review by affected City agencies.
 - C. Following the review of the land partition by the applicable agencies, the applicant will be advised of the status of the proposal and of any additional information which shall be required prior to the filing of a final land partition survey and shall be notified of conditions to be attached to final land partition approval.
 - D. The review of the preliminary land partition does not guarantee the applicant that the final application for a land partition will be approved nor that additional information or revisions will not be required by the City.

8-6.184.050 Partition Approval Criteria

- A. A request to partition land shall meet all of the following criteria:
1. The proposal conforms with the provisions of this title;
 2. The proposed partition complies with all statutory requirements and regulations;
 3. Adequate public facilities are available and shall be installed to serve the proposed lots;
 4. All proposed lots conform to the size and dimensional requirements of this title;
 5. All lots have a minimum street frontage of 15 feet or an access easement to a street with a minimum width of 15 feet.
 6. All proposed improvements meet City and applicable agency standards;
 7. It conforms with all state regulations set forth in ORS Chapter 92, Subdivision and Partitions; and
 8. **Lot Size Limitation for Partitions.** A parcel of land or the aggregate of contiguous parcels under the same ownership, containing sufficient net buildable area to allow creation of four or more lots meeting the minimum requirements of this Code, shall be divided only in conformance with the procedures and standards specified in the Subdivision standards of Chapter 8-6.180. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the City Administrator or designee.
- B. Reserve strips may be required by the City for the purpose of controlling access to adjoining undeveloped properties.
- C. Waiver of remonstrance agreements may be required by the City to provide the opportunity to form a local improvement district (LID) in the future. The purpose of an LID is to finance needed public improvements which must involve more than one property or development.
- D. The City Administrator may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations.

[SECTION 8-6.184.050 GENERAL PROVISIONS AMENDED BY ORDINANCE No. 360, ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 22, 2003]

8-6.184.060 Lot Line Adjustment Approval Criteria

The Administrator shall approve a request for a lot line adjustment when the following criteria are satisfied.

- A. A maximum of two adjacent lots are involved in the lot line adjustment.
- B. An additional lot is not created by the lot line adjustment, and neither lot is reduced below the minimum lot size for the applicable zoning district.
- C. By reducing the lot size, the lot or structures on the lot will not be in violation of the site development or regulations for the applicable zoning district.
- D. Both lots shall have a minimum street frontage of 15 feet or an access easement to a

street with a minimum width of 15 feet.

- E. It conforms with all state regulations set forth in ORS Chapter 92, Subdivision and Partitions.
- F. Proposed lots which are greater than twice the minimum lot size shall be of such a configuration to facilitate the future repartitioning of such lot in accordance with the requirements of the zoning district and this title.

8-6.184.070 Final Partition Plat Submittal Requirements

- A. All final applications for major and minor land partitions shall be submitted within 2 years of the final partition approval. They shall be made on forms provided by the City Administrator and shall be accompanied by 3 copies of the partition map prepared by a land surveyor or engineer licensed to practice in Oregon, and necessary data or narrative.
- B. The partition map and data or narrative shall include the following:
 - 1. Sheet sizes for the final partition map shall be prepared as required by Hood River County.
 - 2. The scale of the map shall be an engineering scale;
 - 3. The name and address of the following:
 - a. The owner(s) of the subject property;
 - b. The owner(s)' authorized agent; and
 - c. The land surveyor and engineer.
 - 4. The assessor's map and lot number and a copy of the deed, sales contract, or document containing a legal description of the land to be partitioned;
 - 5. The map scale, north arrow, and date;
 - 6. Dimensions, area (in square feet or acres), and legal descriptions of the parent lot and all proposed lots;
 - 7. Boundary lines and names of adjacent partitions and subdivisions, and tract lines abutting the site;
 - 8. The locations, width, and names of streets or other public ways and easements within and adjacent to the proposed partition;
 - 9. The location of existing utilities and utility easements;
 - 10. In the case of a major land partition, the applicant shall include the proposed right-of-way location and width, and a scaled cross section of the proposed street (to include any reserve strip);
 - 11. Any deed restrictions that apply to the existing lot; and
 - 12. Signature blocks for City approval and acceptance of public easements or rights-of-way.

8-6.184.080 Final Lot Line Adjustment Submittal Requirements

- A. All final applications for a lot line adjustment shall be submitted within 2 years of the final lot line adjustment approval. They shall be made on forms provided by the City Administrator and shall be accompanied by 3 copies of the lot line adjustment map prepared by a land surveyor or engineer licensed to practice in Oregon, and necessary data or narrative.
- B. The lot line adjustment map and data or narrative shall include the following:
 - 1. Sheet sizes for the final partition map shall be prepared as required by Hood River County.
 - 2. The scale of the map shall be an engineering scale;
 - 3. The name and address of the following:
 - a. The owner(s) of the subject property;
 - b. The owner(s)' authorized agent; and
 - c. The land surveyor and engineer.
 - 4. The assessor's map and lot number and a copy of the deed, sales contract, or document containing a legal description of the land to be partitioned;
 - 5. The map scale, north arrow, and date;
 - 6. Dimensions and legal descriptions of the two original lots and the two adjusted lots;
 - 7. Boundary lines and names of adjacent partitions and subdivisions, and tract lines abutting the site;
 - 8. The locations, width, and names of streets or other public ways and easements within and adjacent to the proposed lot line adjustment;
 - 9. The location of existing utility easements;
 - 10. Any deed restrictions that apply to the existing lots; and
 - 11. Signature blocks for City approval and acceptance of public easements or rights-of-way.

8-6.184.090 City Council Acceptance of Dedicated Land

The City Council shall, upon creation by partition, accept any proposed right-of-way dedication prior to recording a land partition.

8-6.184.100 Centerline Monumentation: Monument Box Requirements

- A. Centerline-Monumentation for All Major Partitions
 - 1. The centerlines of all street and roadway rights-of-way shall be monumented before City acceptance of street improvements; and
 - 2. The following centerline monuments shall be set:
 - a. All centerline-centerline intersection points;

- b. All cul-de-sac center points; and
- c. Curve points, beginning and ending points (point of curvature, P.C. and point of tangency, P.T.).

B. Monument Boxes Required

- 1. Monument boxes conforming to City standards shall be required around all centerline intersection points and cul-de-sac center points; and
- 2. The tops of all monument boxes shall be set to finished pavement grade.

8-6.184.110 Recording of Partitions and Lot Line Adjustments

- A. Upon the Planning Commission's approval of the proposed partition or lot line adjustment and the Council's acceptance of any dedicated land to the City, the applicant shall record the partition or lot line adjustment with Hood River County and submit the recordation numbers to the City to be incorporated into the record.
- B. The applicant shall submit a recorded reproducible copy of the final survey to the City within 15 days of recording, or notify the City Recorder of the county survey number.

8-6.184.120 Certification of Illegally Created Lots as Buildable

- A. In order to help assure the availability of land for housing and to help assure the efficient use of land within the Urban Growth Boundary, the City Administrator may review parcels created before the adoption of the Community Development Code in 2001 that were not in conformance with applicable zoning and subdivision standards when created and declare them to be buildable if certain minimum standards are met.
- B. Applications for Buildable Lot Certification shall be administered and reviewed as an administrative action in accordance Section 8-6.20.020 of Article II, Procedures, of this Title.
- C. Applications shall include an application form accompanied by an accurate to-scale site plan of the subject property noting all dimensions, area, existing buildings on the property, and existing buildings on all adjacent properties noting distances between all buildings and the lot lines.
- D. The City Administrator shall issue an order declaring the lot buildable and suitable for building permits if all the following criteria are met:
 - a. The lot or lots were created by recordation of deeds or surveys with the County prior to May 14, 2001.
 - b. The lot contains no less than 4,500 square feet and has an average lot width no less than 40 feet.
 - c. All currently required setbacks are maintained between the lot's boundaries and all structures both internal and external to the lot.

- E. No variances will be granted for new construction to reduce any dimensional or area requirement for a lot declared buildable by these provisions when the justification for the variance is based on the lot size and dimensions.

**[SECTION 8-6.184.120 GENERAL PROVISIONS AMENDED BY ORDINANCE No. 367,
ADOPTED BY THE CITY COUNCIL ON JULY 26, 2004]**