

**MT. ANGEL SUBDIVISION ORDINANCE**  
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# **SUBDIVISION ORDINANCE OF THE CITY OF MT. ANGEL, OREGON**

## **SECTION 1**

### **TITLE AND PURPOSE**

#### **1.1 TITLE.**

This Ordinance shall be known as the "Subdivision Ordinance of the City of Mt. Angel, Oregon."

#### **1.2 PURPOSE.**

The purpose of this Ordinance is to set forth rules and regulations for the subdivision of land so that each subdivision shall be properly coordinated with existing streets, utilities, public facilities, and plans for developing these amenities. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements adopted for the protection of the public safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for a permanently wholesome community environment, adequate municipal services, safe streets, and a comprehensive sound development of the community, both as to its present and future requirements.

## **SECTION 2**

### **GENERAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION OR PARTITIONS**

#### **2.1 GENERAL REQUIREMENTS FOR TENTATIVE PLAN APPROVAL.**

No tentative plan for a proposed subdivision or partition shall be approved unless:

- (a) The streets, roads, bikeways, and pedestrian facilities are laid out so as to conform to the comprehensive plan and its transportation plan elements, 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;
- (b) Streets, roads, bikeways and pedestrian facilities held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon;
- (c) The tentative plan complies with the applicable standards and regulations of the Mt. Angel Development Regulations and any other pertinent ordinances or regulations.

#### **2.2 GENERAL REQUIREMENTS FOR PLAN APPROVAL.**

- (a) No plat of a proposed subdivision and no plat of a proposed partition shall be approved unless:
  - (1) Streets, roads, bikeways and pedestrian facilities for public use are dedicated without any reservations or restrictions other than reversionary rights upon vacation of any such street or road and easements for public utilities;
  - (2) Streets, roads, bikeways and pedestrian facilities held for public use and indicated on the tentative plan of such subdivision or partition have been accepted by the City;
  - (3) The plat complies with any applicable standards and regulations of the Mt. Angel Development Regulations and any conditions required by a specific section of this Ordinance or by State law;
  - (4) The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved;
  - (5) The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, bikeways and pedestrian facilities, sewage disposal and water supply systems, the donation of

which was made a condition of the approval of the tentative plan for the subdivision or the partition;

- (6) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition have been recorded and referenced on the plat.
  - (b) No plat of a subdivision shall be approved unless City water and the City sewage disposal system will be available to the lot line of each and every lot of the proposed subdivision or partition.
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## SECTION 3

### GENERAL LIMITATIONS

#### **3.1 APPROVAL REQUIRED BEFORE CREATING STREET TO PARTITION LAND.**

No person shall create a street or road for the purpose of partitioning an area or tract of land without approval of the Commission.

#### **3.2 APPROVAL REQUIRED BEFORE TRANSFER OF LOTS IN SUBDIVISION.**

No person shall dispose of, transfer, sell or agree to sell, offer, or negotiate to sell any lot in a subdivision or partition with respect to which approval is required by this Ordinance until such approval is obtained; provided a person may offer or negotiate to sell an parcel in a major partition or in any minor partition, but no person may dispose of, transfer, sell, or agree to sell any parcel in a major partition or in a minor partition prior to such approval.

#### **3.3 PROHIBITION OF SALES OR TRANSFERS OF LOTS PRIOR TO RECORDING PLAT.**

No person shall dispose of, transfer, sell or agree to sell, offer or negotiate to sell any lot in a subdivision or partition either by reference to an exhibition or other use of a plat, or until the plat of the subdivision has been acknowledged and recorded with the recording officer of the county.

## SECTION 4

### GENERAL DEVELOPMENT STANDARDS

#### 4.1 PURPOSE.

The purpose of this Section is to provide for the orderly, safe, efficient and livable development of land within the City of Mt. Angel.

#### 4.2 SELF-IMPOSED RESTRICTIONS.

If the subdivider places restrictions on any land contained in the subdivision greater than those required by the Mt. Angel Development Regulations or these regulations, the Commission may require that restrictive covenants be recorded with the county.

#### 4.3 LOT SIZE.

All lots shall comply with the applicable standards and regulations of the Mt. Angel Development Regulations. In cul-de-sacs the minimum lot line fronting the turnaround shall be 50 feet. For all lots, the minimum width at the building line shall be 50 feet. If topography, drainage, or other conditions justify, the Commission may require a greater area on any or all lots within a subdivision.

#### 4.4 CURVED FRONT LOT LINES.

When new front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.

#### 4.5 SIDE AND REAR YARDS.

Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall not be less than one-half the width of front lot lines.

#### 4.6 FLAG LOTS.

Where authorized by the Planning Commission, flag lots shall be subject to the following development standards:

- (a) The property line running perpendicular to the access road (flag) shall be considered the front yard line and shall be used to calculate front yard setback requirements.
- (b) The access strip shall be a minimum of 20 feet in width. The minimum paved width shall be a minimum of 12 feet in width.

- (c) The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- (d) Where two (2) flag lots abut, access shall be via a shared drive wherever possible. Shared drives shall be developed as private streets and shall conform to all access standards for the applicable zone in which the abutting flag lots are proposed, and to the City of Mt. Angel Public Work Design Standards.

#### **4.7 DOUBLE FRONTAGE LOTS.**

Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterials to overcome specific disadvantages of topography. Screening or buffering may be required by the Planning Commission during the review of the land division request.

#### **4.8 LOT GRADING.**

Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- (a) Cut slopes shall not exceed one and one-half (1½) feet horizontally to one (1) foot vertically.
- (b) Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.
- (c) The character of soil for fill shall be suitable for the purpose intended.
- (d) The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data shall be established by the Building Official.
- (e) Utilities shall conform to current standards.

#### **4.9 ACCESS TO LOTS.**

Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit such traffic hazard on such street. Where possible, driveways should be designed so as to avoid requiring vehicles to back into traffic on arterial streets.

#### **4.10 STREET FRONTAGE.**

All lots or parcels created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exceptions:

- (a) Residential lots or parcels, excluding Planned Unit Developments, may be accessed via a private street developed in accordance with the provisions of

Section 14 of the Mt. Angel Development Regulations, Infill Development Overlay Zone.

- (b) When the Planning Commission finds that public street access is:
  - (1) Unfeasible due to parcel shape, terrain, or location of existing structures; and
  - (2) Unnecessary to provide for the future development of adjoining property.

#### **4.11 DEDICATION OF RIGHT-OF-WAY.**

If a parcel of land to be subdivided includes a portion of a right-of-way, highway, or road, the location of which has been determined, the subdivider shall dedicate such right-of-way for the purpose of the use proposed.

#### **4.12 STREET DEDICATION BY SUBDIVIDER.**

Where the dedication of a street right-of-way is greater than 60 feet, the City of Mt. Angel shall reimburse the subdivider for that portion of the right-of-way dedicated in excess of 60 feet. Where the centerline lies along the property line of said subdivision and said subdivider is required to dedicate one-half of the right-of-way, the City of Mt. Angel will, in that event, reimburse the subdivider that portion of the right-of-way in excess of 30 feet. Reimbursement by the City of Mt. Angel shall be based on the true cash value of the excess acreage as computed by the Marion County Assessor for the tax year prior to filing the subdivision plat.

#### **4.13 DEAD-END STREETS.**

When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be platted to the boundary of a subdivision without a turnaround. In all other cases, dead-end streets shall have a turnaround with a radius of not less than 45 feet to the property line.

#### **4.14 INTERSECTION ANGLES.**

Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 75 degrees. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Ordinarily, the intersection of more than two streets at any one point will not be approved.

#### **4.15 ALIGNMENT OF STREETS.**

As far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections at collectors or arterials shall, wherever practical, leave a minimum distance of 300 feet between the center lines of

streets having approximately the same direction. Intersections of local streets shall not be offset staggered less than 200 feet from an opposing intersection.

**4.16 STREET GRADES.**

Street grades shall not exceed the following:

- (a) Arterials – 7 percent
- (b) Collectors – 10 percent
- (c) All others – 12 percent. Grades up to 15 percent may be permitted for road sections not exceeding 200 feet in length.

**4.17 RESERVE BLOCKS.**

Reserve blocks controlling access to public ways from abutting properties may be required by the Commission and deeded in fee simple to the City of Mt. Angel.

**4.18 RIGHT-OF-WAY AND ROADWAY WIDTH.**

The street and roadway width in or along the boundary of a subdivision shall have the minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties:

Type of Street	Minimum ROW Width	Minimum Roadway Width	Sidewalk	Bicycle Facilities
Arterial (major street)	80 feet	44 feet	Yes	Bikelane
Collector street	60 feet	36 feet	Yes	Bikelane or shared roadway
Commercial/Industrial	60 feet	36 feet	Yes	Bikelane or shared roadway
Residential (local) street	50 feet	34 feet	Yes	Shared Roadway
Residential (local) street (narrow street option)	50 feet	30 feet	Yes	Shared Roadway
Cul-de-sacs (200 feet or less)	50 feet	30 feet	Yes	Shared Roadway
Radius for turn around at end of cul-de-sacs	50 feet	40 feet	Yes	Shared Roadway
Alleys	20 feet	20 feet	No	Shared Roadway

Temporary dead end streets.

Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted, as recommended by the City Engineer, ordinarily not less than 50 feet. If necessary, slope easements may be required.

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#### Narrow Street Option

The Planning Commission shall allow use of the narrow street option for local streets if all of the following conditions are met:

1. Not more the 600 feet in the block or street segment
2. Access for not more than 20 dwelling units on the block or street segment.
3. Only permitted on streets without significant through traffic, including but not limited to, cul-de-sacs.
4. No curves are present that would create sight-distance problems.
5. No other problems are present that would interfere with the proper functioning of a narrow street.

#### **4.19 ADDITIONAL RIGHT-OF-WAY WIDTHS.**

Where topographical requirements necessitate either cuts or fills for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

Whenever existing public streets adjacent to or within a tract are of inadequate width, as determined by the functional classification and design standards identified in the Mt. Angel Transportation System Plan, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

#### **4.20 TWO-LEVEL STREETS.**

Where it is determined that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provide each level space for one sidewalk, a minimum width of twenty feet for pavement, curbs, and drainage facilities. Between the two-level streets and out of the right-of-way lines there shall be space for cut and fill slopes.

#### **4.21 STANDARDS FOR BLOCKS**

Block lengths and widths shall be determined by the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision, and by topography, adequate lot size, need for and direction of flow of through and local traffic.

- (a) General. The length, width and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control and safety of street traffic including pedestrians and bicyclists; and recognition of limitations and opportunities of topography.
- (b) Sizes. Blocks shall not exceed 600 feet in length or have a perimeter of more than 1,600 feet , except blocks adjacent to major arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on major arterial streets is 1,320 feet or more. Blocks that exceed 600 feet in length shall be required to provide additional pedestrian and bikeway access. Except where topographical or other physical features make it otherwise, block widths shall be not less than 200 feet or more than 400 feet.

#### **4.22 MID-BLOCK PEDESTRIAN WALKS.**

Where topographic or other conditions make necessary blocks of unusual length, the Commission may require mid-block pedestrian walks on a right-of-way at least six (6) feet in width which shall be hard surfaced through the block, and curb-to-curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

#### **4.23 LARGE BUILDING SITES.**

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

#### **4.24 LAND FOR PUBLIC PURPOSES.**

If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

#### **4.25 PRESERVATION OF NATURAL FEATURES.**

Existing features which would add value to residential development or to the community as a whole, such as trees, drainage ways, historic spots and similar irreplaceable assets shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the tentative plan has been granted. The tentative plan shall show the number and location of existing trees and shall indicate all those marked for retention.

#### **4.26 PUBLIC UTILITY EASEMENTS.**

Public utility easements shall be provided on lot areas where necessary to accommodate public utilities. Underground easements for utilities and overhead utility facilities shall be provided for by the subdivider and set forth on the final plat. Each said easement shall be a minimum of ten (10) feet in width and, when possible, centered on or bordering a lot line. The subdivider shall provide five (5)-foot utility easements on both sides on all street right-of-ways of less than 60 feet, and around all cul-de-sac turnarounds.

#### **4.27 MONUMENTS.**

Upon completion of street improvements, monuments shall be re-established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to US Geological Survey datum.

Any donation land claim, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

#### **4.28 FUTURE EXTENSION OF STREETS.**

- (a) Where necessary to give access to or permit a satisfactory future development of adjoining land, streets and accessways shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turn-a-rounds. Reserve blocks may be required to preserve the objectives of street extensions. In all other cases, dead-end streets shall have a turnaround with a radius of not less than 38 feet to the property line.
- (b) Streets and accessways need not be required where one or more of the following conditions exist:
  - (1) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
  - (2) Buildings or other existing development on adjacent lands physically preclude a

connection now or in the future considering the potential for redevelopment; or

- (3) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

#### **4.29 CUL-DE-SACS.**

Cul-de-sacs. The use of cul-de-sacs shall be discouraged and shall only be approved upon a showing by the applicant of unusual or unique circumstances justifying the use of such a street. In cases where cul-de-sacs are determined to be justified they shall only be permitted subject to the following conditions:

- (a) No cul-de-sac shall be more than 200 feet long.
- (b) All cul-de-sacs shall terminate with circular turn-a-rounds.
- (c) A public access way connecting two (2) cul-de-sacs shall be required consistent with the standards for mid-block pedestrian walks,

For purposes of this section, "unusual or unique circumstances" exist when one of the following conditions prevent a required street connection:

- (1) Slopes are equal to or greater than 12 percent;
- (2) A wetland or other water body is present which cannot be bridged or crossed; or
- (3) Existing development on adjacent property prevents a street connection.

## **SECTION 5**

### **SUBDIVISION PROCEDURE**

#### **5.1 LETTER OF INTENTION.**

The applicant shall inform the City Administrator in writing of the intention to apply for a subdivision. A sketch plan and narrative must accompany the letter of intention with sufficient detail to outline the proposed subdivision.

#### **5.2 PREAPPLICATION CONFERENCE.**

The City Administrator shall schedule a pre-application conference with the applicant no more than fourteen (14) days following receipt of the letter of intention. Representatives of public and private agencies may attend or may submit such information and recommendations that will assist the applicant in preparing the development plan. The applicant or City Administrator may request additional meetings.

#### **5.3 TENTATIVE PLAN SUBMITTAL**

Whenever it is proposed to subdivide land a tentative plan for the proposed subdivision shall be submitted with ten (10) copies of the tentative plan to the City Administrator's office at least 30 days prior to the Commission's regular meeting at which time the plan will be considered. Tentative plans shall include the applicable fee and shall include the following information and data:

- (a) Completed application form.
- (b) Scale. The tentative plan of a subdivision shall be drawn on a sheet of 18 by 24 inches, or a multiple thereof, at a scale of one (1) inch equals 100 feet (1"=100'); and for areas over 100 acres, one (1) inch equals 200 feet (1"=200').
- (c) Date, north point, and scale of drawing.
- (d) Name of subdivision. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in the County or City.
- (e) Names and addresses. Names, phone numbers and addresses of the owner, subdivider, and engineer or surveyor.
- (f) Vicinity map. A vicinity map showing all subdivisions, roads, or road reservations, acreage property lines with dimensions, streams, public buildings, sewers, water lines, and any other pertinent information that will assist in consideration of the proposed subdivision. The vicinity map shall extend at least 800 feet from the proposed subdivision.

- (g) Legal description of tract boundaries.
- (h) The location, widths, and names of both dedicated and proposed streets within or adjacent to the proposed subdivision, together with easements and other important features such as section lines, section corners, City boundary lines, and monuments. Include the approximate grades and radii of curves of proposed streets.
- (i) Lot layout with approximate dimensions and proposed lot and block numbers.
- (j) The land use zoning in or adjacent to the proposed subdivision shall be shown on the tentative plat.
- (k) The location of all existing buildings within the proposed subdivision and their present uses. Those to remain shall be indicated.
- (l) The location, size, and use of all contemplated and existing public areas within the proposed subdivision and a description of the adaptability of the areas for uses contemplated. Areas for public use approved by the Commission shall be dedicated for such use and indicated on the final plat before recording. Areas for public use must be approved by the Council before final plat approval.
- (m) The location and kind of public utilities in or adjacent to the proposed subdivision.
- (n) The proposed plan for stormwater drainage including any off-site improvements.
- (o) Location of and direction of drainageways or easements and the location of areas subject to flooding within or adjacent to the proposed subdivision.
- (p) The location of all areas subject to the base flood as shown on the Flood Insurance Rate Map on file at the Mt. Angel City Hall.
- (q) The direction of slope by means of arrows or other suitable means.
- (r) Contour lines at two (2)-foot intervals unless otherwise approved by the City Engineer. Five (5)-foot contour lines may be used in areas of greater than 15 percent slope.
- (s) Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
- (t) Water supply. A brief statement regarding contemplated water supply for the subdivision.
- (u) Sewage disposal. A brief statement regarding contemplated sewage disposal for the subdivision.

- (v) Proposed sites, if any, allocated for purposes other than single family dwellings.
- (w) Proposed covenant conditions and restrictions, if any, in outline form.
- (x) Traffic Impact Analysis. Depending on the nature and scope of the proposed development, the City Administrator or City Planner may require a traffic impact analysis report, prepared by a registered transportation engineer, including the following:
  - (1) The total estimated vehicular, pedestrian, bicycle and other transit service trips to be generated from the proposed development;
  - (2) The impact of the total estimated vehicular, pedestrian, bicycle and other transit service trips on the existing street, sidewalk, bicycle and other transit systems within the City; and
  - (3) The estimated level of improvement necessary to mitigate the total impact from the proposed development as identified in (2).
- (y) Additional information. If, upon investigation by the Commission, it is found that additional information is necessary, it shall be furnished by the tract owners or by the subdivider.

#### **5.4 TECHNICAL REVIEW OF TENTATIVE PLAN.**

Upon receipt, the City Administrator shall furnish one (1) copy of a tentative plan and supplementary material to the City Engineer, the City Planner, and such other City personnel and agencies as are known to be affected. Other agencies believed to have an interest shall be given a reasonable time to review the plan and to suggest revisions that appear to be in the public interest.

#### **5.5 COORDINATION OF PLANNED UNIT DEVELOPMENT WITH SUBDIVISION PROCESS.**

The subdivision review of a planned unit development proposal is to be carried out simultaneously, in accordance with the Mt. Angel Development Regulations. The plans required for a planned unit development shall be submitted in a form to satisfy the requirements of the subdivision regulations.

#### **5.6 PROCESS**

- (a) Tentative plans for subdivisions shall be reviewed in accordance with Type II review procedures. The Planning Commission must either approve, deny, or modify the tentative plan as submitted, and cite reasons for disapproval or modification. Notice of the Planning Commission decision shall be provided as required by Section 2.3 of the Mt. Angel Development Regulations.

- (b) Approval of the tentative plan shall be a final decision for the purpose of appeal on the issue of compliance with this Ordinance. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this Ordinance and conditions of approval, if applicable.
- (c) The action of the Commission shall include conditions of approval, as necessary. One copy shall be returned to the subdivider and the other shall be retained by the City of Mt. Angel.
- (d) Approval by the Planning Commission of any tentative plan shall be valid for one (1) year after the date of the written decision.

**5.7 CONDITIONS OF APPROVAL.**

The following conditions shall be imposed at the time of preliminary approval and must be met prior to issuance of the final plat:

- (a) An Oregon licensed land surveyor shall survey and monument the lots;
- (b) The final plat shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapter 92 and Marion County Surveyor Plat Standards. The surveyor shall submit the original plat and a true reproducible copy of the plat, and the filing fee to the County Surveyor.
- (c) All taxes, interest and penalties shall be paid in the manner prescribed for subdivision plats pursuant to ORS 92.095.
- (d) The Planning Commission may impose any other conditions required by a specific section of this or the Mt. Angel Development Regulations or by State law.

**5.8 SUBMISSION OF FINAL PLAT.**

- (a) Within one (1) year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit three (3) identical reproducible copies of the final plat for signature, as well as any supplementary information to the City. The plat shall be on mylar, meeting the requirements of the County Recorder and the County Surveyor.
- (b) A final plat for a subdivision shall be recorded within one (1) year after the date of the written decision or the approval shall lapse.
- (c) Information Required. In addition to any information specified by current State law or County regulations, the following information shall be shown on the final plat:

- (1) The area of each lot shall be shown in square feet. For lots larger than one (1) acre, the area shall be shown to the nearest hundredth of an acre.
- (2) Location, dimensions, bearing and purpose of all recorded and proposed public and private easements along with the County Recorder's recording reference if the easement has been recorded with the County Recorder. Easements shall be denoted by fine dashed lines. The conditions of all easements shall be noted on the final plat or recorded on separate easement forms as approved by the City.

## **5.9 FINAL APPROVAL OF SUBDIVISION.**

- (a) Final approval is granted by the Planning Commission based upon findings that the applicant has complied with all the conditions imposed in the preliminary approval. Final approval completes the subdivision.
- (b) To obtain final approval the applicant shall submit one (1) set of documents demonstrating compliance with the conditions of approval.
- (c) Additional off-site improvements may be required as a condition of land division if it is found by the City Engineer, Planning Commission, or City Council that the land division will have a significant impact on the level of service or maintenance costs for existing roads, drainage, or other public facilities.
- (d) The landowner(s) or contract purchaser(s) shall acknowledge a documented recorded ownership interest in the parcels by signing the partition plat. The signature shall be notarized.
- (e) The Planning Commission shall provide for signature of the plat by the County Assessor, or designee, signifying payment of taxes, interest or penalties pursuant to ORS 92.095.
- (f) The Chair of the Planning Commission shall signify final approval of the subdivision by signing the partition plat.
- (g) All improvements dedicated to the public shall be installed to the satisfaction of the City Engineer prior to final approval of the subdivision. In lieu of complete installation of public improvements, an improvement agreement and performance guarantee may be submitted pursuant to Section 8 of this Ordinance.
- (h) The City Council shall signify acceptance of any right-of-way dedication by the Chair of the City Council signing the partition plat.
- (i) The County Surveyor shall record the plat with the Marion County Records Office.

- (j) The Assessor shall assign a new tax account to each parcel in an approved partition plat.

#### **5.10 TECHNICAL REVIEW OF FINAL PLAT.**

- (a) Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer and the City Planner who shall examine the final plat to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and this Ordinance.
- (b) The City Engineer may make such field checks as are desirable to verify that the map is sufficiently correct on the ground and their representative may enter the property for this purpose.
- (c) If the City Administrator determines that the final plat and documents do not conform to the approved tentative plat and State law, the applicant shall be afforded the opportunity to make corrections. The corrections shall be completed within three (3) months following expiration of the tentative plat approval.
- (d) Extension of Effective Period.
  - (1) The Planning Commission may grant one (1) extension of 12 months for submitting the final plat and documents. The applicant shall submit the request for extension in writing to the City Administrator at least 30 days prior to the expiration date of the effective period. The applicant shall submit evidence that the plat and documents will be completed within 24 months of the tentative plat approval.
  - (2) If the approval period lapses, the applicant must resubmit the proposal including all applicable fees for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

#### **5.11 ACTION ON FINAL PLAT.**

Upon receipt of the final plat, the Commission shall determine whether it conforms with the approved tentative plan and with regulations of this Ordinance. If the Commission does not approve the final plat, it shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the necessary corrections. If the Commission determines that the final plat conforms to all requirements it shall give its approval provided, however, that before such approval by the Commission, there shall appear on the final plat the signatures of all persons set out in the dedication, signatures of the mortgagees, if any, the signature of the Chair of the Planning Commission, and the signature and seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision. All signatures must be with black ink. The final plat, when presented for approval

by the Commission, shall be accompanied by an exact duplicate copy that is large enough to be easily compared with the original.

If deemed necessary, the Commission may withhold final approval of a plat until a field check of the subdivision has been made. The approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the final plat.

#### **5.12 RECORDING PORTION OF PLAT.**

If desired by the subdivider, a portion of an approved tentative plan may be recorded with the approval of the Commission.

#### **5.13 COPIES OF RECORDED PLAT TO PLANNING COMMISSION.**

Within six (6) days after the recording of a subdivision, the owner or their representative shall furnish the Commission two (2) prints made from the reproduction of the recorded plat

## SECTION 6

### PARTITION PROCEDURES

#### 6.1 PARTITIONING PROCEDURE.

- (a) Partitioning Procedure. Whenever a parcel of land is to be divided into three or fewer parcels, ten (10) copies of the tentative plan shall be filed with the Planning Commission at least 30 days prior to the Commission's regular meeting at which it will be considered. Within 40 days from the first regular Planning Commission meeting following submission of a partition application, the Planning Commission shall review the plan and the reports of appropriate officials and agencies.

Tentative plans shall include the following information and data:

- (1) Completed application form;
- (2) A vicinity map locating the proposed partitioning in relation to the adjacent area out to at least 800 feet; or farther if necessary to assist in locating the subdivision;
- (3) A plan of the proposed partitioning showing tract dimensions, bearings of all lines, thereof each tract and the names of the existing and proposed roads;
- (4) Names and addresses of the landowner, the subdivider, mortgages, if any, and the engineer or surveyor employed to make necessary surveys and prepare the description of each tract involved;
- (5) Topography;
- (6) A tie by actual survey to a section or donation land claim corner. When the partitioning is a re-subdivision of all or a part of an existing subdivision, a tie shall be given to either the initial point or a block of the original subdivision;
- (7) A statement regarding contemplated water and sewage disposal for each tract;
- (8) North point, scale and date;
- (9) The location of any improvements, including buildings, driveways, and the setbacks of existing buildings and to proposed property lines;
- (10) Such additional information as the Commission deems necessary.

## **6.2 PROCESS.**

- (a) Tentative plans for partitions, where a street frontage exception as specified in Section 4.10 is not required, shall be reviewed in accordance with Type I review procedures. The City Administrator or designee must either approve, deny, or modify the tentative plan as submitted, and cite reasons for disapproval or modification. Notice of the decision shall be provided as required by section 2.3 of the Mt. Angel Development Regulations.
- (b) Tentative plans for partitions, where a street frontage exception as specified in Section 4.10 is required, shall be reviewed in accordance with Type II review procedures. The Planning Commission must either approve, deny, or modify the tentative plan as submitted, and cite reasons for disapproval or modification. Notice of the Planning Commission decision shall be provided as required by Section 2.3 of the Mt. Angel Development Regulations.
- (c) Approval of the tentative plan shall be a final decision for the purpose of appeal on the issue of compliance with this Ordinance. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the partition and if the partitioner complies with the requirements of this Ordinance and conditions of approval, if applicable.

## **6.3 CONDITIONS OF APPROVAL.**

The following conditions shall be imposed at the time of preliminary approval and must be met prior to issuance of final approval:

- (a) An Oregon licensed land surveyor shall survey and monument the parcels or lots;
- (b) A partition plat shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapter 92 and Marion County Surveyor Plat Standards. The surveyor shall submit the original plat and a true reproducible of the plat, and the filing fee to the County Surveyor;
- (c) All taxes, interest and penalties shall be paid in the manner prescribed for subdivision plats pursuant to ORS 92.095; and
- (d) The Planning Commission may impose any other conditions required by a specific section of this or the Mt. Angel Development Regulations or by State law.

## **6.4 PARTITION PLAT.**

After all requirements for partitioning have been complied with, the applicant shall submit a partition plat for signature that meets the requirements of ORS Chapter 92. The Planning Commission Chair shall endorse the Commission's approval on the plat map and distribute a copy to each of the following:

- (a) The owner of the partitioned tract;
- (b) The City of Mt. Angel;
- (c) The City Engineer;
- (d) The County Assessor; and
- (e) The County Surveyor.

## **6.5 FINAL APPROVAL OF PARTITION.**

- (a) Final approval is granted by the Planning Commission based upon findings that the applicant has complied with all the conditions imposed in the preliminary approval. Final approval completes the land partition.
- (b) The final plat for a partition shall be submitted within one (1) year after the date of the written decision or the approval shall lapse.
- (c) The Planning Commission may grant one (1) extension of 12 months for submitting the final plat and documents. The applicant shall submit the request for extension in writing to the City Administrator at least 30 days prior to the expiration date of the effective period. The applicant shall submit evidence that the plat and documents will be completed within 24 months of the tentative plat approval.
- (d) If the approval period lapses, the applicant must resubmit the proposal including all applicable fees for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.
- (e) To obtain final approval the applicant shall submit one (1) set of documents demonstrating compliance with the conditions of approval.
- (f) The landowner(s) or contract purchaser(s) shall acknowledge a documented recorded ownership interest in the parcels by signing the partition plat. The signature shall be notarized.
- (g) The Planning Commission shall provide for signature of the plat by the County Assessor, or their designee(s), signifying payment of taxes, interest or penalties pursuant to ORS 92.095.
- (h) The Chair of the Planning Commission shall signify final approval of the partition by signing the partition plat.
- (i) All improvements to be dedicated to the public shall be installed to the satisfaction of the City Engineer prior to final approval of the partition. In lieu of complete installation of public improvements, an improvement agreement and

performance guarantee may be submitted pursuant to Section 11 of this Ordinance.

- (j) The City Council shall signify acceptance of any right-of-way dedication by the Chair of the City Council signing the partition plat.
  - (k) The County Surveyor shall record the plat with the Marion County Records Office.
  - (l) The Assessor shall assign a new tax account to each parcel in an approved partition plat.
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## **SECTION 7**

### **REQUIRED IMPROVEMENTS AND PROCEDURES**

#### **7.1 IMPROVEMENT PROCEDURES.**

In addition to other requirements, improvements installed by a subdivider either as a requirement of these regulations or at their own option shall conform to the requirements of this Ordinance and improvement standards and specifications followed by the City, and shall be installed in accordance with the following procedures.

- (a) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
- (b) Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason it shall not be resumed until after the City is notified.
- (c) Improvements shall be constructed under the inspection and to the satisfaction of the City Administrator. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction warranting the change.
- (d) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- (e) A map showing public improvements as built shall be filed with the City upon completion of the improvements.

#### **7.2 IMPROVEMENTS IN SUBDIVISION.**

All street improvements, including pavement, curbs, sidewalks, and other public facility and service systems shall conform to the ordinances of the City of Mt. Angel and be in accord with the City of Mt. Angel Public Works Design Standards.

Subdivision plans shall not have final approval until such time as the Commission in its judgment is satisfied that the following improvements will be completed in accord with applicable ordinances and standard specifications for public works. The following improvements shall be installed at the expense of the subdivider at the time of subdivision:

- (a) Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines.

Existing Streets. Full street improvements to all existing streets adjacent to, within or necessary to serve the development shall be required at the time of partitioning or development unless the developer demonstrates to the satisfaction of the City that the condition and sections of the existing streets meet all City standards and are in satisfactory condition to handle projected traffic loads.

- (b) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- (c) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains.

If required sewer facilities will, without further construction, directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

- (1) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing their share of the construction.
  - (2) If the installation is not made as an assessment project, the City will reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten (10) years from the time of installation of the sewers. The actual amount shall be as determined by the Commission at the time of approval of the plat, considering current construction costs.
- (d) Water System. Waterlines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City main shall be installed. The City Engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system.

If required water mains will directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten (10) years from the time of installation of the mains. The actual amount shall be as determined by the Commission at the time of the approval of the plat, considering current construction costs.

- (e) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half (2½) or less dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.
- (f) Bicycle routes. If appropriate to the extension of a system of existing or planned bicycle routes, the Commission may require the installation of separate bike lanes within streets and separate bicycle paths.
- (g) Street name signs. Street name signs shall be installed at all street intersections.
- (h) Street lights. Street lights shall be installed and shall be served from an underground source of electricity supply.
- (i) Other. The developer shall make necessary arrangement with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
- (j) Street Trees. Street trees of one and one-half inch caliper or greater shall be provided in residential subdivisions. The species of tree shall be from the street tree list and planted in conformance with the Street Tree Ordinance and Street Tree Plan.

### **7.3 IMPROVEMENTS IN PARTITIONS.**

The same improvements shall be installed to serve each building site in a partition as is required of a subdivision. If the Commission finds that the nature of the development in the vicinity of the partition makes installation of improvements unreasonable at the time of partition, the Commission shall in lieu thereof require the property owner to sign a Construction Deferral Agreement with Waiver of Rights for Street and Public Utility Improvements. The City shall file the Construction Deferral Agreement with Marion County. The agreement shall run with the land and shall be binding upon the successors and assigns of the petitioner.

## SECTION 8

### IMPROVEMENT GUARANTEES

#### 8.1 IMPROVEMENT GUARANTEE.

Before the Commission's approval of a subdivision plat or partition plat, the subdivider or partitioner shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Administrator an agreement between the subdivider or partitioner and the City. This agreement, or improvement guarantee, shall specify the period within which required improvements and repairs shall be completed and provide that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for the reimbursement by the City for the cost of inspection by the City, which shall not exceed ten percent of the cost of the improvements to be installed.

#### 8.2 BOND.

- (a) To assure their full and faithful performance, the subdivider or partitioner shall file with the improvement guarantee one of the following:
  - (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney. The bond shall guarantee to the City that the financial backing is available so that all improvements will be completed and paid for within the time specified by the City.
  - (2) A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - (3) An escrow of funds, irrevocable sight draft, letter of credit, franchised guarantee or other certification by a reputable lending institution. Such lending institution shall not be directly owned or controlled by the applicant. The amount of funds shall be released only upon authorization of the City Administrator.
  - (4) Cash.
- (b) Such assurance of full and faithful performance shall be for a sum approved by the City Administrator as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

- (c) If the subdivider or partitioner fails to carry out provisions of the improvement guarantee agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the costs and expense incurred by the City, the subdivider shall be liable to the City for the difference.

### **8.3 WARRANTY.**

Upon completion of roadways and other public facilities to City standards and specifications, there shall be a minimum of one (1) year warranty period prior to City acceptance of roadway maintenance. Before this acceptance, maintenance and repair of roadways shall be the duty of the subdivider or partitioner or of the homeowners association.

## SECTION 9

### EXCEPTIONS, VARIANCES AND APPEALS

#### 9.1 EXCEPTIONS FOR A PLANNED UNIT DEVELOPMENT.

The standards and specifications of these regulations may be modified by the Commission in the case of a planned unit development.

#### 9.2 VARIANCES FROM REGULATIONS.

- (a) Authorization. The Commission may authorize a variance of any requirements set forth in these standards.
  - (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have no control;
  - (2) The variance is necessary for the proper development of the subdivision and the preservation of property rights and values;
  - (3) The variance will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision.
- (b) Variance application. Application for a variance shall be made by a petition of the subdivider, stating fully the details of conditions and reasons why a specific variance should be granted. A request for a variance from these regulations shall be filed as part of the tentative plan approval.

#### 9.3 APPEAL OF ACTION ON A VARIANCE.

- (a) Any person may appeal to the City Council from a decision or requirement made by the Planning Commission or City Administrator. Written notice of the appeal must be filed with the City within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
- (b) The City shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the Commission or City Administrator if the decision of the Council complies with the spirit and intent of this Ordinance. The disposition of the appeal shall be final.

## **SECTION 10**

### **EFFECTUAL CLAUSES**

#### **10.1 SAVINGS CLAUSES.**

If any section, paragraph, subdivision, clause, sentence or provision of these regulations shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, invalidate, or nullify the remainder of these regulations. The effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered. It is the intent of the Council of Mt. Angel to enact the remainder of these regulations notwithstanding the parts so declared unconstitutional or inapplicable to a particular premise or to a particular use at any particular location. Such declaration of judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subdivision, clause, sentence, or provisions as to any other premises or use.

#### **10.2 PENALTIES.**

- (a) Any violation of this Ordinance constitutes a Class I Civil Infraction and shall be dealt with in accordance with the procedures established by Ordinance No. 633.
- (b) If a parcel of land is, or is proposed to be used, developed, or maintained in violation of this Ordinance, the aforesaid use shall constitute a nuisance. The City may, as an addition to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful use, development, or maintenance of the land.

#### **10.3 FEES.**

Fees for subdivisions and partitions shall be set by resolution of the City Council.

## **SECTION 11 LOT LINE ADJUSTMENTS**

### **11.1 APPLICABILITY**

The procedures and requirements in this section apply to the relocation of a common property line between two abutting properties.

### **11.2 PROCESS**

A lot line adjustment application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser.

Lot line adjustments are processed as a Type I procedure pursuant to Section 2.1 of the Mt. Angel Development Regulations. A Type I procedure is a ministerial action reviewed by staff based on clear and objective standards. Clear and objective conditions may be placed on the decision, and notice of the decision is sent only to the applicant.

### **11.3 SUBMITTAL REQUIREMENTS**

In addition to the completed application form, the applicant shall also submit:

- (a) A map that shows the configuration of each parcel before the proposed adjustment.
- (b) A map that shows the configuration of each parcel after the proposed adjustment.

### **11.4 EVALUATION CRITERIA**

Approval of the lot line adjustment shall not be granted unless each of the following criteria are met:

- (a) The number of lots or parcels as large as the minimum lot size in the affected zone is at least the same after the adjustment as before the adjustment.
- (b) The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.
- (c) If a lot or parcel will be split-zoned after the adjustment, each portion of the lot or parcel that is in a separate zone shall meet the minimum lot size for that zone.
- (d) All lots or parcels having access to a public or private street before the adjustment must retain access after the adjustment.
- (e) The adjustment shall not reduce the street access for any lots or parcels to a size or

dimension that does not meet the minimum standards required by the Mt. Angel Development Regulations or Public Works Design Standards.

- (f) The lot line adjustment shall not reduce any required development feature or standard, such as parking, landscaping, or building setbacks, to a size or dimension that does not meet the minimum standards of the Mt. Angel Development Regulations or Public Works Design Standards.

## **11.5 FINAL SURVEY**

In order to finalize the lot line adjustment process, Oregon Revised Statutes (ORS), Section 92.060(7) requires that the adjustment of a common boundary shall be surveyed and monumented, and a survey, complying with ORS 209.250, shall be filed with the county surveyor, with the following exceptions:

- (a) The survey requirement shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary (a line is adjusted parallel to its current location with no change in its length); or
- (b) The survey requirement shall not apply to the sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets, or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.