

Title 17

Subdivisions

Chapters:

- 17.05 Introductory Provisions**
- 17.10 Ordinance Compliance**
- 17.15 Preliminary Review**
- 17.20 Subdivision Plat Approval Procedure**
- 17.25 Information on Tentative Plat for Proposed Subdivision**
- 17.30 Information on Final Plat**
- 17.35 Improvement Guarantee**
- 17.40 Partitioning**
- 17.45 Property Line Adjustment**
- 17.50 Design Standards**
- 17.55 Improvements**
- 17.60 Variances**
- 17.65 General Provisions**

Chapter 17.05

Introductory Provisions

Sections:

- 17.05.010 Purpose.
- 17.05.020 Scope of regulations.
- 17.05.030 Definitions.

17.05.010 Purpose.

The purpose of this title is to establish standards and procedures for the subdivision and partitioning of land within the city of Lyons. These regulations are necessary in order to provide uniform procedures and standards for the subdivision and partitioning of land; to provide for the proper width and location of streets; to coordinate proposed development with the comprehensive plan for the city; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation, drainage and water supply; to provide for the protection, conservation and proper use of land; and in general, to protect the health, safety and welfare of the public. Standards and procedures for the subdivision of land are intended to comply with the provisions of ORS Chapter 92. [Ord. P10-17 § 1.010, 2003.]

17.05.020 Scope of regulations.

Subdivision and partition plats shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide or partition land shall submit tentative and final plats for approval as provided for in this title. Subdivisions and partitions shall also conform with the provisions of ORS Chapter 92, LMC Titles 18 and 19, and other applicable state statutes and city ordinances in effect at the time of the subdivision or partition. [Ord. P10-17 § 1.020, 2003.]

17.05.030 Definitions.

As used in this title, the following words and phrases shall mean:

- A. "City" means the city of Lyons, Oregon.
- B. "City engineer" means a fully qualified professional engineer designated by the Lyons city council to fulfill the responsibilities of city engineer as specified by this title.
- C. "City recorder" means the city recorder of the city of Lyons, or a designee of the city recorder.

D. "Comprehensive plan" means the plan adopted by the planning commission and city council as a guide for the development of the city, including modifications or refinements which may be made from time to time.

E. "Easement" means a grant of the right to use a strip of land for specific purposes.

F. "Final plat" means a final subdivision or partition plat.

G. "Lot" means a unit of land that is created by a subdivision of land.

1. "Corner lot" means a lot of which at least two adjacent sides abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

2. "Flag lot" means a lot which is connected to a street by a narrow strip of land which is used as an access to the major portion of the lot.

H. "Parcel" means a unit of land that is created by the partitioning of land.

I. "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

J. "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

1. The division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

2. The adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land, reduced in size by the adjustment, complies with any applicable zoning ordinance; or

3. The sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes; provided, that such road or right-of-way complies with the comprehensive plan. However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

K. "Partition, major" means a partition which includes the creation of a street.

L. "Partition, minor" means a partition that does not include the creation of a street.

M. "Partition plat" means a final map and/or other writing containing all the descriptions, locations, specifications, provisions, and information concerning a major or minor partition.

N. "Pedestrian way" means a right-of-way for pedestrian traffic.

O. "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

P. "Planning commission" means the planning commission of the city of Lyons.

Q. "Right-of-way" means the area between boundary lines of a street or other easement.

R. "Roadway" means the portion or portions of a street right-of-way developed for vehicular traffic.

S. "Setback line" means the line on a plat indicating the limit beyond which buildings or other structures may not be erected.

T. "Sidewalk" means a pedestrian walkway with permanent surfacing.

U. "Street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and includes the terms "road," "highway," "avenue," or similar designations.

1. "Alley" means a street through the middle of a block which gives access to the rear of lots and provides secondary access to properties.

2. "Arterial, local" means a street intended to carry traffic to and from major traffic generators; to carry traffic to and from major residential sections of the community; to carry traffic to and from major outlying rural areas; to supplement the state highway system; to be used primarily for through traffic; and to provide for longer trips at higher speeds than other elements of the local street system. Arterials shall be wide enough to accommodate two traffic lanes, a center turn lane, and two bikeways.

3. "Bikeway" means a six-foot portion of a street right-of-way developed for bicycle traffic.

4. "Collector" means a street intended to carry traffic between minor streets and the arterial system; to function as primary traffic carriers within a neighborhood; and to provide for intermediate trip lengths with moderate to low traffic volume.

5. "Cul-de-sac" means a short street with one end open to traffic and the other terminated with a vehicle turnaround.

6. "Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. "Industrial street" means a street used primarily for heavy industrial traffic.

8. "Local residential street" or "minor street" means a street intended to provide access to abutting properties but which provides for short trip length with very low traffic volume and low speed.

9. "Residential access easement" means an easement of vehicular access to property intended for residential use to be used only when it is not feasible to provide access to the property on a publicly owned street other than an alley. A residential access easement shall be granted only as a variance to both the subdivision ordinance and the zoning ordinance. Residential access easements shall comply with the standards as outlined in the adopted city of Lyons street development standards.

10. "Stub street" means a street which is intended to be extended at a future point in time.

11. "Turn lane" means a dedicated traffic lane used at intersections to direct traffic for right and left turns. Center turn lanes separate traffic lanes in opposing directions and are designated for left turns only.

12. "Turnpike street" means a public street which has been paved for the handling of vehicular traffic, but which does not have curbs, sidewalks or storm drain facilities.

V. "Street development standards" means the "city of Lyons public works street and storm drain design standards" that have been adopted by resolution of the Lyons city council.

W. "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year.

X. "Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Y. "Subdivision plat" means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Z. "Surveyor, county" means the elected county surveyor of Linn County, Oregon.

AA. "Surveyor, private" means a professional land surveyor who is licensed to practice in the state of Oregon.

BB. "Tentative plat" means a preliminary plan of the subdivision or partition submitted to the city for review and approval that shows the general design of the proposed subdivision or partition and which provides information as outlined by this title for city review of the proposal. [Ord. G2-2015 § 1, 2015; Ord. G4-2007, 2007; Ord. P10-17 § 1.030, 2003. Amended during 2006 recodification.]

Chapter 17.10

Ordinance Compliance

Sections:

- 17.10.010 Compliance with ordinance and state law.
- 17.10.020 Approval required before creating street to partition land.
- 17.10.030 Prohibition of sales of lots until approval obtained.
- 17.10.040 Prohibition of sales of lots prior to recording final plat.

17.10.010 Compliance with ordinance and state law.

No land may be subdivided or partitioned except in accordance with this title and its amendments, and with the rules and regulations as promulgated by the city council and the planning commission in administering this title, and with ORS Chapter 92. [Ord. P10-17 § 2.010, 2003.]

17.10.020 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 the approval of the planning commission as provided in this title. [Ord. P10-17 § 2.020, 2003.]

17.10.030 Prohibition of sales of lots until approval obtained.

A. No person shall sell any lot in any subdivision with respect to which approval is required by this title until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plat has been approved.

B. A person may negotiate to sell any parcel in a partition with respect to which approval of a tentative plat is required by this title prior to the approval of the tentative plat for the partition; but no person may sell any parcel in a partition for which approval of a tentative plat is required prior to such approval. [Ord. P10-17 § 2.030, 2003.]

17.10.040 Prohibition of sales of lots prior to recording final plat.

A. No person shall sell any lot in any subdivision or convey any interest in a parcel in any parti-

tion until the final plat of the subdivision or partition has been acknowledged and recorded with the recording officer of Linn County, and a copy of which is provided to the city of Lyons.

B. No person shall sell any lot in any subdivision or convey any interest in any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the final plat for such subdivision or partition has been recorded with the recording officer of Linn County, and a copy of which has been provided to the city of Lyons. In negotiating to sell a lot in a subdivision or partition or convey any interest in any portion thereof, a person may use the approved tentative plat for such subdivision or partition. [Ord. P10-17 § 2.040, 2003.]

Chapter 17.15

Preliminary Review

Sections:

- 17.15.010 Initial review.
- 17.15.020 Preliminary review.
- 17.15.030 Limitation on preliminary review action.

17.15.010 Initial review.

Prior to filing a tentative plat of a subdivision or application for partitioning, the applicant or the city may request a meeting to review the feasibility of the proposed subdivision or partition. The meeting to conduct the initial review shall be attended by the city recorder and the city planner. [Ord. G2-2015 § 1, 2015; Ord. P10-17 § 3.010, 2003. Amended during 2006 recodification.]

17.15.020 Preliminary review.

A meeting shall be convened to review the proposal at the first convenient time and not more than 45 days from receipt of the request. The city recorder, city engineer, city planner, and representatives from the Lyons-Mehama Water District, the Lyons Rural Fire Protection District, Pacific Power and Light, People's Telephone Company, Northwest Natural Gas, Uvision, Linn County environmental health, the Lyons Post Office, and other parties designated by the city may participate in the review. The participants shall give general guidance to the applicant by identifying potential problem areas and outlining procedures for the application. [Ord. G2-2015 § 1, 2015; Ord. P10-17 § 3.020, 2003. Amended during 2006 recodification.]

17.15.030 Limitation on preliminary review action.

The participants shall not accept, deny or otherwise rule or decide upon the proposal at the review meeting and no action at said meeting shall constitute or be construed as an acceptance, denial, rule or decision thereon. [Ord. P10-17 § 3.030, 2003.]

Chapter 17.20

Subdivision Plat Approval Procedure

Sections:

- 17.20.010 Background information.
- 17.20.020 Submission of tentative plat for proposed subdivision.
- 17.20.030 Filing fees.
- 17.20.040 Agency review of tentative plat.
- 17.20.050 Approval of the tentative plat.
- 17.20.060 Submission of final plat.
- 17.20.070 Review and approval of final plat.
- 17.20.080 Time limit for development of a recorded final plat.

17.20.010 Background information.

The city shall make available to a potential subdivider or his agent such background information as may be on file relating to the general area of a proposed plat and its relationship to LMC Titles 18 and 19 and other city plans, policies or regulations. The subdivider shall also be advised of the design and improvement standards and other requirements established by the city in connection with the review and approval of plats. [Ord. P10-17 § 4.010, 2003.]

17.20.020 Submission of tentative plat for proposed subdivision.

The subdivider shall prepare a tentative plat of the proposed subdivision and other supplementary material as may be required in LMC 17.25.010 through 17.25.050 to indicate the general program and objectives of the project. The subdivider shall submit at least 10 copies of the tentative plat at least 45 days prior to the planning commission meeting at which consideration of the plat is desired. The city shall not accept the tentative plat for review or hearing until it has been determined that all data required under LMC 17.25.010 through 17.25.050 has been made available. [Ord. P10-17 § 4.020, 2003.]

17.20.030 Filing fees.

At the time of the submission of the tentative plat, the city recorder shall collect fees in accordance with a fee schedule adopted by resolution of the city council. The fee schedule shall be available at City Hall. [Ord. G2-2015 § 1, 2015; Ord. P10-17

§ 4.030, 2003. Amended during 2006 recodification.]

17.20.040 Agency review of tentative plat.

Upon receipt of the tentative plat, the city shall notify the following: city engineer, Lyons Rural Fire Protection District, Lyons-Mehama Water District, Pacific Power and Light, People's Telephone Company, Northwest Natural Gas, Uvision, North Santiam School District, Lyons Post Office, Linn County surveyor, Linn County road department, Linn County environmental health, and the Oregon Department of Transportation (if the proposed subdivision is within 200 feet of a state highway). These agencies shall be notified in writing of the tentative plat and shall be given at least 45 days to respond. The applicant shall provide copies of the tentative plat to all agencies desiring a copy. An extension of time shall be granted for review when requested by the agency. All other affected state, federal, local and utility agencies also shall be given an opportunity to respond. [Ord. P10-17 § 4.040, 2003.]

17.20.050 Approval of the tentative plat.

A. Hearing and Notice. Before the planning commission may take action on a tentative plat, it shall hold a public hearing. Notification of the hearing shall be by posting the notice at the Lyons Library, the Lyons City Hall, and the Lyons Post Office; notifying by mail the subdivider and abutting property owners which are listed as owners of record by the Linn County assessor; and publication of notice in a newspaper of general circulation in the city. All notices of hearing shall be posted, mailed and published at least 20 days prior to the date of the scheduled hearing.

B. Within 60 days following the public hearing, the planning commission shall take action on the tentative plat and the reports of appropriate officials and agencies. Prior to final planning commission action on the tentative plat, it shall be reviewed by the city council at a public meeting of the council.

C. The planning commission may approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:

1. The subdivision is consistent with the provisions of this title and LMC Titles 18 and 19.

2. Vehicular access intended to serve the property from the surrounding area is adequate and vehicular access within the subdivision is adequate to meet the needs of the proposed development.

3. All necessary public utilities are adequate to meet the needs of the proposed development without hindering service delivery or capacity in other parts of the city.

4. Drainage within the proposed development will not result in problems for the development or the surrounding area.

5. No landlocked parcels will be created. Full and orderly development of the surrounding area can be assured.

6. The physical characteristics of the property, such as potential soil erosion or landslides, drainage, flood plains, and potential natural hazards, have been considered and will not be detrimental to the property or to the surrounding area.

D. Approval of the tentative plat shall indicate approval of the final plat if there is no change in the plan of the subdivision as approved by the planning commission and if the subdivider complies with the requirements of the ordinance and of the provisions of ORS Chapter 92.

E. The action of the planning commission shall be noted on two copies of the tentative plat, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider and the other shall be filed with the city recorder. [Ord. G2-2015 § 1, 2015; Ord. P10-17 § 4.050, 2003. Amended during 2006 recodification.]

17.20.060 Submission of final plat.

A. Within one year after approval of the tentative plat, the subdivider shall prepare a final plat in conformance with the approved tentative plat, the provisions of this title and the provisions of ORS Chapter 92.

B. The subdivider shall submit the original drawing of the final plat as required by ORS Chapter 92 and any supplementary information to the city for review and approval. A filing fee shall accompany the submittal of the final plat to the city. The filing fee shall be in accordance with a fee schedule adopted by resolution of the city council.

C. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following approval of the tentative plat by the planning commission, he must resubmit his tentative plat to the planning commission and make any revisions considered necessary to meet changed conditions. The planning commission shall approve the tentative plat as submitted, approve it with modifications or conditions, or deny it.

D. If the subdivision is to be submitted in phases, the planning commission shall review each subsequent phase of the subdivision after the first phase as a preliminary plat. Each subsequent phase of the subdivision shall be reviewed within one-year of approval of the immediate prior phase. [Ord. P10-17 § 4.060, 2003.]

17.20.070 Review and approval of final plat.

A. Within 45 days of approval of the tentative plat, the subdivider shall provide a draft copy of the final plat for review by the planning commission. The planning commission shall take formal action to approve, with or without conditions or modifications, or deny the proposed final plat. Action on the final plat shall be based on its consistency with the approved tentative plat.

B. Upon receipt of the final plat and accompanying data, it shall be reviewed by the city engineer, the city planner, and the county surveyor. The city engineer and the city planner shall review the plat and documents to determine that it conforms with the approved tentative plat and to the provisions of ORS Chapter 92 and this title. The county surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The city engineer, the city planner and other city representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.

C. If it is determined that there has not been full conformity, the city planner shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If it is determined that full conformity has been made, the city planner shall so certify.

D. If it is determined that the final plat conforms fully to the approved tentative plat and all applicable regulations and standards, the city planner shall advise the planning commission. The planning commission shall review and take action on the final plat at a public meeting. Within 30 days of planning commission approval, the city engineer and the chairman of the planning commission shall sign the plat.

E. In the absence of the chairman, the duties and powers with respect to action on final plats shall be vested in the vice chairman.

F. Approval of a final plat shall not constitute or effect a waiver by the city of any requirements of the city's development ordinances or conditions of approval in a land use matter. Upon recording of the final plat, those dedications to the city set forth thereon which were conditions of approval or otherwise required by the city shall be effective. Such dedication does not relieve the developer of any obligations required by ordinance, conditions of approval, contractual agreement with the city, or otherwise.

G. Prior to recording of the final plat, the subdivider must apply for approval of all public officials, as specified in ORS Chapter 92 as amended. Signatures on the final plat by a majority of the board of county commissioners shall constitute approval of the plat by them. The subdivider shall then take the approved final plat and all related documentation to the office of the county clerk and have it recorded.

H. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the planning commission chairman. However, the subdivider may submit a request for a time extension from the planning commission and the planning commission may grant such additional time as circumstances warrant.

I. An exact copy of the final plat as approved and recorded shall be submitted to the city. The exact copy may be a photocopy or a tracing with black India ink upon a good quality of Mylar or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The copies shall be identified as an exact copy of the plat by the engineer or surveyor who caused the plat to be made. A copy of the final

plat and all documents to be recorded with the final plat shall be filed with the city of Lyons within 30 days of recording these documents in the office of

This page left blank intentionally.

the county clerk. [Ord. G1-2006 § 26, 2006; Ord. P10-17 § 4.070, 2003.]

17.20.080 Time limit for development of a recorded final plat.

A. If, after a final plat has been recorded, the property has not been developed within a five-year period from the date of recording, the plat shall be resubmitted to the city for review and approval. Action on the resubmitted plat shall be in relation to current requirements of this title, Chapter 19.10 LMC, other city land development ordinances, and land use patterns in the surrounding area.

B. A reconsidered final plat shall be reviewed by the planning commission at a public hearing.

C. The planning commission shall either approve the plat as submitted or it shall require that the plat be revised and resubmitted as a tentative plat following all ordinance requirements for that purpose.

D. For purposes of this section, a plat is developed only when all required public improvements have been installed. [Ord. P10-17 § 4.080, 2003.]

Chapter 17.25

Information on Tentative Plat for Proposed Subdivision

Sections:

- 17.25.010 Scale.
- 17.25.020 General information.
- 17.25.030 Existing conditions.
- 17.25.040 Proposed plat of land to be subdivided.
- 17.25.050 Supplemental information.

17.25.010 Scale.

The tentative plat of the proposed subdivision shall be drawn on a sheet which is a minimum of 18 inches by 24 inches in size at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary, but in all cases the scale to be used shall be a multiple of 10 feet. [Ord. P10-17 § 5.010, 2003.]

17.25.020 General information.

The following general information shall be shown on the tentative plat of the proposed subdivision:

A. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission and by the county surveyor.

B. Date, north point, and scale of drawing. If the plat is submitted more than once, the date of the revised tentative plat shall be clearly indicated on the face of the plat.

C. Appropriate identification clearly labeling the proposal as a tentative plat.

D. A vicinity map showing the relationship of the proposed subdivision to surrounding development. This map shall include streets within 500 feet of the exterior boundaries of the proposed development.

E. Names and addresses of the owner, subdivider, and surveyor. [Ord. P10-17 § 5.020, 2003.]

17.25.030 Existing conditions.

The following existing conditions shall be shown on the tentative plat of the proposed subdivision:

A. The location, widths, and names of both opened and unopened, dedicated or nondedicated,

streets within or adjacent to the tract, together with easements, dedications and other important features, such as section lines, corners, city boundary lines and monuments.

B. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:

1. For slopes of less than five percent: two-foot contour intervals.
2. For slopes of five to 15 percent: five-foot contour intervals.
3. For slopes of 15 to 20 percent: 10-foot contour intervals.
4. For slopes of over 20 percent: 20-foot contour intervals.

C. The location and direction of drainage channels and the location of areas within the 100-year flood plain.

D. Natural features such as rock outcroppings, marshes, wooded areas, water areas, and isolated preservable trees.

E. Areas that have been determined to be wetlands or that are likely to be determined to be wetlands.

F. Existing uses of the property, including location of all structures on the property. [Ord. P10-17 § 5.030, 2003.]

17.25.040 Proposed plat of land to be subdivided.

The following information shall be included on the tentative plat of the proposed subdivision:

A. The location, width, names, approximate grades and radii of curves of streets. The relationship of streets to any projected streets as shown in the comprehensive plan and as may be suggested by the planning commission in order to assure adequate traffic circulation.

B. The location, width, and purpose of easements.

C. The location, approximate dimensions and square footage of lots and the proposed lot numbers.

D. Sites, if any, allocated for purposes other than single-family dwellings.

E. Land to be deeded to the city, school district or other public agency for schools, parks or other public purposes. [Ord. P10-17 § 5.040, 2003.]

17.25.050 Supplemental information.

The following plans or information shall supplement the tentative plat of the proposed subdivision:

A. If the subdivision pertains to only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets and lots in the unsubdivided portion and any proposals to phase development of the subdivision.

B. Proposed deed restrictions, if any, in outline form.

C. The location within the subdivision and in the adjoining streets and property of existing water mains, culverts, drain pipes and electric lines.

D. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

E. General utility plans for domestic water supply, fire hydrants, storm water drainage and street lighting, indicating how these utilities shall be provided. [Ord. P10-17 § 5.050, 2003.]

Chapter 17.30

Information on Final Plat

Sections:

- 17.30.010 Form and scale of final plat.
- 17.30.020 General information on final plat.
- 17.30.030 Certificates on final plat.
- 17.30.040 Supplementary information with final plat.

17.30.010 Form and scale of final plat.

The final subdivision plat shall be submitted in the form and to the scale required by ORS Chapter 92. [Ord. P10-17 § 6.010, 2003.]

17.30.020 General information on final plat.

In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- A. The date, scale, north point, legend, and existing features such as highways and railroads.
- B. Legal description of the subdivision boundaries.
- C. Name of the owner(s), developer and surveyor.
- D. The location by distance and bearings to the following (distances shall be to the nearest one one-hundredth of a foot and bearings shall be to the nearest 30 seconds, with basis of bearings):
 - 1. Monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - 2. Adjoining corners of adjoining subdivisions or existing surveys.
 - 3. City boundary lines when crossing or adjacent to the subdivision.
 - 4. All permanent monuments within the subdivision.
- E. The exact location and width of streets and easements intersecting the boundary of the subdivision.
- F. Subdivision, lot and street right-of-way boundary lines with dimensions and tangent bearings. Subdivision boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest one one-hundredth of a foot. No ditto marks may be used.

G. The width of the portion of streets being dedicated and the width of any existing right-of-way. For streets on curvature, curve data shall be used on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated.

H. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of half streets on the boundary of the subdivision.

I. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not located of record, a written statement of the easement shall be included. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision must be shown on the plat. If the easement is being dedicated by the plat, it should be properly referenced in the owner's certificates of dedication.

J. Lot numbers beginning with the number "1" and continuing consecutively within the subdivision. The area of each lot shall be shown.

K. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.

L. Notations indicating any limitations on rights of access to or from streets, lots, or other parcels of land, if any, are to be made a part of the subdivision restriction.

M. Setback lines, if any, are to be made a part of the subdivision restriction.

N. All other requirements of ORS Chapter 92 shall be indicated on the final plat and met in preparing the final plat. [Ord. P10-17 § 6.020, 2003.]

17.30.030 Certificates on final plat.

The following certificates, acknowledgments and other requirements established by state law or this title shall appear on the final plat. Such certificates may be combined where appropriate.

A. A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided, consenting to the preparation and recording of the plat.

B. A certificate signed and acknowledged as above, dedicating all parcels of land, streets, alleys, pedestrian ways, drainage channels, other dedications, easements and other rights-of-way intended

for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

C. An affidavit of the licensed surveyor having surveyed the land represented in the subdivision plat, to the effect that the surveyor has correctly surveyed the property in accordance with ORS Chapter 92.

D. A certificate of the licensed surveyor who prepared the survey and the final plat.

E. A certificate for execution by the chairman of the planning commission on behalf of the planning commission.

F. Other certifications now or hereafter required by law.

G. Written proof that all taxes and assessments which have become a lien on the tract are paid. [Ord. P10-17 § 6.030, 2003.]

F. A certificate by the city recorder that the subdivider has complied with one of the following alternatives:

1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving conditional approval of the tentative plan.

2. An agreement has been executed as provided in LMC 17.35.010 and 17.35.020 to assure completion of required improvements.

G. Documentation of any dedications as required by the city for any street, recreation area, drainage way, area reserved for water line, or other dedication. [Ord. G2-2015 § 1, 2015; Ord. P10-17 § 6.040, 2003. Amended during 2006 recodification.]

17.30.040 Supplementary information with final plat.

The following data shall accompany the final plat, shall be recorded with the final plat, and provided to the city of Lyons in final form within 30 days of recording the final plat by the subdivider:

A. Addresses of the owner(s), subdivider, and surveyor.

B. Survey Requirement.

1. A complete and accurate survey of the land to be subdivided shall be made by a registered surveyor licensed to practice in the state of Oregon, in accordance with standard practices and principles of land surveying.

2. Traverse of the exterior boundaries of the proposed subdivision and of each lot shall close within a limit of error as specified by ORS 92.050.

C. A copy of any deed restrictions applicable to the subdivision.

D. A copy of any dedication requiring separate documents.

E. Certifications or statements pertaining to the availability of domestic water supply and sewage disposal systems to serve each lot as outlined in ORS Chapter 92. A statement verifying that Linn County environmental health has approved the proposed method of sewage disposal for each lot within the subdivision.

Chapter 17.35

Improvement Guarantee

Sections:

- 17.35.010 Agreement for improvements.
- 17.35.020 Developer's performance guarantee.
- 17.35.030 Failure to complete improvements.

17.35.010 Agreement for improvements.

Before planning commission approval is certified on the final subdivision plat, the land divider shall either install the required improvements or enter into an agreement with the city regarding improvements. Repair of existing streets and other public facilities damaged in the development of the subdivision shall be a part of any improvement agreement. The agreement shall provide for a reasonable amount of time for repair of streets. The two optional procedures are more fully described as follows:

A. The land divider may elect to install the required improvements and make the needed repairs.

B. The land divider may elect to execute and file with the city a bond, contract or other assurance between himself and the city, specifying the period within which the required improvements and repairs shall be completed. The bond, contract or other assurance shall 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 thereof from the land divider. A performance guarantee as provided for in LMC 17.35.020 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. [Ord. P10-17 § 7.010, 2003.]

17.35.020 Developer's performance guarantee.

The land divider shall file a performance guarantee with the city to assure his full and faithful performance in completing all of the required improvements. A performance guarantee shall consist of one of the two following options.

A. Option A. An improvements agreement between the developer and the city that the final plat will not be approved or recorded and that no building permits for any structures within the

development will be issued until all improvements have been completed by the applicant and accepted by the city. The agreement shall be in a form approved by the city attorney. A set-aside fund shall be paid by the developer to the city of Lyons in an amount equal to 10 percent of the estimated public improvement construction costs is required for major partitions and subdivisions. The set-aside fund shall be in an amount as determined by the city engineer and approved by the planning commission, based upon estimates for the public works construction costs for roads, bike paths, walkways, drainage improvements, road signs, traffic control signs, and other public improvements that will ultimately be the responsibility of the city of Lyons. The agreement shall specify that the applicant shall, upon the completion of work, remove all surplus earth, rubbish or other material, and replace or restore all existing streets and utilities to a condition as good as or better than existed prior to the work. The agreement shall require the applicant to keep the improvements in good repair at the applicant's own expense during the warranty period. The length of the warranty period shall be as prescribed by the city council, and shall not be less than one year from the written acceptance of said work by the city. The funds shall be used for public improvement inspections, administrative costs, and any other additional costs incurred by the city. Any portion of the set-aside fund that is not used shall be returned to the applicant after all inspections have been made and approved by the city engineer, between 10.5 and 12 months from the date of written acceptance of the improvements by the city. A written report of defects or a certification of approval shall be issued by the city engineer as the basis of determination of the performance guarantee. This report shall be reviewed and approved by the city council before going into effect.

B. Option B. 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 amount of the surety bond shall be as established by the city engineer, but shall not be less than 150 percent of the estimated construction cost of required improvements, as verified by the city. The surety bond shall ensure the full and faithful performance of all proposed work and shall guarantee that the applicant will conform to all pro-

visions of the improvements agreement, and immediately upon the completion of work, remove all surplus earth, rubbish or other material, replace or restore all existing streets and utilities to a condition as good as or better than existed prior to the work. The surety bond shall require the applicant to keep the improvements in good repair at the applicant's own expense during the warranty period. The length of the warranty period shall be as prescribed by the city council, and shall not be less than one year from the written acceptance of said work by the city. The city engineer shall conduct a performance review between 10.5 and 12 months from the time the improvements are installed. A written report of defects or a certification of approval shall be issued by the city engineer as the basis of determination of the performance guarantee. This report shall be reviewed and approved by the city council prior to going into effect. [Ord. P10-17 § 7.020, 2003.]

17.35.030 Failure to complete improvements.

If the applicant fails to complete all improvements for which a surety bond is provided, the city shall estimate the cost of completing any required improvements, call on the bond for the funds necessary to complete the improvements, and complete the improvements to the extent of the funds obtained upon call of the bond. If the amount obtained from the bond or deposit is insufficient to complete the improvements, the developer shall be liable for the difference. The city may either hold the collected funds until additional funds are authorized for the improvements, or expend the collected funds on revised improvements or on that portion of the improvements as determined reasonable by the city engineer. [Ord. P10-17 § 7.030, 2003.]

Chapter 17.40

Partitioning

Sections:

- 17.40.010 Purpose of partitioning review.
- 17.40.020 General requirements for partitions.
- 17.40.030 Partitioning procedure.
- 17.40.040 Approval and recording of the final partition plat.

17.40.010 Purpose of partitioning review.

This chapter prescribes procedures and standards governing the partitioning of land. Partitioning requirements are established to ensure that adequate public access and related utilities and facilities will be provided to parcels created by the partition and that the opportunity for full and orderly development of the surrounding area will be maintained. [Ord. P10-17 § 8.010, 2003.]

17.40.020 General requirements for partitions.

A. Filing Fees. At the time of application for partition, the city recorder shall collect a filing fee for partition review. The fee shall be in accordance with a fee schedule adopted by resolution of the city council.

B. Standards. The design standards for a subdivision in Chapter 17.50 LMC shall apply to partitions. Applications for a variance shall be in accord with the procedures established in LMC 17.60.010 to 17.60.040.

C. Improvements. When a partition is being approved, the city shall determine whether or not any or all of the improvements as specified in LMC 17.55.010 to 17.55.030 are needed to serve the property in the partition. If the city finds that any or all of the improvements are needed, the city shall require that the improvement be accomplished according to the standards and procedures of LMC 17.35.010 and 17.35.020.

D. The county assessor is required by statute to provide notice to the city of all recorded documents which result in land partitions. A landowner having partitioned land which has not been previously submitted, reviewed and approved pursuant to this title will be notified of this requirement and will be subject to enforcement action by the city as provided for in LMC 17.65.040 or any subsequent

amendment thereto. [Ord. G2-2015 § 1, 2015; Ord. P10-17 § 8.015, 2003. Amended during 2006 recodification.]

17.40.030 Partitioning procedure.

A. Tentative Plat. An application for a tentative plat for a partition shall be submitted to the planning commission for review and approval. The application shall include the following:

1. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned. Revisions of a tentative plat shall be submitted with a revised date and a submittal number.

2. Name and address of the owner or owners of record and of the person who prepared the partition.

3. The parcel layout, showing dimensions and size of parcels.

4. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.

5. Identification of the street area and its relation to existing streets serving the property. Identification shall include location, widths and names of streets.

6. Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of water lines; location of fire hydrants; proposals for the handling of drainage; street lighting; and location of power, cable, gas, and telephone lines.

7. Vicinity map showing the street and lot pattern in the general vicinity.

B. Ten copies of the tentative plat shall be submitted to the city at least 30 days prior to the planning commission meeting at which the partition request shall be heard. All affected governmental agencies and public utilities shall be notified of the application and shall be requested to review the partition proposal and submit their recommendations to the planning commission. In all cases, notification shall be forwarded to the Lyons city engineer, the Lyons-Mehama Water District, Lyons Rural Fire Protection District, People's Telephone Company, Pacific Power and Light Company, Northwest Natural Gas, Uvision, North Santiam School District, the Lyons Post Office,

Linn County surveyor, Linn County road department, and Linn County environmental health. Notification shall also be forwarded to the Oregon Department of Transportation if the proposed partitioning abuts a state highway.

C. Consideration of a tentative plat for a partition by the planning commission shall take place at a public meeting. This meeting shall occur within 45 days of the time the request is submitted. Owners of all property abutting the proposed partition shall be notified of the meeting.

D. Within 35 days following the public meeting, the planning commission shall take action on the tentative plat.

E. The planning commission shall either approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:

1. The partition is consistent with the provisions of this title and LMC Title 18.

2. Vehicular access to the property is adequate.

3. All necessary public utilities can be provided to the proposed parcels.

4. No landlocked parcels shall be created. Full and orderly development of the surrounding area can be assured.

5. Drainage within the proposed development will not result in problems for the development of the surrounding area.

6. The physical characteristics of the property, such as potential soil erosion or landslides, drainage, flood plains, and potential natural hazards, have been considered and will not be detrimental to the surrounding area.

F. Action by the planning commission on a tentative plat for a partition is final, unless the plat is appealed to the city council as outlined in LMC 17.65.010.

G. Upon approval of a tentative partition plat, two copies of the plat shall be signed, dated and conditions of approval noted. One copy shall be returned to the applicant, and the other copy shall be retained by the city as a part of its permanent record. [Ord. P10-17 § 8.020, 2003.]

17.40.040 Approval and recording of the final partition plat.

A. Procedure for Approving Final Partition Plat. The final partition plat shall be filed with the city recorder for final review and approval. A filing fee shall accompany the submittal of the final partition plat to the city. The filing fee shall be in accordance with a fee schedule adopted by resolution of the city council. This shall be accomplished within one year of approval of the tentative partition plat.

1. Copies of the final partition plat for review and approval shall be provided to the city planner, city engineer and the county surveyor. The city planner and the city engineer shall review the plat for consistency with the approved tentative plat and other city and engineering requirements. The county surveyor shall review the partition plat for conformance with county and state survey requirements. Review shall occur within 35 days from the time the final plat has been filed with the city.

2. If it is determined that there has not been full conformity with the approved tentative partition plat, the city shall advise the applicant of the changes that must be made and afford the applicant an opportunity to make such changes. If it is determined that full conformity has been made, the city engineer and city planner shall so certify in writing.

3. If it is determined that the final plat conforms fully with the approved tentative plat and all applicable regulations and standards, the city recorder shall advise the planning commission. The planning commission shall review and approve the final plat at a public meeting. After planning commission approval, the city engineer, the city planner and the chairman of the planning commission may then sign the plat.

4. Approval of a final partition plat shall not constitute or effect a waiver by the city of any requirements of the city's development ordinances or conditions of approval in a land use matter. Upon recording of the final partition plat, those dedications to the city set forth thereon which were conditions of approval or otherwise required by the city shall be effective. Such dedication does not relieve the developer of any obligations required by ordinance, conditions of approval, contractual agreement with the city, or otherwise.

5. The signed final plat and the signed copy shall be forwarded by the subdivider to the county

surveyor and the county clerk for approval, signature and recording. Within 45 days of the final approval, the final plat shall be recorded with the county clerk. Within 30 days of recording the final plat with the county clerk, the subdivider shall provide the city with copies of the final recorded plat and all related documentation.

B. Final Plat. The final plat shall be the survey map which has been recorded with the county surveyor in accordance with county and state requirements and that has been recorded in the office of the county clerk. The final plat shall be prepared to meet the requirements of ORS Chapters 92 and 209. Copies of the final plat are to be provided by the subdivider to the city of Lyons as outlined in subsection (A) of this section. The final plat shall include the following:

1. The survey map of the parcels being offered for sale prepared by a registered land surveyor. The survey map shall indicate the location of all interior and exterior monuments.

2. A legal description of the parcels being offered for sale.

3. A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcels.

4. A notarized signature of the owner or owners declaring the ownership and consenting to recording the plat.

5. A designated space for approval signatures of the chairman of the planning commission, the city engineer, the city planner, and the county surveyor.

6. The recording numbers of all deeds, dedications, easements, and agreements approved as part of the partitioning review.

7. An affidavit of the licensed surveyor having surveyed the land incorporated in the plat that the surveyor has correctly surveyed the property in accordance with ORS Chapter 92. [Ord. G2-2015 § 1, 2015; Ord. G1-2006 § 27, 2006; Ord. P10-17 § 8.030, 2003. Amended during 2006 recodification.]

Chapter 17.45

Property Line Adjustment

Sections:

- 17.45.010 Statement of purpose.
- 17.45.020 Application procedure.
- 17.45.030 Review procedures.
- 17.45.040 Standards for evaluating property line adjustments.
- 17.45.050 Final approval process.

17.45.010 Statement of purpose.

The purpose of this chapter shall be to provide the city the authority to review and approve property line adjustments within the city of Lyons in order to ensure compliance with all applicable city ordinances, and to assure that the resulting tax lot records are accurate. [Ord. P10-17 § 8.510, 2003.]

17.45.020 Application procedure.

An application for a property line adjustment shall be filed with the city. A filing fee shall accompany the submittal of the application. The filing fee shall be in accordance with a fee schedule adopted by resolution of the city council. A site plan is required which shows all of the property line dimensions, location of all structures and their distances from property lines, locations of easements and of septic tanks and drainfields, and the area and dimensions to be added to or reduced from each parcel. [Ord. P10-17 § 8.520, 2003.]

17.45.030 Review procedures.

A. Within 35 days of the receipt of a completed property line adjustment application, the planning commission shall determine whether or not the application is in conformance with all the standards specified in LMC 17.45.040.

B. A property line adjustment does not require that notice be provided to any party except the applicant and the owners of the affected properties. A property line adjustment shall be approved when the planning commission determines that the standards in LMC 17.45.040 have been met. [Ord. P10-17 § 8.530, 2003.]

17.45.040 Standards for evaluating property line adjustments.

In reviewing a request for a property line adjustment, the following standards shall be met prior to planning commission approval:

A. The lots being modified in size meet the minimum lot size requirements of LMC Title 18.

B. The lots being modified in size meet the lot width and frontage standards of the zoning district in which they are located. If, prior to the application, the lot did not meet width or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards.

C. The amended lot lines do not encroach on the location of septic tanks and drainfields or water supply lines or easements. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements as administered by Linn County environmental health.

D. The property line adjustment does not create or result in any additional lots.

E. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.

F. The property line adjustment does not eliminate vehicular access for any of the parcels.

G. Verification of ownership for each property must be presented to the city.

H. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change. [Ord. P10-17 § 8.540, 2003.]

17.45.050 Final approval process.

A. The applicant shall submit to the city the final property line adjustment that is to be recorded with the county. The city staff shall review the property line adjustment for consistency with the application as approved by the planning commission before it is recorded with the county.

B. It is the responsibility of the applicant to record the approved property line adjustment with the county. The applicant shall provide a verified approval from the city to the county at the time he records the property line adjustment.

C. A copy of the recorded property line adjustment shall be submitted to the city within 30 days of its recording. [Ord. P10-17 § 8.550, 2003.]

Chapter 17.50

Design Standards

Sections:

- 17.50.010 Principles of acceptability.
- 17.50.020 Streets.
- 17.50.030 Easements.
- 17.50.040 Lots.
- 17.50.050 Building lines.
- 17.50.060 Land for public uses and public open spaces.
- 17.50.070 Future lot division.

17.50.010 Principles of acceptability.

Subdivisions and partitions shall conform to LMC Titles 18 and 19, applicable provisions of other city ordinances, state law, the standards established by this title and the street development standards. Locations and standards related to transportation and community facilities shall be based on the provisions of LMC Title 19. [Ord. P10-17 § 9.010, 2003.]

17.50.020 Streets.

A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, the proposed use of land to be served by the streets and full land utilization which will not result in lots which do not have access to a public street or to an easement of access that has been approved by the city. Standards related to street width, street alignment, intersection angles, cul-de-sac streets, and street grades and curves are included within the street development standards. Where location is not shown on the comprehensive plan, the location of streets shall either:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
2. Conform to a plan for the neighborhood adopted by the planning commission to meet a particular situation where physical conditions make continuance or conformance to existing streets impractical.

B. Minimum Street Widths. Street right-of-way and roadway (curb-to-curb) widths shall be adequate to fulfill city specifications as provided for in

the street development standards and, unless otherwise indicated on the comprehensive plan or a neighborhood plan adopted by the planning commission, shall not be less than the minimum widths shown in the table as outlined in the street development standards.

Additional side slope easements may be required for cuts and fills in areas with rough terrain. When existing conditions such as the size or shape of land parcels or steep or rough terrain make it otherwise impractical to provide buildable lots or standard width streets, street right-of-way and roadway widths may be modified at the time of tentative plat approval. Any modifications to street design standards shall be based on recommendations made by the city engineer taking into consideration the impracticalities of standard street design.

C. Reserve Strips. Reserve strips or street plugs controlling access to streets shall be required when necessary to ensure street extensions and the widening of half streets. The reserve strip shall normally be one foot in width and under the ownership of the city. The one-foot reserve strip shall be dedicated to the city under a separate document.

D. Future Extensions of Streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

E. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

F. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

G. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets in the city or the urban growth boundary. Street names shall conform to the established pattern in the city and surrounding area and shall be subject to the approval of the planning commission.

H. Access Streets. Where a subdivision or partition abuts or contains an existing or proposed arterial street, the planning commission may require access streets, reverse frontage lots with suitable depth, screen plantings contained in a non-access reservation along the rear or side property line or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

I. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed subdivision or partition contains or is adjacent to a railroad right-of-way, provision may be required for a street parallel to the right-of-way at a distance suitable for the appropriate use of the land between the street and the railroad. [Ord. P10-17 § 9.020, 2003.]

17.50.030 Easements.

A. Utility Lines. Standards for easements for utility lines shall be as outlined in the street development standards.

B. Watercourses. If a subdivision or partition is traversed by a watercourse, such as a drainage way, channel, or stream, there shall be provided a storm water easement or dedicated drainage right-of-way. The drainage easement or dedication shall conform substantially with the lines of the watercourse, with such additional width as is necessary to assure ease of channel maintenance, to provide for any possible flooding, to assure that the channel will not be encroached upon by fences and other improvements, and, where feasible, to encourage multiple use of the drainage channel and related area for purposes such as utility strips, transportation corridors for bicycle or pedestrian use, areas for habitat protection, or as natural greenways.

C. Pedestrian Ways. When desirable for public convenience, a pedestrian way not less than five feet in width may be required to connect to a cul-de-sac, to pass through unusually long or oddly shaped blocks, or to improve traffic circulation to

schools, parks, shopping areas or other community facilities.

D. Residential Access Easements. Standards for residential access easements serving two or more residences shall be as provided for in the street development standards. [Ord. G4-2007, 2007; Ord. P10-17 § 9.030, 2003.]

17.50.040 Lots.

A. Size and Shape.

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Lot sizes and dimensions shall be consistent with the lot size and width standards of LMC Title 18 and with the subsurface sewage disposal requirements administered by Linn County environmental health. Lot depth shall not exceed two and one-half times the average width.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Access. Each lot shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet. In residentially designated areas, a variance to this standard may be granted where there is no feasible means of providing access on a publicly owned street. If a residential vehicular access easement is approved and implemented to provide access to the property, the city of Lyons street development standards shall be utilized in the design and installation of said access easement.

C. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from arterials or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A no access strip or other suitable barrier such as a planting screen easement may be required along an arterial or steep slope area.

D. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

E. Flag Lots. Flag lots shall be prohibited unless there is no other way of providing access to

property. The thin strip of land which provides access to the major portion of the lot from the street shall not be used in determining lot size, lot width or yard requirements. [Ord. G4-2007, 2007; Ord. P10-17 § 9.040, 2003.]

17.50.050 Building lines.

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision or partition plat. [Ord. P10-17 § 9.050, 2003.]

17.50.060 Land for public uses and public open spaces.

A. Where a proposed park, school, public utility facility, or other public use shown in the comprehensive plan is located in whole or in part within a subdivision or partition, the planning commission may require the dedication or reservation of such area within the subdivision or partition.

B. The provision of public open spaces for schools, parks and playgrounds is essential for the sound development of residential areas. The subdivider may be required to dedicate to the city, for public open space, an area of land, in a location determined as desirable by the planning commission.

C. No subdivider shall be required to dedicate more than 40 percent of his land for public purposes including streets, but not including utility easements or drainage ways. If greater land areas are required for public use, the planning commission may require the reservation of such areas for a period of two years during which time the appropriate agency may acquire such land. [Ord. P10-17 § 9.060, 2003.]

17.50.070 Future lot division.

If there is potential for two or more additional lots to be created when subdividing or partitioning a piece of property, a plan, which shall include the division of the property into lots and streets, for the future development of the entire property shall be submitted at the time of application. This plan shall be reviewed and approved by the planning commission at the time of approval of the subdivision or partition. [Ord. G3-2008, 2008; Ord. P10-17 § 9.070, 2003.]

Chapter 17.55**Improvements**

Sections:

- 17.55.010 Improvement procedures.
- 17.55.020 Specifications for improvements.
- 17.55.030 Improvements in subdivisions or partitions.

17.55.010 Improvement procedures.

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this title and to the street development standards, and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been reviewed 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 final plat. All plans shall be prepared in accordance with the requirements of the city.

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 engineer. The city engineer shall make periodic inspections of the public improvements during the course of construction and at the end of the project. The city may require changes in typical sections and details in the public interest if conditions arise during construction to warrant the change.

D. Underground utilities, and storm drains installed in streets, shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities shall be placed to lengths that will avoid the need to disturb 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. [Ord. P10-17 § 10.010, 2003.]

17.55.020 Specifications for improvements.

The improvements shall be designed and constructed in accordance with the street development standards. [Ord. P10-17 § 10.020, 2003.]

17.55.030 Improvements in subdivisions or partitions.

The following improvements shall be installed at the expense of the land divider:

A. Water Supply System. Water lines and fire hydrants serving each lot in the subdivision and connecting the subdivision to mains shall be installed. The water supply system shall be designed and constructed to the standards of the Lyons-Mehama Water District and shall take into account provisions for extension beyond the subdivision and to adequately grid the city system.

B. Streets. Public streets within the subdivision, and public streets adjacent but only partially within the subdivision, shall be improved in accordance with the street development standards. Improvements shall be made to the paving line of existing streets which intersect with streets in the subdivision. At such time as the city has provided a storm drainage system which is capable of serving the subdivision, catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments on all property corners shall be established or re-established by the subdivider. Benchmarks shall be installed at each street intersection. Street center lines, crosswalks, bike-ways and other traffic control symbols shall be marked.

C. Sidewalks and Bikeways. Sidewalks and bikeways shall be designed and installed in accordance with the street development standards.

D. Watercourses and Drainage Systems.

1. General. It is the city's policy to preserve and utilize existing open drainage ways to convey storm drainage throughout the city. Where development is proposed on land which adjoins an open, natural drainage way, the city may require the dedication of sufficient area to manage storm water drainage, improve water quality, and protect riparian habitat.

2. Inlets/Outfalls. Inlets shall be designed and constructed to prevent large amounts of debris and silt from entering the system. Inlet and outfall structures shall be designed to prevent erosion of the adjacent embankment. Outfalls shall be designed to remain protected from damage from maintenance equipment and loss of bank support. Protection of the adjacent embankment may include, but is not limited to, such measures as con-

struction of wingwalls, slope riprapping, and use of vegetation for erosion control.

E. Street Name Signs. Traffic control devices and street name signs, designed to city specifications, shall be installed at all street intersections and elsewhere as required by the city.

F. Other. The land divider shall make necessary arrangements with the city, utility companies or other persons or corporations affected for the installation of street lights and for underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground. [Ord. P10-17 § 10.030, 2003.]

Chapter 17.60

Variances

Sections:

- 17.60.010 Variance application.
- 17.60.020 Criteria for granting a variance.
- 17.60.030 Modifications or conditions in granting a variance.
- 17.60.040 Planning commission action on variances.

17.60.010 Variance application.

When necessary, the planning commission may authorize variances to the requirements of this title. A request for a variance shall be made by application of the land divider, stating fully the grounds for the application, and responses to each of the criteria as specified in LMC 17.60.020. A filing fee shall be submitted to the city along with the application. The fee shall be in accordance with a fee schedule adopted by resolution of the city council. The application shall be filed with the tentative plat and shall be considered by the planning commission along with the tentative plat. [Ord. P10-17 § 11.010, 2003.]

17.60.020 Criteria for granting a variance.

No variance may be granted unless the following criteria have been met:

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of the ordinance codified in this title have had no control. Project costs shall not be considered as an exceptional or extraordinary circumstance.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

C. The variance would not be materially detrimental to the purposes of this title, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

D. The variance requested is the minimum variance which would alleviate the hardship.

E. The variance is consistent with the policies of LMC Title 19 and with the provisions of this title and LMC Title 18. [Ord. P10-17 § 11.020, 2003.]

17.60.030 Modifications or conditions in granting a variance.

In granting a variance, the planning commission may attach modifications or conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and achieve the purposes of this title. [Ord. P10-17 § 11.025, 2003.]

17.60.040 Planning commission action on variances.

In acting to grant, modify, or deny a variance, the planning commission shall make findings of fact based on the criteria specified in LMC 17.60.020, and shall describe the variance granted and the conditions designated. The city shall keep the findings on file as a matter of public record. Within five days of the date of action on the variance by the planning commission, the commission shall transmit a copy of the action on the variance to the land divider. [Ord. P10-17 § 11.030, 2003.]

Chapter 17.65

General Provisions

Sections:

- 17.65.010 Appeal.
- 17.65.020 Amendment.
- 17.65.030 Interpretation.
- 17.65.040 Penalty and enforcement.

17.65.010 Appeal.

A. A person may appeal a decision or requirement made by the planning commission to the city council. Written notice of the appeal must be filed with the city within 10 days from the date the planning commission has made its decision. The notice of appeal shall be accompanied by a filing fee in accordance with a fee schedule adopted by resolution of the city council. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal. The hearing notice shall be mailed to all parties having received notice of the tentative plat of the subdivision or partition.

B. The city council 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 planning commission so long as the decision of the council complies with the criteria and standards of this title.

C. Stay of Proceedings. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter from which appeal is taken until the final decision has been made by the city council. [Ord. P10-17 § 12.010, 2003.]

17.65.020 Amendment.

The provisions of this title may be amended after public hearings by the planning commission and city council. The planning commission shall first hold a hearing and shall transmit its recommendations and findings to the city council. The city council shall hold the final hearing and shall consider the recommendations of the planning commission in making its decision. All amendments to this title shall comply with the provisions of ORS Chapter 92. [Ord. P10-17 § 12.020, 2003.]

17.65.030 Interpretation.

Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provision which is more restrictive shall govern. [Ord. P10-17 § 12.040, 2003.]

17.65.040 Penalty and enforcement.

In addition to penalties provided by state law, any violation of this title shall be enforced pursuant to Chapter 1.25 LMC. [Ord. P10-17 § 12.050, 2003; 05-12 § 3, 2002.]