



CITY OF LYONS

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ORDINANCE NO. ____ - 2026

AN ORDINANCE AMENDING TITLE 17 OF THE LYONS MUNICIPAL CODE

WHEREAS, the Subdivision Code P10-17 was last reviewed and adopted on August 5, 2003;

WHEREAS, the Lyons Subdivision Code is currently inconsistent with Oregon Revised Statutes, Chapter 92 (ORS 92) and statewide land use goals, guidelines and procedures;

WHEREAS, the Lyons Planning Commission has reviewed the proposed ordinance and recommends updating the City's subdivision code to comply with the state land use laws and procedures;

WHEREAS, to align with statewide land use laws and procedures, the chapter title is changed to "Land Divisions and Property Line Adjustments".

NOW, THEREFORE, the City Council of the City of Lyons hereby ordains as follows:

Repeal and Replace: Ordinance P10-17 and corresponding code sections of Chapter 17, are hereby repealed and replaced with the ordinances presented in Exhibit A: Land Divisions and Property Line Adjustments, and Exhibit B: Public Facilities;

Effective Date: This ordinance will go into full force and effect on the 30th day after City Council enactment.

This Ordinance passed by the Lyons City Council this _____ day of _____, 2026.

APPROVED: _____

COPY

Mike Wagner - Mayor
City of Lyons, Oregon

Date: _____

ATTEST:

COPY

By: _____

Micki Valentine – City Manager
City of Lyons, Oregon

Date: _____

	Yay	Nay	Abstain
Mayor Wagner			
Pro Tem Ritchie			
Councilor Hyde			
Councilor Thrasher			
Councilor Gjonnes			

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EXHIBIT A

City of Lyons Municipal Code

Title 17 Land Divisions and Property Line Adjustments

Chapter 17.05 Introductory Provisions

17.05.010 Purpose and Applicability.

The purpose of this title is to establish standards and procedures for partitions, subdivisions, and property line adjustments within the city of Lyons. These regulations are necessary in order to:

- A. Provide uniform procedures and standards;
- B. Provide for the proper width and location of streets;
- C. Coordinate proposed development with the city's comprehensive plan;
- D. Provide for utilities and other public facilities;
- E. Avoid undue congestion of population;
- F. Assure adequate sanitation, drainage and water supply;
- G. Provide for the protection, conservation and proper use of land; and
- H. Protect the health, safety and welfare of the public.

Standards and procedures herein are intended to comply with the provisions of ORS Chapter 92.

17.05.020 General Requirements.

A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a tentative plan evaluation and a final plat evaluation, according to the following two steps:

1. The tentative plan must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the tentative plan.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Chapter 17.45.

- B. Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.
- C. Future Re-division Plan.** When subdividing or partitioning tracts into lots or parcels that are greater than two acres in size, the lots or parcels shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent lots or parcels can occur in the future.
- D. Adequate Utilities.** All lots and parcels created through land division shall have adequate public utilities and facilities, including streets, water, and sewage disposal, as well as private utilities and facilities such as gas, telecommunications, electrical, and cable systems. These systems shall be located and constructed underground where feasible pursuant to the City of Lyons Street and Storm Drainage Design Standards.
- E. Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to the City of Lyons Street and Storm Drainage Design Standards.
- F. Adequate Access.** All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to City of Lyons Street and Storm Drainage Design Standards.

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 manager" means the city manager of the city of Lyons, or a designee of the city manager.
- 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. "Land division" as used in this title means both a subdivision and a partition.
- H. "Lot" means a single unit of land that is created by a subdivision of land.
- I. "lot, flag" 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.

- J. "Notice of decision" means the notice of decision mailed according to this title. The date of a notice of decision shall be the date that it is mailed.
- K. "Parcel" means a single unit of land that is created by a partition of land.
- L. "Partition" means either an act of partitioning land or an area or tract of land partitioned.
- M. "Partitioning land" means dividing land to create not more than three parcels of land within a calendar year. Partitioning land does not include:
1. Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
 2. Adjusting a property line as defined in this section.
 3. Dividing land as a result of the recording of a subdivision or condominium plat;
 4. Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan. However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned;
or
 5. Selling or granting 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. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.
- N. "Partition plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.
- 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. "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.
- R. "Road" or "Street" means a public or private way that is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

- 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 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.
- V. "Subdivide land" means to divide land to create four or more lots within a calendar year.
- W. "Subdivision" means either an act of subdividing land or an area or tract of land subdivided.
- X. "Subdivision plat" means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
- Y. "Surveyor, county" means the county surveyor of Linn County, Oregon.
- Z. "Surveyor" means an Oregon licensed land surveyor.
- AA. "Tentative plan" means a preliminary plan of a 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.

Chapter 17.10 Ordinance Compliance with ORS chapter 92

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 § 2.020, 2003.]

17.10.020 Approval required before creating street to partition land.

A person may not create a street or road for the purpose of subdividing or partitioning an area or tract of land without the approval of the planning commission.

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 plan has been approved.

B. A person may negotiate to sell any parcel in a partition with respect to which approval of a tentative plan is required by this title prior to the approval of the tentative plan for the partition; but no person may sell any parcel in a partition for which approval of a tentative plan is required prior to such approval.

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 partition until the final plat of the subdivision or partition has been acknowledged and recorded with the recording office 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 office 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 plan for such subdivision or partition. {Ord. P10-17 § 2.040, 2003.}

Chapter 17.15 Pre-application Conference

17.15.010 Purpose and Applicability

- A. Purpose. Pre-application conferences are intended to familiarize applicants with the requirements of this title and other applicable provisions of the Lyons Municipal Code; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing an application. Pre-application conferences are not an exhaustive review that identifies or resolves all potential issues and does not bind the city from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- B. Applicability. Pre-application conferences are voluntary for applications under this title.

17.15.020 Pre-application conference procedures.

- A. Application. Pre-application conferences must be requested in writing and submitted to the city manager. The request must include the property address and information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow city staff to review and comment.
- B. Scheduling Pre-Application Conferences. Upon receipt of a written request, the city manager or designee will schedule an in-person pre-application conference. The city manager or designee will coordinate the involvement of other city departments and notify affected agencies, service providers, and utility companies of the conference. Pre-application conferences are not open to the general public.

17.15.030 Limitation of pre-application conference

A pre-application conference is not a land use decision nor a limited land use decision. Any comments or information provided during a pre-application conference may not be construed as binding on the city, the applicant, or an affected jurisdiction.

Chapter 17.20 Tentative Plan Approval Process

17.20.010 Review of Tentative Plan.

Tentative plans shall be processed using the following procedures. All tentative plans, including partitions and subdivisions are subject to the approval criteria in 17.25.030._

17.20.020 Tentative Plan Approval Period.

Tentative plan approval shall be effective for a period of two years from the date of the Notice of Decision letter. The tentative plan shall lapse if a final plat has not been submitted within the two-year period and no time extension has been granted by the city. In addition, if an applicant records a final plat without first receiving the city's approval as described in Chapter 17.20 then the tentative plan approval is revoked.

17.20.030 Application Filing Fees.

At the time of application submission, the city manager 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.

17.20.040 Completeness Review.

The city shall review the submitted application to determine whether it is complete.

A. INCOMPLETE APPLICATION. If applicant has not submitted all materials required, then the city shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

The application will be deemed complete upon receipt by the city of:

1. All of the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

B. APPLICABLE CRITERIA and VOID APPLICATION. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the decision will be based on the standards and criteria that are applicable at the time the application was first submitted. If on the 181st day after first being submitted, the applicant does not respond to the city's request for additional information in one of the three ways set out above, then the application is void.

17.20.050 Agency review of application.

Once an application is deemed complete as provided herein, the city shall notify and provide a copy of the site plan or proposed plan along with a brief summary of the proposal to all affected utility companies, service providers, governmental agencies, and affected road

authorities. The city will coordinate with the affected utility companies, service providers, governmental agencies, and affected road authorities to facilitate their review and comment on the application along with the city's review. The City will provide the notice described herein at least 20 days before the public hearing on the application and will request that any comments be returned to the city at least 7 days before the public hearing, but comments may be submitted through the open record period of the public hearing.

17.20.060 Staff Report.

At least 7 days before the public hearing, a copy of the staff report to the planning commission will be available at City Hall for public review and a copy will be provided to the applicant. Before the public hearing, the planning commission will receive a copy of the staff report as part of the planning commission meeting packet.

17.20.070 Public Notice and Hearing.

Within 60 days of the city's determination that an application is complete, unless the applicant agrees to a longer time period, the city shall hold a public hearing on the application. The planning commission shall take action on the application for tentative land division plans. Decisions made by the planning commission may be appealed to the city council. If not appealed, the planning commission's decision is the final local decision as specified in 17.20.070.

A. Public Hearing. Applications are reviewed and decided by the planning commission in a public hearing which follows the local quasi-judicial land use hearing procedures provided in ORS chapter 197.

B. Public Notice. Public notice of a tentative land division application must be mailed at least 20 days before the hearing, or, if more than one hearing is provided, at least 10 days before the first hearing. Written notice must be mailed to the following persons:

1. The applicant.
2. Owners of record of property, as shown on the most recent property tax assessment roll, located within 300 feet of the property that is the subject of the notice.

C. Contents of Public Notice. Public notice mailed pursuant to this section shall:

1. Explain the nature of the application and the proposed use or uses which could be authorized;
2. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;

5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

D. Certification of Mailing. The notice requirements of this section will be deemed met when the city manager, or designee, can provide an affidavit or other certification that such notice was given.

17.20.080 Notice of Decision and Appeals.

A. Decision. Unless the applicant agrees to a longer time period, within 15 days following the close of the record, the planning commission shall approve, approve with conditions, or deny the tentative land division application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based upon the criteria, standards, and facts set forth.

B. Notice of Decision. Within 7 days of a decision on a tentative plan application, the city shall proceed to prepare a notice of decision and mail it to the following:

1. Applicant
2. Owner of the subject property
3. Any group or individual who provided written or oral testimony prior to the close of the public comment period.

The Notice of Decision shall include the following:

1. A description of the applicant's proposal and the planning commission's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
2. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
3. A statement of where the City's decision can be obtained;
4. The date the decision shall become final, unless appealed; and

5. A statement that all persons entitled to notice may appeal the planning commission's decision to city council pursuant to 17.65.010 or may appeal the city council's decision to the state Land Use Board of Appeals, as applicable.

C. Appeals. Unless appealed within 10 calendar days from the date the city sends the notice of decision, the decision is final. An appeal must:

1. Be submitted on a form provided by the city,
2. Be received no later than 4:00 p.m. on the 10th day after the notice of decision was mailed,
3. Identify the decision being appealed,
4. Include a statement demonstrating that the person filing the appeal has standing to appeal,
5. Include a statement explaining the specific issues being raised on appeal; and
6. If the appellant is not the applicant, a statement that the appeal issues were raised during the public hearing.

17.20.090 Phased Subdivision.

The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:

1. Construction plans for the first phase shall be submitted within one year of the date of the notice of decision and construction plans for subsequent phases will be submitted in accordance with a phasing plan approved in writing by the City.
2. The applicant completes construction of required improvements, utilities, and streets for each phase of the subdivision, within two years from the date the city approves the construction and engineering plans for that phase;
3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
4. The proposed phasing schedule shall be reviewed with the tentative subdivision plan application; and
5. Planning Commission approval is required for modifications to phasing plans.

Chapter 17.25 Tentative Plan Submission Requirements.

Applications for tentative plan approval for a land division shall contain all of the following information:

17.25.010 General Submission Requirements.

A. Before the city may review an application for a tentative land division, the applicant must submit an application on a form provided by the city, a tentative plan of the proposed land division, a written statement, and the applicable filing fee. The foregoing items constitute an application for tentative plan approval. The applicant shall submit two 11" x 17" full size paper copies and one digital copy (USB drive or other) of the application to the city. Digital files must be in PDF file format and must be identical to the paper copies.

B. The city may require the applicant to submit information addressing items in the Supplemental Information list in Section 17.25.020.D, depending on the project.

17.25.020 Tentative Plan Information.

In addition to the general information described above, the tentative plan application shall consist of drawings to scale and supplementary written materials (on forms provided by the city and in a written narrative) adequate to address all of the following information:

A. General Information:

1. 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.
2. Date, north arrow, and scale of drawing. If the tentative plan is submitted more than once, the date of the revised tentative plan shall be clearly indicated on the face of the revised tentative plan.
3. Identification of the drawing as a "tentative plan".
4. A vicinity map showing the location of the development sufficient to define its location in the city, boundaries, and a legal description of the site.
5. Zoning of subject property.
6. A title block including the names, addresses, and telephone numbers of the owner(s) of the subject property and, as applicable, the engineer and surveyor, and the date of the survey.

B. Existing Conditions:

Unless deemed unnecessary by the city manager, in consultation with the city planner and city engineer, applications for tentative plan approval shall contain all of the following information on existing conditions of the site. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

1. Streets, Easements, and Utilities. 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.
2. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as

required by the city. Such ground elevations must be related to some established benchmark or other data approved by the county surveyor or city engineer.

3. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
4. The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;
5. Location and direction of drainage channels;
6. Natural features such as rock outcroppings, marshes, wooded areas, water areas, and isolated preservable trees.
7. Sensitive lands, including wetland areas, stream, wildlife habitat, and other areas identified by the city or natural resource regulatory agencies as requiring protection.
8. Designated historic or cultural resources on the site and adjacent parcels or lots.
9. Existing uses of the property, including location of all structures on the property.
10. Potential natural hazard areas subject to landslides or high erosion.
11. Other information, as deemed necessary by the city manager for review of the application.

C. Proposed Development:

Except where the City determines certain information is not relevant, the following information shall be included on the tentative plan of the proposed land division:

1. The location, width, names, approximate grades and radii of curves of streets, as required by Lyons Street & Storm Drain Design Standards. 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.
2. The location, width, and purpose of all proposed easements.
3. The location, approximate dimensions and square footage of lots and private tracts and identification numbers for all lots and tracts.
4. Sites, if any, allocated for purposes other than single-family dwellings.
5. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, transportation facility, education or other use; potential location of future buildings.

D. Supplemental Information:

The following plans or information shall supplement the tentative plan of the proposed land division:

1. If the land division pertains to only part of the tract owned or controlled by the applicant, the planning commission may require a conceptual plan, including a tentative

layout for streets and lots in the undivided portion and any proposals to phase development of the land division.

2. Proposed deed restrictions, if any, in outline form.
3. The location within the land division and in the adjoining streets and property of existing water mains, culverts, drainpipes and electric lines.
4. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.
5. General utility plans for domestic water supply, as needed, statements to satisfy ORS 92.090(5) and (6) regarding water supply and sewer services, fire hydrants, storm water drainage and street lighting, indicating how these utilities shall be provided.
6. A storm water and storm water drainage report for City review, unless waived by the City. The storm water report shall include a preliminary stormwater management plan, water quality improvements, preliminary calculations, and a narrative which identifies the impacts the "new development" will have on existing stormwater systems.

17.25.030 Tentative Plan Approval Criteria

A. General Approval Criteria.

The planning commission shall approve, approve with conditions, or deny a tentative plan application based on findings of compliance with all of the following approval criteria:

1. The application shall conform to the requirements of this chapter.
2. The proposed tentative plan complies with the applicable sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable chapters and sections of Title 18, the city's comprehensive plan, and Street & Storm Drain Design Standards shall apply. Where a variance is necessary to receive tentative plan approval, the application shall also comply with Chapter 18.45 - Variances;
3. The proposed name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapters 92 and 209;
4. The proposed streets, utilities, and surface water drainage facilities conform to the city's comprehensive plan, code, and adopted engineering standards, and allow for transitions to existing and potential future development on adjacent lands;
5. All proposed public improvements and dedications are identified on the tentative plan;
6. All proposed private common areas and improvements are identified on the tentative plan and maintenance of such areas is assured through appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained, or can reasonably be obtained prior to development;

8. Evidence that improvements or conditions required by the City, road authority, county, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
9. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto, based on the provisions of LMC Titles 18 and 19.

B. Layout and Design of Streets, Blocks and Lots Approval Criteria.

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the following public facilities design standards:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district.
2. Setbacks shall be as required by the applicable zoning district.
3. Landscape or other screening may be required to maintain privacy for abutting uses.
4. In conformance with the Uniform Fire Code, a fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. This drive shall have a minimum paved surface of 12 feet (for one to two dwelling units) or minimum 16 feet (three to four dwelling units), with 20 feet minimum of clearance. Refer to the Linn and Benton County Fire Departments Access and Water Supply Application Guide.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plan.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met and to the extent utilities are provided by special districts or under the jurisdiction of the county, applicant will demonstrate that provision of utilities as shown on the tentative plan will satisfy those special districts or other jurisdictions.

C. Conditions of Approval.

The planning commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

17.25.040 Land Division-Related Variances.

Variances to the standards of this title shall be processed in accordance with Chapter 18.45 – Variances. Applications for variances shall be submitted at the same time an application for tentative plan is submitted, and when practicable the applications shall be reviewed together.

Chapter 17.30 Final Plat Submission Requirements and Approval Criteria.

17.30.010 Submission of final plat.

Final plats require review and approval by the city manager, in consultation with the city planner, city engineer, before recording with Linn County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements.

The applicant shall submit the final plat within two years of the approval of the tentative plan. The format of the plan shall conform with ORS chapter 92.

B. Approval Criteria.

By means of an administrative review, the city manager, in consultation with the city planner, city engineer, and county surveyor, shall review the final plat and approve or deny the final plat based on findings regarding compliance or non-compliance with all of the following criteria:

1. The final plat is consistent in design with the approved tentative plan and all conditions of approval have been satisfied.
2. All public improvements required by the tentative plan have been installed and approved by the city or applicable service provider, if different than the city, or the public improvements are bonded in conformance with the performance guarantee requirements in 17.35.10.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat.
5. The plan contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, storm drainage, and water supply systems, as applicable.
6. Verification by the city that water and an on-site sewage disposal system is available to every lot depicted on the plan or are bonded in conformance with the performance guarantee requirements Chapter 17.35 Improvement Guarantee.
7. As applicable, the applicant has provided, and the city has reviewed and approved, copies of covenants, conditions, and restrictions; homeowner's association agreements, deed restrictions, maintenance agreements, private easements, and other documents to be recorded pertaining to common improvements referenced on the plan.
8. The plat contains a signature block for the city manager and planning commission chair.
9. If the plan includes the dedication of land to the city for public use, then the plat contains a signature block for the mayor verifying acceptance of the public dedication by the city as required by ORS 92.014.

10. The following certificates, affidavits, 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 partition or subdivision, their licensees, visitors, tenants and servants.
- C. 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 partition or subdivision.
- D. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey and giving the dimensions and kind of each monument and its reference to some corner approved by the county surveyor for purposes of identifying its location.

17.30.020 Approval Process.

On behalf of the city, the city manager, in consultation with the city planner, city engineer, and county surveyor, will be responsible for review and approval of the final plat. The city manager's decision is an administrative, non-discretionary decision.

- A. After reviewing the final plat, if the city manager determines that the final plat does not comply with the approved tentative plan, then the city manager shall advise the applicant and provide the applicant an opportunity to resubmit a final plat that complies with the approved tentative plan. The final plat shall be submitted to the City no later than the expiration of the approval period of the tentative plan.
- B. If the city manager determines that the final plat conforms to the approved tentative plan, the conditions of approval, and all applicable regulations and standards, then the city manager will issue a decision approving the final plat.
- C. 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.

17.30.030 Filing and Recording.

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedures set forth in ORS Chapter 92. The final plat filing and recording requirements are as follows:

A. Filing Plat with County. Within 60 days of city approval of the final plat, the applicant shall submit the final plat to Linn County for signatures of County officials as required by ORS Chapter 92 and for recording with the county clerk.

B. Proof of Recording. Upon final recording with the county, the applicant shall submit to the City one paper copy and one electronic copy of all sheets of the recorded final plat. This must occur prior to the issuance of building permits for the newly created lots.

C. Time Limit to Record Final Plat. If the approved final plat is not recorded within 12 months after the final plat is approved by the city, the tentative plan approval is revoked and the land division procedures must be repeated.

Chapter 17.35 Modifications to Approved Tentative Plans.

17.35.010 Minor Modifications.

The city manager may approve minor modifications to an approved tentative plan, as an administrative decision. Minor modifications may include, but are not limited to, technical corrections to comply with codes and regulations, and changes that fall below the thresholds described for Major Modifications.

17.35.020 Minor Modification Applications.

An application for a minor modification shall include an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The city manager may require other relevant information, as necessary, in evaluating the request.

17.35.030 Minor Modification Approval Criteria.

A. Administrative Decision. The city manager's decision shall address the approval criteria in the original decision. The scope of review is limited to the modification request. Based on the city code criteria and the facts contained within the record, the city manager shall approve, approve with conditions, or deny the requested tentative plan modification. The decision will not require the interpretation or exercise of policy or legal judgment. A written record of the decision shall be provided to the applicant and kept on file at city hall.

B. Effective Date. A decision on a minor modification to a tentative plan is final on the date it is signed by the city manager. The decision is the final decision of the City and cannot be appealed. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals.

17.35.040 Major Modifications Applications and Approval Criteria.

Requests for a major modification to an approved tentative plan may be made by an applicant by submitting an application form, filing fee, letter describing the modification, and site plan using the same plan form as in the original approval. The City may require other relevant information, as necessary, in evaluating the request. The Planning Commission reviews applications for major modifications through a quasi-judicial procedure.

- A. A Major Modification request shall be subject to the same review procedure and approval criteria used for the initial land division approval.
- B. The scope of review shall be limited to the modification request.
- C. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings of compliance or noncompliance with the requirements of the applicable Code criteria and consistency with the conditions of approval of the original decision.
- D. Notice of decision will be provided in the same manner as provided for the initial approval. Appeal of the planning commission's decision is made in the same manner as the initial approval.

17.35.050 Major Modifications.

Any one of the following changes constitutes a major modification:

- A. Change to a condition of approval;
- B. Change in the number of lots;
- C. Change that modifies the location of a public street;
- D. Change that would affect access to/from an adjacent property;
- E. Change that would impact storm drainage on an adjacent property;

Chapter 17.40 Extensions.

17.40.010 Approval Period Extension.

The city manager shall, upon written request made by the applicant on a form provided by the city and payment of the required fee, grant one extension of the approval period of tentative plans not to exceed one year, provided that:

- A. No changes are made on the original approved tentative plan;
- B. The applicant has submitted written intent to file a final plat and commence construction, as applicable, within the one-year extension period;
- C. An extension of time will not prevent the lawful development of abutting properties;
- D. There have been no changes to the applicable code provisions on which the approval was based. If such changes have occurred, and the approved tentative plan or plan does not comply

with those code changes, then the extension shall not be granted, and a new tentative plan or property line adjustment application shall be required; and

E. The extension request is made at least 30 days before expiration of the original approved plat.

Chapter 17.45 Property Line Adjustment

17.45.010 Purpose and Applicability.

A. Purpose. The purpose of this chapter is to provide the city manager or designee with the authority to review and approve property line adjustments within the city of Lyons to ensure compliance with all applicable city ordinances, and to assure that the resulting tax lot records are accurate.

B. Applicability. A Property Line Adjustment is the modification of lot boundaries, when no lot is created or removed. A property line adjustment includes the consolidation of lots, and the modification of lot boundaries, when no new lots are created.

17.45.020 Application Requirements and Procedure.

A. Application Requirements.

All applications for property line adjustment must be made on forms provided by the city and shall include a tentative lot line map, a written narrative that describes how the proposal meets applicable criteria, and payment of the filing fee. The applicant must provide two paper copies and one electronic copy in PDF file format. The applicant is responsible for ensuring that the paper copy and electronic copy are identical.

B. Tentative Plan.

The tentative plan must show:

1. Date, north arrow, and standard engineer's scale;
2. Assessor's map and tax lot numbers for the affected property;
3. A vicinity map;
4. All existing and proposed lot line dimensions and square footage of affected lots or parcels;
5. Footprints and dimensions of all existing structures (including accessory buildings) and their distances from property lines;
6. Location and dimensions of easements of record;
7. Location of septic tanks and drainfields;
8. Location and dimensions of driveways, patios, sidewalks, public and private streets within or abutting the subject lots;
9. Location of significant vegetation;

10. Existing fences and walls; and
11. Any additional information deemed necessary by the city manager or designee to ensure compliance with city codes.

C. Approval Criteria.

After determining that the submitted application is complete, the city manager or designee will review the application to ensure that it satisfies the following approval criteria:

1. **Lot Standards.** The lots being modified in size meet the minimum lot size, 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.
2. **Water and Sewage Disposal.** 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.
3. **Parcel Creation.** The property line adjustment does not create or result in any additional lots and will not create more than two adjustments to any of the affected lots or parcels within a calendar year.
4. **Encroachments & Across Property Lines.** The property line adjustment does not create building encroachments into any required setback area or across property lines. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.
5. **Vehicular Access.** The property line adjustment does not eliminate vehicular access for any of the parcels and the proposed lot configuration meets road authority (city, county and/or ODOT) standards and requirements, as applicable.
6. **Verified Ownership and Consent.** Verification of ownership for each property must be presented to the city. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change.

D. Administrative Decision.

The city manager or designee, without public notice and without a public hearing, makes decisions on property line adjustments. To ensure that an application meets water and sewage disposal requirements, the city manager or designee will provide copies of the Notice of Decision and property lot line map to applicable special districts or affected agencies for review prior to approval. A decision is final when it is signed by the city manager or designee.

17.45.030 Final approval process

A. Recording.

The applicant shall submit to the city the final property line adjustment that is to be recorded with the county. Before recording, the city manager or designee shall review the property line adjustment for consistency with the approved property line adjustment application.

It is the responsibility of the applicant to record the property line adjustment with the county within one year of the application approval. The applicant shall provide a verified approval from the city to the county at the time the applicant records the property line adjustment.

The applicant shall comply with the county surveyor map or filing requirements. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 30 days of recording and prior to the issuance of any building permits on the re-configured lots.

B. Time limit on approval.

The property line adjustment approval shall be effective for a period of one year from the date of approval.

C. Expiration.

The property line adjustment approval shall expire if:

1. The property line adjustment survey is not filed with Linn County and recorded within one year of the date of the approval.
2. The property line adjustment has been improperly recorded with Linn County without the satisfactory completion of all conditions attached to the approval; or
3. The final property line adjustment survey is not consistent with the approved plat.

D. Extension.

The City may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. There have been no changes in the applicable sections of this Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code amendment, the extension shall be denied; and
3. The extension request is made before expiration of the original approved plan.

Chapter 17.50 Design Standards

17.50.010 Principles of Acceptability

Subdivisions and partitions shall conform to Chapter 17.55 "Public Facilities", LMC Titles 18 and 19, applicable provisions of other city ordinances, state law, the standards established by this title and the City of Lyons Street and Storm Drainage Design Standards.

17.50.020 Lots

A. Size and Shape.

1. Lot size, width, shape and orientation shall be appropriate for the location of the land division 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 on-site sewage disposal and 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 and Storm Drainage Design 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.

17.50.030 Building Lines.

If special building setback lines are to be established in the land division, they shall be shown on the final plat.

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.

- A. The future development plan shall be reviewed and approved by the planning commission at the time of approval of the land division.
- B. When reviewing a future land use application for the site subject to the future development plan, compliance with the approved future development plan will be used as an additional decision criterion when the City makes its decision to either approve or deny the land use application.

Chapter 17.55 Public Facilities

(See attached Exhibit "B")

Chapter 17.60 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 plan and shall be considered by the planning commission along with the tentative plan.

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.

17.60.030 Modifications or conditions in granting a variance.

In granting a variance, the planning commission may attach modifications or conditions it finds necessary to protect the best interests of the surrounding property or vicinity and achieve the purposes of this title.

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 seven days of the date of action on the variance by the planning commission, the City shall issue a Notice of Decision in accordance with the requirements of Section 17.20.080 of this title.

Chapter 17.65 General Provisions.

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 plan 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.

17.65.020 Amendments.

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.

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EXHIBIT B

Chapter 17.55.00 PUBLIC FACILITIES

17.55.010	Purpose and Applicability
17.55.020	Transportation Standards
17.55.030	Public Use Areas
17.55.040	On-site Septic System and Water Service Improvements
17.55.050	Storm Drainage and Surface Water Management Facilities
17.55.060	Utilities
17.55.070	Easements
17.55.080	Construction Plan Approval
17.55.090	Facility Installation
17.55.100	Performance Guarantee and Warranty

17.55.010. Purpose and Applicability.

- A. Purpose. The standards in this Chapter implement the public facility goals and policies of the City of Lyons Comprehensive Plan and the adopted City public facility master plans.
- B. Applicability. Applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Plan Design Review, Conditional Use Permits, or for building permits where existing public facility improvements do not comply with city public works standards. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the City Manager shall interpret the Code.
- C. Public Works Design Standards. All public facility improvements, including, but not limited to, onsite septic, water, streets, bicycle/pedestrian facilities, parks, surface water and storm drainage facilities, whether required as a condition of development or provided voluntarily, shall conform to the City of Lyons Public Works Street & Storm Design Standards ("Public Works Standards"). Where a conflict occurs between this Chapter and the Public Works Standards, the provisions of this Chapter shall govern.
- D. Public Improvement Requirement. No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Superintendent, or otherwise bonded, in conformance with the provisions of this Chapter and the Public Works Standards. Improvements required as a

condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

- E. Completion of Public Improvements Prior to Issuance of a Certificate of Occupancy. All required public improvements must be completed in accordance with the requirements of this Chapter prior to the issuance of a final certificate of occupancy for any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Chapter, all such improvements must be installed and approved by the City Manager or designee prior to occupancy.

17.55.020. Transportation Standards

A. General Requirements

1. Except as provided by subsection 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards as a condition of development approval.
2. All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority.
3. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to 17.35.020, and shall be constructed in compliance with the City of Lyons Public Works Design Standards or the construction standards and specifications of the roadway authority. The City Engineer may approve design modifications to fit existing conditions, right-of-way widths, address safety concerns or any other limitations which make the application of the adopted city public works design standards impractical for the development site.
4. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways or sidewalks) may be contained within a right-of-way or a public access easement, subject to review and approval of the City Engineer.
5. The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for

potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

- a. When a Traffic Impact Analysis is Required. The City Manager, after consultation with the City Engineer, or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access.
- b. A TIA may be required to address one or more of the following issues:
 - 1) Operational or safety concerns documented in writing by a road authority;
 - 2) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - 3) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - 4) An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - 5) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - 6) A change in internal traffic patterns that may cause safety concerns; or
 - 7) A TIA required by ODOT pursuant to OAR 734-051.
- c. Traffic Impact Analysis Preparation. A professional transportation traffic engineer registered in the State of Oregon shall prepare the TIA, in accordance with the requirements of the City Engineer and/or road authority.
- d. In lieu of a TIA, the City may require the applicant submit a Traffic Assessment Letter prepared by a professional traffic engineer registered in the State of Oregon.

6. The City Manager may waive or defer standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) are met.
 - a. The standard improvement conflicts with an adopted capital improvement plan.
 - b. The standard improvement would create a safety hazard.
 - c. It is unlikely due to the developed condition of adjacent property that the subject street improvement will be extended in the foreseeable future (within the next 10 years), and the street improvement under consideration does not by itself significantly improve transportation operations or safety.
 - d. The street improvement under consideration is part of an approved partition and the proposed partition does not create any new street.

Where the City agrees to defer a street improvement, it shall do so only where the property owner executes and records in the Linn County Deed Records a deferral agreement that states the property owner will not remonstrate against the formation of a local improvement district and the property owner will pay the property owner's proportionate share of the costs of the required public improvements within the right-of-way.

B. Street Location, Alignment, Extension, and Grades.

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to 17.35.020.D Transportation Connectivity and Future Street Plans.
2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
3. Grades of streets shall conform as closely as practicable to the original topography to minimize grading and to achieve a balanced cut and fill.
4. New streets and street extensions exceeding a grade of 12 percent over a distance of more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the City Engineer may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire

protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.

5. Where the locations of planned streets are shown on an adopted local street network plan, the development shall implement the street(s) shown on the plan.
6. Where required local street connections are not shown on an adopted local street network plan or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties.
7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Chapter. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

C. Rights-of-Way and Street Section Widths. The standards contained in the Public Works Standards are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the City Engineer shall determine requirements based on the following factors:

1. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
2. Existing and projected street operations relative to applicable standards;
3. Safety of motorists, pedestrians, bicyclists including consideration of accident history;
4. Convenience and comfort for pedestrians and bicyclists;
5. Provision of on-street parking;
6. Placement of utilities;

7. Street lighting;
8. Slope stability, erosion control, and minimizing cuts and fills;
9. Surface water management and storm drainage requirements;
10. Emergency vehicles or apparatus and emergency access, including evacuation needs;
11. Transitions between varying street widths (i.e., existing streets and new streets); and
12. Other factors related to public health, safety and welfare.

D. Transportation Connectivity and Future Street Plans. The following standards apply to the creation of new streets:

1. Intersections. Streets shall be located and designed to intersect as nearly as possible to a right angle (90 degrees). All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point. Street jogs and intersection offsets of less than 200-feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City-approved storm water facilities.
2. Pedestrian/Bicycle Access Ways. The Planning Commission, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 25-feet wide and shall contain a minimum six-foot wide paved surface or other all-weather surface approved by the City Engineer. Access ways shall be contained within a public right-of-way or public access easement, as required by the City. All pedestrian/bicycle access ways shall comply with American with Disabilities Act design standards.
3. Connectivity to Abutting Lands. The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall

be designed to facilitate future extension in terms of grading, width, and temporary barricades.

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in subsections (a) and (b) below. Block distances are measured from the edge of street rights-of-way.
 - a. Residential Zones: Minimum of 200-foot block length and maximum of 800-foot length;
 - b. All Other Zones: Minimum of 200-foot length and maximum of 1,200-foot length.
5. Cul-de-sacs. A cul-de-sac street shall only be used where the Planning Commission determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where a cul-de-sac is allowed, all of the following standards shall be met:
 - a. The cul-de-sac shall not exceed a length of 400 feet, except where the Planning Commission determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code.
 - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.
6. Transportation System Plan and Future Street Plan.
 - a. Transportation System Plan (TSP). Any subdivision or site development plan must comply with the Linn County Transportation System Plan or locally adopted transportation system plan. The TSP is binding, unless the Planning Commission or roadway authority approves a modification to the plan as part of the review of the applicant's development proposal.
 - b. Unless waived by the City Manager, any application for a subdivision or site development plan, that is adjacent to any

vacant or developable land, will include a future street plan. The future street plan shall show the existing streets, proposed future streets within the development site and future off-site street extensions or connections to all developable land within 600 feet of the development site.

- E. Engineering Design Standards. Street design shall conform to the standards of the applicable roadway authority; for City streets that is the City of Lyons Public Works Design Standards. Where a conflict occurs between this Chapter and the Public Works Standards, the provisions of this Chapter shall govern.
- F. Fire Code Standards. Where Fire Code standards conflict with City standards, the City shall consult with the local fire chief and/or the Fire Marshal in determining appropriate requirements. The City shall have the final determination regarding applicable standards.
- G. Substandard Existing Right-of-Way. Where an existing right-of-way adjacent to a proposed development is less than the standard width and/or if dedication is needed for a turn radius, the City may require the dedication of additional rights-of-way at the time of subdivision, partition or site development. In cases where an existing street ROW width is less than the standard, the City Manager will consult with the City Engineer and determine if a ROW dedication will be required by the City. Findings in the development approval shall indicate how the required ROW dedication relates to and is roughly proportional to the impact of development.
- H. Traffic Calming. The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
- I. Sidewalks, Planter Strips, and Bicycle Lanes. Except where the Planning Commission or City Council grants a deferral of public improvements, sidewalks, planter strips, and bicycle lanes shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- J. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of Lyons or vicinity.
 - 1. North-South Streets. North-South streets will be consecutively numbered.

2. East-West Streets: East-West streets will be named for trees commonly found in the Pacific-Northwest. Street names will be listed in alphabetical order beginning at Main Street.
- K. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- L. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- M. Streetlight Standards. Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects, at the sole cost of the developer. Streetlights shall conform to City standards, or the requirements of the roadway authority, if different than the City.
- N. Mail Boxes. Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code. The developer is responsible for installation of mailboxes at the sole cost of the developer.
- O. Street Cross-Sections. The final lift of pavement shall be placed on all newly constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Engineer.
- P. 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.
- Q. 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 a tract. Reserve strips and street plugs are required to preserve the objectives of half streets.
- R. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

S. Access.

1. ODOT Permits. Whenever a proposed development abuts Oregon Hwy 226, the developer shall obtain all required access approach permits and construction permits from the Oregon Department of Transportation.
2. Linn County Permits. Whenever a proposed development abuts Main Street or other road under Linn County jurisdiction, the developer shall obtain all required access approach permits and construction permits from the Linn County Roads Department.

17.55.030. Public Use Areas and Parks

- A. Dedication of Public Use Areas. Where an essential public facility (e.g. general government building, school, water, street and/or storm drainage facility) shown in a plan adopted by the City, is located in whole or in part on a development site the City may require the dedication or reservation of this area on the final plat of a land division or a development plan. The City may purchase or accept voluntary dedication or reservation of areas for the public uses, however, the City is under no obligation to accept such areas offered for voluntary dedication or sale.
- B. Land for Public Park, Open Space or Greenway. The provision of public open spaces for schools, parks, and playgrounds is essential for the sound development of residential areas. The Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, public utility facilities, or other public purposes. Dedication may be either by exchange of ownership or through conservation easement or similar device. Areas along North Santiam River may be more suitably handled through conservation easement whereby areas along the stream can be set aside as open space to maintain riparian areas as habitat and where streamside pathway development may be provided.

Any subdivision or site development plan for a residential development site, where the site is 5.0 gross acres or larger in size, shall designate an area of not less than 5% of the project site for a public park, open space or greenway.

1. Where the development site is adjacent to an existing public park, school, greenway, open space or publicly owned property, the proposed park shall be contiguous to or connected to the existing public property.
2. Where a proposed public park, greenway or open space area is shown in a plan adopted by the City is located in whole or in part in a development site, the City may require the dedication or reservation of this area.

3. For a residential development that is smaller than 5.0 gross acres, the City may require dedication of not less than 5% of the project site for a greenway, open space or public park if the development site is located adjacent to an existing school, park, greenway, open space or sensitive land (wetlands, flood plain, etc.) and the City concludes the dedication is a logical addition to the existing public property.
- C. Standard for Dedication of a Public Park, Greenway and/or Open Space. The area proposed for dedication as a public park, greenway or open space shall be based on a standard of 8.0-acres of park land per 1,000 residents. The park land dedication shall be proportional to the impact of the residential development project.

17.55.040. Onsite Septic and Water Service Improvements.

- A. Onsite Septic and Water Mains Required. All new development is required to connect to the Lyons-Mehama Water District's water system, and all lots shall be served by onsite septic systems. Onsite septic and water system improvements shall be installed to serve each new development and to connect developments to existing water mains. Where streets are required to be stubbed to the edge of the subdivision, water system improvements and other utilities shall also be stubbed with the streets, except if an alternate alignment(s) is approved by the City Engineer which allows for extension beyond the applicant's property.
- B. Onsite Septic and Water Plan Approval.
 1. Permits for onsite septic systems shall be approved by the Linn County Environmental Health Department.
 2. Water system improvements shall be approved by the Lyons Mehama Water District.
- C. Over-Sizing. The City may require as a condition of development approval that water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans
- D. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water system.

17.55.050. Storm Drainage and Surface Water Management Facilities

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water runoff have been made in conformance

with the City's Storm Drainage Master Plan and/or the City of Lyons Public Works Standards.

- B. Stormwater Analysis and Report. At the time a land use application is filed with the City for a land division or a new site development, the applicant shall provide a drainage impact analysis for City review, unless waived by the City Manager. The analysis shall include a preliminary stormwater management plan, preliminary calculations, and a narrative which identifies the impacts the "new development" will have on existing stormwater systems. The narrative shall include the following:
1. A brief description of existing and developed conditions including net impervious surface area calculations.
 2. The proposed facilities necessary to comply with the stormwater quality (pollutant reduction) requirements.
 3. The proposed facilities necessary to comply with the stormwater quantity (flow control) and storm water detention requirements, including the preliminary pre-development and post-development stormwater runoff flow rates.
 4. The method of discharging stormwater offsite and any anticipated design provisions needed to control the velocity and direction of the discharge in order to minimize damage to receiving systems or water bodies.
 5. A list of any federal or state permits required for the project.
 6. A description of actions taken to comply with the City of Lyons TMDL plan.
- C. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- D. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- E. Over-Sizing. The City may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan.

- F. Existing Watercourse. Where a proposed development is adjacent to or traversed by a watercourse, drainage way, channel, or stream, the City may require the property owner to provide a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. If a storm drainage easement exists for a water course, the property owner will show the boundaries of the existing easement on the site plan and provide evidence of the easement to the City.
- G. Maintenance of Storm Water Management Facilities. The property owner is responsible for the on-going operation and maintenance of all private onsite septic system, drainage facilities, storm water retention/detention basins and water quality facilities and for the continuous maintenance of any storm drainage channel or water course that traverses the property.
- H. Flood Plain. If the property is located in the 100-year flood plain, the applicant will obtain any required flood plain development permit and comply with the City's flood plain management ordinance.
- I. Balanced Cut & Fill. Land divisions and site developments in the City of Lyons are required to have balance cut and fill, unless waived by the City Engineer.

17.55.060. Private Utilities

The following standards apply to new development where the extension of electric power, natural gas or communication lines is required:

- A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. Underground Utilities.
 - 1. General Requirement. The requirements of the utility service provider shall be met. All utility lines in new developments, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the City Manager, in consultation with the City Engineer, determines that placing utilities underground would adversely impact adjacent land uses. The City may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.
 - 2. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be

taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.

- b. The City Engineer reserves the right to approve the location of all surface-mounted facilities.
 - c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- C. Exception to Undergrounding Requirement. The City Manager, in consultation with the City Engineer, may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.
- D. Easements for Utilities. The City or the utility provider may require the recording of a utility easement for a utility located on private property.

17.55.070. Easements

- A. Provision. The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.
- B. Standard. Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of Lyons Public Works Design Standards.
- C. Recordation. All easements for storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable.

17.55.080. Construction Plan Approval

- A. Pre-Construction Survey: When required by either the City Engineer, Linn County Roads Department and/or the Oregon Department of Transportation, a pre-construction survey will be submitted and approved by the road authority.
- B. Construction Plan Approval and Payment of Required Fees to the City. No development, including onsite septic systems, water, streets, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of Lyons, permit fees and deposits paid, and permits issued. Permit fees and a 5% deposit, based on the estimated construction cost of the proposed public improvements, are required to defray the cost and expenses

incurred by the City for plans reviews, engineering review, public works construction permit issuance, consultant and legal fees, inspections, utility installation and other services in connection with the improvement. The City of Lyons's land use and public works fees are set by City Council resolution.

- C. Plan Approval by Other Agencies. The applicant is responsible for obtaining required permits and payment of fees to other government entities and agencies which have regulatory authority for the project. Upon request, the developer will provide copies of approved permits to the City.

17.55.090. Facility Installation

- A. Conformance Required. Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards. The City of Lyons has adopted Public Works Design Standards for public improvements and private utility installation within the public right-of-way.
- C. Commencement. Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption. If work is discontinued for more than six months, it shall not be resumed until the City Engineer and/or the Public Works Superintendent is notified in writing, and the City grants written approval of an extension.
- E. City Inspection. Improvements shall be constructed under the supervision and inspection of the developer's design engineer. In addition, the Public Works Supervisor and/or the City Engineer will inspect work to ensure compliance with the City's public works design standards and terms of the public works construction permits. After construction plans are approved by the City, the applicant can request, and the City Engineer or his designee may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Substantive changes to an approved subdivision layout or approved site development plan may be subject to review by the Planning Commission and/or a new engineering review by the City Engineer. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced and a post-construction survey filed with the Linn County Surveyor prior to final acceptance of the improvements.
- F. Engineer's Certification of Completion and As-Built Plans.
 - 1. Engineer's Certification of Completion. A registered civil engineer shall provide a letter to the City certifying that all improvements, workmanship,

materials, monument replacement and post-construction surveys have been completed and are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance.

2. As-Built Plans. The developer's engineer shall provide an electronic file and two printed sets of "as-built" or "record" drawings for permanent filing with the City of Lyons Public Works Department and the City Engineer.
3. City Acceptance of Public Improvements. The City Engineer will provide the City Manager with a written report certifying substantial completion of the public improvements, the date of substantial completion and a list of any defects or punch list items to be completed. Upon correction of all defects and/or punch list items, the City Engineer will issue a notice of final completion and the start date of the warranty period.
4. Warranty Bond. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to 17.55.10.

17.55.100. Performance Guarantee and Warranty.

Before city approval of a final plat or issuance of a building permit for a site development, the developer/land divider shall either install required improvements or enter into a development agreement with the city to guarantee the required improvements will be installed. Repair of any existing streets and other public facilities damaged in the development shall be a part of any improvement agreement.

- A. Performance Guarantee. The City, at its sole discretion, may approve a final plat or building permit when it determines the public improvements required for the site development or land division, or phase thereof, are complete or the applicant has provided the City with a financial security which guarantees the completion of the required improvements. The applicant shall provide a performance bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of financial security acceptable to the City.
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related planning, legal and engineering review and inspection costs, plus incidental expenses and reasonable inflationary costs. The assurance shall not be less than 125% percent of the estimated improvement costs.
- C. Itemized Improvement Estimate. The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

- D. Agreement. If required by the City, a written development agreement between the City and applicant shall be signed and the City may require the agreement be recorded in the County Deed Records, as a deed covenant on the real property. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
1. The period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the developer;
 3. The required improvement fees and deposits or performance guarantee. The amount shall be sufficient to cover all costs in 17.55.10.B.
- E. When Applicant Fails to Perform. In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, letter of credit or other financial security for reimbursement.
- F. Termination of Performance Guarantee. The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.
- G. Warranty Bond. A warranty bond, for a period of one-year, is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal 30 percent of the total cost of improvements and begin upon acceptance of said improvements by the City. The City Engineer shall conduct a warranty inspection 10-12 months after the start of the warranty period and provide the developer and City with a written report listing any defects and/or required repairs. All defects or repairs shall be made before the City releases the Warranty Bond.