

CHAPTER 63
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63.010. Short Title. This chapter shall be known and may be cited as the "Salem Subdivision Code." (Ord No. 5111; Ord No. 55-74; Ord No. 184-79)

63.020. Intent and Purpose. The council hereby finds that it is necessary to accomplish the orderly development of land within the city and therefore to provide rules, regulations, and standards to govern the approval of subdivisions and partitions, taking into consideration:

- (a) Implementation of the Salem Area Comprehensive Plan. (Ord No. 5111; Ord No. 55-74; Ord No. 184-79; Ord No. 69-84; Ord No. 51-96)

63.030. Definitions. As used in this Chapter, except where the context otherwise clearly requires, words and phrases defined in SRC Chapter 111 shall have the meanings set forth therein unless another definition is set forth in this section.

- (a) "Accessway" means a portion of a lot or parcel that provides legal access from a street to one or more flag lots. An accessway may be through fee-simple ownership as part of a flag lot or by an access easement and associated reciprocal and irrevocable access rights for all lots or parcels using the accessway.
- (b) "Affected units of land" means abutting units of land for which a common property line is being relocated.
- (c) "Alley" means a public way not more than twenty feet and not less than ten feet in width, that has been deeded to the public or dedicated and accepted by the City for public use, that provides a secondary means of motor vehicle access to abutting property.
- (d) "Arterial street" - See "Major Arterial" and "Minor Arterial" in the "Street" definition.
- (e) "Block" means the properties abutting one side of a street:
 - (1) Between two cross streets;
 - (2) Between the city limits and the nearest cross street;
 - (3) When there is only one cross street:
 - (A) Between a cross street and the dead end of a street;
 - (B) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;
 - (4) When there are no cross streets, then the block shall be between the points 600 feet from the mid-point of the front property line for the property under consideration and along the street.
- (f) "Building" means a structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.
- (g) "Building setback line" means an imaginary line established by subdivision regulation or the Salem Zoning Code requiring all buildings to be set back to or beyond that line which is a certain distance from lot, parcel, or property lines or a point within street right-of-way.
- (h) "Collector street" - See "Street."
- (i) "Commission" means the Planning Commission of the City of Salem.
- (j) "Cul-de-sac" - See "Street."
- (k) "Curb line" means the line indicating the edge of the vehicular roadway within the overall right-of-way.
- (l) "Current developed area" means that area of the Salem urban area so designated pursuant to SRC 66.030.
- (m) "Division of land" means the creation of lots or parcels.

- (n)** "Final plat" - See "Plat."
- (o)** "Interested person" means any person owning land within 250 feet of a subdivision or partitioning, as shown on the records of the county assessor. "Interested person" includes affected private and public utilities and public agencies.
- (p)** "Local street" - See "Street."
- (q)** "Lot" means a unit of land that is created by a subdivision or partitioning of land. Except where otherwise stated, the term "lot" includes the term "parcel."
- (1)** "Corner lot" means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.
- (2)** "Flag lot" means a lot or parcel that is set back from the street at the rear or at the side of another lot or parcel, with vehicular access to the street provided by an accessway.
- (3)** "Infill lot" means a residential flag lot created by the partition of land after February 8, 2006.
- (r)** "Lot area" means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extension of the lot lines.
- (s)** "Lot depth" means the horizontal distance between the front lot line and the rear lot line measured at a point half-way between the side lot lines.
- (t)** "Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point mid-way between the front and rear lot lines.
- (u)** "Major Arterial" - See "Street"
- (v)** "Map" means a final diagram or drawing of a partition.
- (w)** "Minor Arterial" - See "Street"
- (x)** "Neighborhood Activity Centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.
- (y)** "Neighborhood organization" means a neighborhood organization officially recognized pursuant to SRC 64.250-64.350.
- (z)** "Official zoning map" means the official zoning map as adopted, amended, and replaced pursuant to SRC 113.020 - 113.070.
- (aa)** "Outside property lines" means the line forming the exterior boundaries of a lot, including lots as defined under SRC 111.130(g).
- (bb)** "Owner" means the owner of record of real property as shown on the latest tax rolls or deed records of the county, and includes a person who furnishes evidence that the person is purchasing property under a written recorded or unrecorded land sale contract.
- (cc)** "Parkway" - See "Street"
- (dd)** "Partition" means an act of partitioning land or an area or tract of land so partitioned.
- (ee)** "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:
- (1)** Divisions of land resulting from lien foreclosures;
 - (2)** Divisions of land resulting from foreclosures of recorded contracts for the sale of real property;
 - (3)** Division of land resulting from the creation of cemetery lots;
 - (4)** Adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable law or ordinance, including but not limited to provisions pertaining to minimum area, frontage, average width, vehicular access and required setbacks;
 - (5)** The sale of a lot in a recorded subdivision, even though the lot may have been

- acquired prior to the sale with other contiguous lots or property by a single owner;
- (6)** Divisions of land resulting from purchase or the exercise of the power of eminent domain by a governmental entity having lawful authority to do so;
- (7)** A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and applicable statutes. However, any property for state highway, county road, city street, or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned;
- (ff)** "Planning administrator" means the planning administrator, Community Development Department, City of Salem, or the planning administrator's designated representative.
- (gg)** "Plat" means a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, restrictions, provisions, and other information concerning a subdivision or partition. Except where otherwise stated, the term "plat" includes the term "map."
- (hh)** "Property line" means the boundary line between two units of land.
- (ii)** "Property line adjustment" means the relocation of a common property line between two abutting properties.
- (jj)** "Public access way" means a walkway that provides pedestrian and bicycle passage either between two or more streets or from a street to a building or other destination, such as a park, or transit stop.
- (kk)** "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line, or a route that does not involve a significant amount of out-of-direction travel by likely users.
- (ll)** "Replat" means the act of platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a previously recorded plat.
- (mm)** "Reserve block" means a strip of land, usually one foot in width, deeded or dedicated to the City, reserved across the end of a street or alley and terminating at the boundary of a subdivision or partition; or a strip of land deeded to the City between a dedicated street and adjacent property; in either case reserved or held by the City for future street extension or widening, or to prohibit access from property adjacent to a street.
- (nn)** "Safe and convenient" means bicycle and pedestrian routes, facilities, and improvements which:
- (1)** Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;
 - (2)** Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and
 - (3)** Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally one-fourth to one-half mile.
- (oo)** "Salem Transportation System Plan" or "TSP" means the detailed transportation plan of the City adopted under SRC 64.230.
- (pp)** "Street" means a public or private way that is created to provide ingress or egress to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of the land for forestry, mining, or agricultural purposes. The term "street" shall include such designations as "highway," "thoroughfare," "parkway," "throughway," "road," "avenue," "boulevard," "lane," "court," "place," "loop," "drive," "circle," and other such terms. A public right-of-way or accessway twenty feet or less in width or a private way of travel twenty-five feet or less in width

providing access to no more than four lots or parcels and zoned for residential uses shall not constitute a street. A private way of travel on property zoned for commercial or industrial uses, and greater than twenty-five feet in width, may be allowed at the discretion of the Planning Administrator.

- (1) "Parkway" means a major facility for moving large volumes of both intra-city traffic and regional traffic at high speeds. It is typically a divided highway with a minimum of four travel lanes and extremely limited access, as shown in the Salem Transportation System Plan.
- (2) "Major Arterial" means a major facility for moving large volumes of intra-city and regional traffic. It serves as the main radial and provides peripheral routes through the city. The ultimate cross-sectional width is a multi-lane facility, as shown in the Salem Transportation System Plan.
- (3) "Minor Arterial" means a facility providing primarily intra-area and inter-neighborhood access. It is designated to have a minimum of two travel lanes with left-turn pockets and center left-turn lanes where appropriate, as shown in the Salem Transportation System Plan.
- (4) "Collector street" means a facility that allows traffic within an area or neighborhood to connect to the arterial system. It is given priority over local streets in any traffic control installations. Single family and duplex access may be limited according to standards on file with the Public Works Director.
- (5) "Local street" means a facility not designated on one of the higher systems. It serves primarily to provide direct access to abutting land and offers the lowest level of traffic mobility.
- (6) "Cul-de-sac" means a dead-end street having a turnaround area at the dead end. Cul-de-sac length shall be measured from the nearest right-of-way line of the nearest intersecting street to the throat or point of beginning of the turnaround area.
- (7) "Dead-end street" means a street which terminates without a turnaround area and is intended to continue through at some future time.
- (8) "Half-street" means a fifty percent portion of the ultimate width of a street, usually along the edge of a subdivision or partition, and including pavement, curb, gutter, sidewalk, piped drainage, street lights, and signing, where specified by the Public Works Director.
- (9) "Three-quarter street" means a half-street improvement on the development side plus a minimum twelve-foot wide turnpike travel lane with shoulders and drainage ditches where needed on the opposite side, where specified by the Public Works Director.
- (10) "Under improved street" means any public street, road or right-of-way which lacks any of the following: paving, curbing, sidewalks, piped drainage, adequate right-of-way geometry or paving width, grade and structural sections required under the standards and specifications on file in the office of the Public Works Director.
- (qq) "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year, when such area or tract of land existed as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (rr) "Subdivision" means an act of subdividing land or an area or tract of land which has been subdivided.
- (ss) "Tentative plan" means a preliminary diagram or drawing concerning a partition or subdivision.
- (tt) "Tree" means a tree having a caliper of more than eight inches measured at four feet above grade.
- (uu) "Unit of land" means a lot, parcel, or other tract of land described by a metes and bounds, which is lawfully established and which has been recorded. A lot, parcel or tract is

“lawfully established” only if:

- (1) The lot or parcel was created in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations in effect at the time of creation; or
 - (2) The lot, parcel or tract has been validated pursuant to SRC 63.150.
- (vv) “Urban Service Area” means that portion of the Salem urban area so designated pursuant to SRC Chapter 66.
- (ww) “Utilities” means water, gas, sewer, storm drainage, electrical, telephone, and wire communication service, cable television, and all persons and companies supplying the same.
- (xx) “Variance” means an exception to the requirements of this Chapter for the subdivision or partitioning of land.
- (yy) “Walkway” means a right-of-way deeded, dedicated, and designated for the use of nonmotorized vehicles and pedestrians. (Ord No. 5150; Ord No. 5111; Ord No. 58-69; Ord No. 55-74; Ord No. 77-78; Ord No. 129-79; Ord No. 184-79; Ord No. 22-80; Ord No. 186-82; Ord No. 57-84; Ord No. 69-84; Ord No. 23-85; Ord No. 62-86; Ord No. 107-86; Ord No. 14-92; Ord No. 28-92; Ord No. 25-93; Ord No. 64-93; Ord No. 92-95; Ord No. 99-96; Ord No. 91-99; Ord No. 41-2003; Ord No. 71-05; Ord No. 34-08; Ord No. 54-09)

63.032. Approval Required Before Subdividing or Partitioning Land. It shall be unlawful for any person to subdivide, partition, or create a road or street for the purpose of partitioning or subdividing any area or tract of land without first obtaining approval therefor as provided in this chapter. (Ord No. 55-74; Ord No. 77-78; Ord No. 184-79)

63.033. Lots or Parcels Not to be Reduced below Minimum. No lot or parcel of land held under separate ownership at the effective date of this ordinance, unless it was created as a lot of record prior to January 1, 1968, shall be separated in ownership or reduced in size below the minimum lot width or lot area required by the provisions of this code without a variance having been granted nor shall any lot or parcel of land held under separate ownership at the effective date of this ordinance, which has a width or an area less than required by this ordinance, be further reduced in any manner, without a variance having been granted. (Ord No. 57-84; Ord No. 24-85)

63.037. Lot or Yard Areas not to be Separated from the Lot Containing the Building. No portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing dwelling units is located. No required yard or other space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located. (Ord No. 57-84)

63.038. Application Submittal Requirements for Subdivision, Partitioning and Replatting.

- (a) A party proposing to subdivide, partition or replat land shall file with the Planning Administrator:
- (1) A completed application form;
 - (2) The filing fee pursuant to SRC 63.041;
 - (3) An Assessor’s map identifying the subject property;
 - (4) A traffic estimate on a form as provided by the Public Works Department;
 - (5) A tree inventory;
 - (6) A current title report and deeds for the property;
 - (7) A written response to any applicable variance criteria;
 - (8) Two copies of the tentative plan map with one on paper either 22 inches or 24 inches by 36 inches and the second one as a reproducible copy not more than 11 inches by 17 inches and not less than 8.5 inches by 11 inches.
- (b) The tentative plan map shall include the following:

(1) A title block on each sheet of the tentative plan showing proposed subdivision name; names and addresses of the landowner and professional engineers or surveyors responsible for preparing the plat; date; and township, range and section of the subject property.

(2) A vicinity map drawn at one inch equals 800 feet, showing streets; zone designations; streams; public facilities and activity centers, such as schools, parks, and transit stops within one-quarter mile of the subject property.

(3) The tentative plan map, drawn to a scale no smaller than one inch equals 100 feet. For subdivisions of 50 acres or larger, the Planning Administrator may authorize a scale to allow the subdivision to be shown on one sheet. The tentative plan shall include:

(A) Scale and north arrow;

(B) Location of property lines within 50 feet of the perimeter of the subject property;

(C) Proposed lot or parcel boundaries, dimensions, the gross area of each lot or parcel, subdivision phase boundaries (text segregated and relocated);

(D) Location, width and names of all existing and proposed street rights-of-way and public accessways abutting the perimeter of the subject property;

(E) Location, width, curve radius, grade and names of all proposed street rights-of-way and public accessways within and contiguous to the proposed subdivision;

(F) The location of all private easements;

(G) The location, dimensions and use of all proposed and existing public areas, including, but not limited to, easements and detention facilities;

(H) Location, dimensions and use of all existing buildings (noting which building(s) shall remain and those planned for removal), canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;

(I) Location of natural topographic features, including, but not limited to, creeks, drainageways, as shown on the most recent USGS maps, wetlands shown on the Local Wetland Inventory and flood plains.

(J) For subdivisions:

(i) Contour lines at five (5) foot intervals and two (2) foot intervals for areas within the floodplain;

(ii) A geological assessment or geo-technical report as required by SRC Chapter 69);

(iii) A traffic impact analysis, if required by the City's Traffic Engineer;

(iv) Phase lines and numbers if the subdivision will be completed in phases;

(K) Such additional information deemed necessary by the planning administrator to explain or supplement any other component of the submittal documents, to establish compliance with the comprehensive plan, other ordinances, or state or federal laws or regulations, or for other reasons necessary to accommodate the orderly development of land. (Ord No. 184-79; Ord No. 108-82; Ord No. 57-84; Ord No. 87-87; Ord No. 28-92; Ord No. 62-95; Ord No. 31-96; Ord No. 91-99; Ord No. 57-2000; Ord No. 59-2000; Ord No. 41-2003; Ord No. 1-10)

63.039. Partitions in Areas Unserved by Municipal Sewer and Water.

(a) Partitions of property located more than 300 feet from an available sewer may be approved by the planning administrator if the standards set forth in SRC 63.047 are met, as well as the following additional standards:

(1) The proposed parcels are no less than five acres in size and, except for flag lots, have no dimension less than 100 feet.

(2) The property partitioned is residentially zoned.

(3) The property partitioned has received from the appropriate county sanitarian a

favorable site evaluation for the installation of an on-site sewage disposal system.

(4) The applicant has signed a non-remonstrance contract to be recorded against the property, agreeing to hook up to sewer and water as it becomes available and waiving the right to object to any future water and sanitary sewer project benefiting the property.

(5) The applicant has submitted an acceptable redevelopment plan that shows the following:

(A) Possible lot lines and street location which delineate how urban densities allowed by the Comprehensive Plan can be met by further development of the property following the proposed construction.

(B) The approximate location of public facilities and streets following full development to the urban densities allowed by the Comprehensive Plan.

(b) The following non-variable conditions of approval shall attach to any partitioning under this section:

(1) No building may be located within 42 feet of the centerline of future streets.

(2) The use of the property shall be residential only. (Ord No. 115-87; Ord No. 62-96; Ord No. 1-10)

63.041. Fees.

(a) Fees for the processing of subdivisions and partitions shall be prescribed by resolution of the council.

(b) Fees for the initial processing of a subdivision or partition shall be paid at the time of filing a tentative plan.

(c) Fees for plans checking shall be paid at the time of submitting a final plat or map.

(d) Fees for an appeal of the administrator's decision shall be paid at the time of filing of the appeal. The appeal fee will be refunded if the decision is reversed or substantially modified as sought by the appellant.

(e) If an application or tentative plan is withdrawn by the applicant, all but \$10 of the fee for the completed application shall be returned. If the application is refiled within 15 business days from the date of withdrawal, the \$10 withheld from the filing fee of the first filing shall be applied to the fee for the refiled application. (Ord No. 55-74; Ord No. 114-75; Ord No. 77-78; Ord No. 146-79; Ord No. 184-79; Ord No. 110-81; Ord No. 84-84)

63.042. Review Procedure for a Subdivision.

(a) Within four city business days following the receipt of a completed application and tentative plan, the planning administrator shall cause notice of the filing to be served by regular mail on all affected governmental agencies, all interested persons, and on the neighborhood organization in whose territory or responsibility for temporary representation the proposed subdivision lies.

(b) Any person, organization, or agency may submit written comments concerning a proposed subdivision to the planning administrator within 20 days of the date the tentative plan was filed.

(c) Notice of the proposed subdivision shall be given by posting a sign approximately two by three feet in size along each street providing access to the proposed subdivision at a point not to exceed 250 feet from the proposed subdivision. Notices shall be provided by the planning administrator, but it shall be the responsibility of the applicant to provide a sign frame and place the notice. Notices shall be posted not less than ten days nor more than 14 days prior to the date of the Review Conference. Posted notices, including frames, shall be removed from the posting site by the applicant within seven days of planning administrator's decision.

(d) The planning administrator shall establish a review procedure which accords an opportunity for the applicant to respond to comments and criticisms received in writing, and

which accords the affected neighborhood organization and interested persons an opportunity to participate in the final review of the proposal. Such procedure shall have the approval of the council. (Ord No. 55-74; Ord No. 77-78; Ord No. 184-79; Ord No. 57-84; Ord No. 69-84; Ord No. 1-91; Ord No. 28-92; Ord No. 51-96; Ord No. 62-96)

63.043. Review Procedure for a Partition.

- (a) If an application for a partition indicates the necessity for a concurrent variance, or if the necessity for such variance is identified during the partition review process,
 - (1) Within four city working days following the receipt of a complete application and tentative plan, or, in the case that the necessity for a variance is identified during the review process, within four calendar days following the notification to the applicant that a variance is necessary, the planning administrator shall cause notice of the filing of the partition to be served by regular mail on all affected governmental agencies, all interested persons, and on the neighborhood organization in whose territory or responsibility for temporary representation the proposed partition lies.
 - (2) Any person, organization, or agency may submit written comments concerning a proposed partition to the planning administrator. The response must be postmarked within 7 days of the mailing of the notice by the planning administrator.
 - (3) The planning administrator shall establish a review process which accords an opportunity for the applicant to respond to comments received in writing, and which accords the affected neighborhood organization and interested persons an opportunity to participate in the final review of the proposal. Such procedure shall have the approval of the council.
- (b) If an application for a partition includes no request for a concurrent variance, and no necessity for such variance is identified during the partition review process, the planning administrator shall review the application and tentative plan for compliance with the standards of this chapter within 20 working days commencing the day following receipt of a completed application. The planning administrator shall establish a review process which implements the requirements of this chapter. Such procedure shall have the approval of the council. (Ord No. 57-84; Ord No. 24-85; Ord No. 87-87; Ord No. 28-92; Ord No. 18-94; Ord No. 51-96)

63.046. Decision of the Planning Administrator for a Subdivision.

- (a) The planning administrator shall act on the tentative plan and application within 45 days of its filing, and after the 20-day period provided in SRC 63.042 has passed. The planning administrator may either approve, deny, approve with conditions necessary to insure conformance with this chapter and the purpose set forth in SRC 63.020, or, where further information is required, postpone action on a subdivision application for a period not to exceed 30 days.
- (b) Before approval of a tentative plan the planning administrator shall make affirmative findings that:
 - (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
 - (2) Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan; and
 - (3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter; and
 - (4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

(c) The planning administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to notice under SRC 63.042. (Ord No. 55-74; Ord No. 77-78; Ord No. 184-79; Ord No. 57-84; Ord No. 69-84; Ord No. 28-92; Ord No. 85-92; Ord No. 99-96; Ord No.60-97)

63.047. Decision of the Planning Administrator for a Partition.

- (a) If an application for a partition has been reviewed pursuant to SRC 63.043(a):
- (1) The planning administrator shall act on a tentative plan and application within 35 days following the receipt of a complete application or within 35 days following the notification to the applicant that a variance was necessary, whichever is earlier. The planning administrator may approve, deny, or approve with conditions necessary to insure conformance with this chapter and the purpose set forth in SRC 63.020.
 - (2) Before approval of a tentative plan the planning administrator shall make affirmative findings that:
 - (A) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
 - (B) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.
 - (3) The planning administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to notice under SRC 63.043.
- (b) If an application has been reviewed pursuant to SRC 63.043(b), the planning administrator shall act on a tentative plan and application within 20 working days commencing the day following receipt of a completed application. The planning administrator may either approve, deny, or approve with conditions necessary to insure conformance with this chapter and the purpose set forth in SRC 63.020. Before approval of a tentative plan, the planning administrator shall make affirmative findings that:
- (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
 - (2) Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan; and
 - (3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.
 - (4) The planning administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons or organizations entitled to a notice of filing under SRC 63.043(a). (Ord No. 55-74; Ord No. 77-78; Ord No. 184-79; Ord No. 57-84; Ord No. 24-85; Ord No. 87-87; Ord No. 28-92; Ord No. 85-92; Ord No. 18-94; Ord No. 62-96; Ord No. 60-97; Ord No. 57-2000)

63.049. Time Limit on Tentative Plan Approval.

(a) Except as provided in subsection (b) of this section, tentative plan approval shall be valid for a period of two years following the date of the final decision of the planning administrator, commission, or council. If no final plat is submitted for final approval within that time, no final plat shall thereafter be approved; provided, however, the applicant may begin anew the process of tentative plan approval. In such a case the planning administrator, commission, and council shall not be bound by the terms of the prior approval.

(b) Where unforeseen circumstances beyond the control of the applicant intervene, the administrative body which granted the final decision on the subdivision or partition may extend the time for filing a final plat for a period not to exceed an additional two years, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan. No more than two such extensions shall be granted for any one partition or subdivision, resulting in a maximum time extension of four years.

(c) For subdivisions that were granted tentative plan approval to be constructed in phases, the final phase shall be recorded within ten (10) years of the tentative approval date. An application for an extension may be filed as allowed under subsection (b) of this section.

(Ord No. 77-78; Ord No. 184-79; Ord No. 170-82; Ord No. 69-84; Ord No. 107-86; Ord No. 85-92; Ord No. 41-2003; Ord No. 71-05)

63.051. Purposes of Tentative Plan Review; Requirements and Conditions.

(a) The purpose of tentative plan review of a subdivision or partition is to insure that:

(1) The proposal conforms to the requirements of this chapter.

(2) The proposed street system in and adjacent to a subdivision or partition conforms to the Salem Transportation System Plan adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.

(3) That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.

(4) That the layout of lots, and their size and dimensions take into account topography and vegetation of the site so as not to require variances from the Salem Zoning Code in order that buildings may be reasonably sited thereon, and that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

(5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC chapter 65.

(6) If the tentative plan is for a subdivision subject to SRC 66.050(a), that a UGA Development Permit has been issued and will be complied with.

(7) Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback. For development in wetlands and unstable areas, the following measures shall apply:

(A) For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.

(B) For unstable areas these measures shall be documentation, as approved by the department of public works, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.

(b) Lack of compliance with the standards set forth in subsection (a) of this section shall be grounds for denial of tentative plan approval, or for the issuance of certain conditions necessary to more fully satisfy such considerations. (Ord No. 184-79; Ord No. 186-82;

Ord No. 28-92; Ord No. 85-92; Ord No. 64-93; Ord No. 31-96; Ord No. 60-97; Ord No. 91-99; Ord No. 50-2002)

63.052. Approval of Final Plat.

(a) After the final plat has been filed, the planning administrator shall review and compare it with the approved tentative plan to ascertain whether the final plan conforms substantially to the approved tentative plan and with such conditions of approval of the tentative plan as may have been imposed. The county surveyor shall examine the plat as may be required by state law.

(b) No final plat shall be approved unless:

- (1) The plat is in substantial conformance with the provisions of the tentative plan as approved, including any conditions imposed in connection therewith;
- (2) The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal, and water supply systems, the donation of which is required by this chapter or was made a condition of the approval of the tentative plan;
- (3) Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat;
- (4) All reserve blocks shown on the tentative plan or required as conditions of tentative plan approval have been deeded in fee simple to the City of Salem;
- (5) The City Engineer has certified that:

(A) All public improvements required as conditions of approval of the tentative plan, including but not limited to streets, alleys, pedestrian ways, storm drainage, sewer and water systems, are completed and approved, and, if applicable, the owner of the property being subdivided or partitioned has entered into an agreement pursuant to SRC 66.590-610; or

(B) The owner of the property being subdivided or partitioned has executed and filed with the City an improvement agreement, requiring all improvements, both public and private, required as conditions of approval of the tentative plan, to be completed within 18 months of the final approval of a subdivision or partition, and, if applicable, the owner of the property being subdivided or partitioned has entered into an agreement pursuant to SRC 66.590-610 . The improvement agreement shall be accompanied by a performance guarantee as provided in SRC 63.053. Upon request, the improvement agreement shall be extended for an additional 18 month period if the performance guarantees are modified, if necessary, to reflect any change in cost of construction. The improvement agreement shall state that, should all improvements not be completed within the term of the improvement agreement or its extension, the City shall estimate the cost of completing the work, call upon the bond or deposit for funds necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to install the required improvement, the City may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the Director of Public Works; or

(c) If the planning administrator finds that the conditions specified in subsection (b) of this section have not been met the planning administrator shall advise the applicant of the changes that must be made and afford the applicant opportunity to comply. Rejection of a final plat shall not affect tentative plan approval.

(d) When the planning administrator finds that the final plat is in substantial conformity to the

approved tentative plan and is otherwise in lawful form the planning administrator shall endorse the approval on the plat. (Ord No. 55-74; Ord No. 77-78; Ord No. 184-79; Ord No. 93-84; Ord No. 62-86; Ord No. 87-87; Ord No. 1-91; Ord No. 14-92; Ord No. 28-92; Ord No. 57-2000; Ord No. 110-07)

63.053. Performance Guarantees. When required by the provisions of SRC 63.052 or 77.120, the applicant shall file as a performance guarantee, to insure the full and faithful performance of all terms of an improvement agreement, if any, or to insure completion of all work for which permits are required, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the city attorney in an amount equal to 100 percent of the construction cost of required improvements, as verified by the city.

(b) A deposit with the city, or at the option of the city, a verified deposit with a responsible escrow agent or trust company, of cash or negotiable bonds in an amount equal to 100 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon city approval of disbursement. The agreement shall include a provision that the city shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the city engineer following an inspection by the city engineer or the engineer's authorized representative.

(c) An agreement between the city, developer and one or more financial or lending institutions pledging that funds equal to 100 percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements. An irrevocable letter of credit is acceptable.

(d) An agreement between developer and city that no building permits for any structures within the subdivision will be issued until all improvements have been completed by the applicant and accepted by the city. Such agreement shall be in a form approved by the city attorney and recorded in the deed records of the appropriate county.

If the applicant fails to complete all improvements, the city shall estimate the cost of completing any required improvement, call on the bond or deposit for the funds necessary to complete the improvement, and complete the improvement to the extent of the funds obtained upon call of the bond or deposit. If the amount obtained from the bond or deposit is insufficient to complete the improvement, the city may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the director of public works. Following final inspection as required by SRC 77.120(d) or (e), if the improvement is complete and the amount of the bond or deposit exceeds the actual cost to the city of completing the improvement, the remainder shall be released. (Ord No. 93-84)

63.060. Processing and Recording of Final Plat.

(a) In the case of a subdivision or partition the planning administrator shall obtain on the approved subdivision plat the signature of the city surveyor, whose signature shall certify that the platting laws of this state and the requirements of this Code have been complied with, and notify the applicant that the final plat has been approved and may be offered for record.

(b) In the case of an approved partition the applicant shall record the approved plat, which shall be stamped and certified by a registered land surveyor, that all property corners have been monumented in the field with the recording officer and surveyor of the county in which the partition is located. Such recording shall occur within 60 days of final approval of the application. No building permits for development of any of the lots in the partition shall be issued until the plat is so recorded. Should the applicant fail to record a partition plat within 60 days of final approval, such approval shall be deemed null and void.

(c) Within 20 days after the recording of a subdivision, the owner or his representative shall furnish the planning administrator 10 full scale prints of the recorded plat.

(d) Except as provided in subsection (e) of this section, a final plat of a proposed subdivision and a plat of a partition shall be recorded by the first day of the seventh month following the date of final approval. If the plat is not filed within such time period it shall not be recorded, but shall be returned to the planning administrator who may require changes or alterations which he deems necessary because of changed conditions within the general area of the subdivision or partition.

(e) Upon application of the subdivider of a subdivision, the planning administrator in his discretion may waive the time period set forth in subsection (d) of this section and permit the final plat to be recorded in phases within whatever extended time limitations he deems proper. (Ord No. 5111; Ord No. 55-74; Ord No. 77-78; Ord No. 184-79; Ord No. 93-81; Ord No. 108-82; Ord No. 1-91; Ord No. 28-92)

63.065. Partitions Which Must Be Processed as Subdivisions. When it appears to the planning administrator, commission, or council that the area of a proposed partition is to be ultimately divided into four or more lots or parcels, the provisions of this chapter pertaining to subdivisions shall apply. (Ord No. 184-79)

63.115. Subdivision and Partition Names. No tentative plan of a subdivision or partition shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the Salem Urban Growth Boundary, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision or partition bearing the same name and is divided by the same person that divided the earlier subdivision or partition; or unless the proposed subdivision or partition is thus contiguous, and the applicant files and records the consent of the party that divided the earlier subdivision or partition bearing the same name. All plats must continue the block numbers of the plat of the same name last filed. (Ord No. 55-74; Ord No. 184-79; Ord No. 1-91)

63.135. Block Standards. Block lengths and widths shall be determined by the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision, and by topography, adequate lot size, need for and direction of flow of through and local traffic. Blocks shall be a maximum of 600 feet between street centerlines unless the planning administrator determines that the adjacent layout or special conditions justify greater length. Except where topographical or other physical features dictate otherwise, block widths shall be not less than 120 feet and not more than 400 feet. (Ord No. 184-79; Ord No. 91-99)

63.145. Lot Standards.

(a) **Width.** Each lot shall have a minimum width between the side lines of not less than forty feet, excluding the area of any accessway serving one or more flag lots, or as may otherwise be allowed or required in the zoning district where it is located.

(b) **Depth.** Each lot shall have an average depth between the front and rear lot lines of not less than seventy feet and not more than 300 percent of the average width, excluding the area of any accessway serving one or more flag lots. Each double frontage lot shall have an average depth between the front and rear lot lines of not less than 120 feet unless a lesser depth is approved by the Planning Administrator where necessitated by unusual topographical or other physical conditions.

(c) **Area.** Each lot shall comprise a minimum of 4,000 square feet, excluding the area of any accessway serving one or more flag lots, except for an infill lot in the RA and RS zones, which shall have a minimum lot area of 5,500 square feet, excluding the area of any accessway

serving one or more flag lots, or as otherwise stipulated in the zoning district where it is located. If topography, drainage, vegetation, or other conditions justify, the Planning Administrator may require a greater or smaller area in any lot within a tentative plan.

(d) Frontage. Unless otherwise stipulated in the zoning district where it is located, each lot shall have a minimum frontage width of at least forty feet, except along cul-de-sac turnarounds and on the outside of curves having a radius of 200 feet or less and a direction change of sixty degrees or more, in which case the minimum lot line fronting the curve shall be thirty feet, but provided that in no case shall the lot width be less than forty feet at the front building setback line. Frontage shall be calculated excluding the area of any accessway serving one or more flag lots.

(e) Designation of Front Lot Line.

(1) For corner lots the front lot line shall be that having frontage on a street designated by the building permit applicant and approved by the Planning Administrator.

(2) For double frontage lots the front lot line shall be that having frontage on a street designated by the applicant, approved by the Planning Administrator and set forth in the conditions of approval, which shall be recorded on deeds conveying lots.

(3) For flag lots the front lot line shall be that outside property line that is an extension of the accessway or the line separating the flag portion of the lot or parcel from the lot or parcel between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot or parcel line shall be set forth in the conditions of approval, which shall be recorded on deeds conveying lots.

(4) For all other lots, the front lot line shall be the property line that has frontage on the public street.

(f) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

(g) Rear lot lines. In the case of a triangular shaped lot, diamond shaped lot, or a trapezoidal lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for building setback purposes shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of lots to which this provision applies, or others where the rear of the lot is narrower than ten feet, the Planning Administrator shall require that the rear line for building setback purposes be clearly noted on the final plat.

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

(i) Suitability for intended use. All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision or partition ~~or~~ of such lot.

(j) Future subdivision or partition of lots. Where the subdivision or partition will result in a lot one-half acre or larger in size and which in the judgment of the Planning Administrator is likely to be further divided in the future, the Planning Administrator may require that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this Chapter and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future subdivision or partition of a tract be advisory only, and shall not be final or binding on the applicant or the Planning Administrator unless the applicant makes further application therefore; however, any restriction of buildings within future street locations may be imposed by the Planning Administrator who may require such restrictions to be set forth in a recorded deed restriction.

(k) Building setback lines. Where topography, vegetation, or lot configuration dictate a different building envelope than that set by the Salem Zoning Code in order to properly

develop the lot and site a building thereon, where accessways without street frontage are allowed, or where needed right-of-way exceeds that required to be dedicated under SRC 63.235, the Planning Administrator may require building setback lines to be shown on the plat or map without regard to the minimum setbacks specified in the Salem Zoning Code, and such setback lines shall be observed to the same extent as if required in the Salem Zoning Code. (Ord No. 184-79; Ord No. 41-81; Ord No. 171.82; Ord No. 186-82; Ord No. 57-84; Ord No. 87-87; Ord No. 28-92; Ord No. 62-95; Ord No. 57-2000; Ord. No. 51-05; Ord No. 71-05; Ord No. 54-09)

63.146. Lot Size in IBC Zone.

- (a) No lot in an IBC district shall be created unless the planning administrator or council in reviewing a subdivision or partitioning finds that:
 - (1) The configuration of the lot does not require the creation of other smaller lots as the only way to develop the remaining property within the industrial business campus;
 - (2) The lot is complementary and compatible to other uses within the industrial business campus;
 - (3) The lot does not preclude expansion of existing industries; and
- (b) No IBC district over 20 acres in area shall be subdivided or partitioned without the approval of a master plan for the entire district; such master plan shall show:
 - (1) Existing utility services and streets;
 - (2) Proposed utility services and streets; and
 - (3) Proposed lot lines for partitioning or subdivision. (Ord No. 186-82; Ord No. 68-83; Ord No. 57-84; Ord No. 24-85)

63.147. Property Line Adjustments.

- (a) A property line adjustment relocates one common property line between two abutting units of land. Property line adjustments shall not be used to create an additional unit of land, and may not reduce an existing unit of land below the minimum size allowed under the zoning code. Property line adjustments shall only be used to relocate common property lines between units of land which were created through partition, subdivision, deed, or other legal instrument which has been recorded.
- (b) When more than three property line adjustments affecting one unit of land, or more than three property line adjustments within any recorded plat, are proposed within a six month period, the Planning Administrator shall require any further property line adjustments to the unit of land or within the recorded plat be made by filing an application for replat.
- (c) Application Process. For a property line adjustment shall contain the following:
 - (1) An application form containing original signatures of all owners of affected units of land;
 - (2) Payment of the filing pursuant to SRC 63.041;
 - (3) A copy of recorded deeds for all affected units of land and, if not contained in the deeds, legal descriptions;
 - (4) A site plan, drawn to scale, indicating the dimensions and areas of affected units of land before and after the proposed adjustment, and all yards, bufferyards, building setbacks, vehicular access, coverage, and building separations;
 - (5) Conditions imposed in any previous land use actions involving the affected units of land;
 - (6) A copy of proposed property line adjustment deeds for affected units of land.
- (d) If approved by the Planning Administrator, the property line adjustment shall be surveyed and monumented as required by state law, provided, however that the Director of Public Works may waive survey and monumentation requirements for any property line adjustments

where each of the affected units of land are greater than 10 acres in size.

(e) The property line adjustment deeds shall be filed in the deed records of the county in which the affected units of land are located.

(f) A property line adjustment shall not be deemed to in any way affect any liens or encumbrances of record. (Ord No. 62-95; Ord No. 31-96; Ord No. 88-99; Ord No. 41-2003)

63.148. Property Line Verification for Building Permits.

(a) To use property lines for building setback purposes for lots defined under SRC 111.130(g), a property owner/developer may use the property line verification process to establish outside boundaries for parcels and lots when the affected units of land are under one ownership.

(b) Verification process. An application for a property line verification shall contain the following:

(1) An application form containing original signatures of all owners of affected units of land;

(2) Payment of the filing pursuant to SRC 63.041;

(3) A copy of recorded deeds for all affected units of land, and if not contained in the deeds, legal descriptions;

(4) A copy of a legal description defining the outside boundaries of the subject property.

(c) Upon verification of the information, the Planning Administrator shall issue a letter confirming the City's review of the request.

(d) Prior to issuance of building permit on the subject property, the owner/developer shall submit a copy of documentation indicating that the legal description was filed in the deed records of the county in which the affected units of land are located. (Ord No. 41-2003)

63.150. Validation of Units of Land.

(a) The purpose of this section is to implement 2007 Or Laws Chapt. 866, Sec. 2, by creating a process whereby persons may obtain validation of units of land that are not lawfully established. For purposes of this section, a unit of land is not "lawfully established" if the lot, parcel or tract of land was created by a sale that did not comply, but could have complied, with the criteria that were applicable to the creation of the unit of land at the time of sale. For purposes of this section, a unit of land does not include a unit of land that was created solely to establish a separate tax account, created by gift, or through any other method that is not considered a sale. This section shall only be used to validate those units of land that were created, but not lawfully established, on or before January 1, 2007.

(b) **Application Requirements.** An application for a validation of a unit of land shall include:

(1) The submittal requirements required for partitions as listed in SRC 63.038;

(2) The recorded deed or land sales contract that created the unit of land; and

(3) A copy of the land division and zoning code regulations applicable to the property at the time in which the unit of land was created.

(c) **Review Procedure.** Validation proceedings shall be heard by the hearings officer pursuant to SRC Chapter 300. The hearings officer may approve, approve with conditions, or deny an application for the validation of a unit of land.

(d) **Approval Criteria.** No application for a validation of a unit of land shall be approved unless the applicant demonstrates that:

(1) The unit of land is not a lawfully established unit of land;

(2) The unit of land was created through sale by deed or land sales contract, executed and recorded before January 1, 2007; and

(3) The unit of land could have complied with applicable criteria for the creation of the

unit of land in effect when the unit of land was sold.

(e) Notwithstanding subsection (d)(3) of this section, the hearings officer may approve an application to validate a unit of land that was not lawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale.

(f) The applicant shall record a partition plat in the land records of the county within which the property lies no later than ninety days after the date the decision approving the validation of the unit of land becomes final.

(g) Development or improvement of a unit of land validated pursuant to this section must comply with all applicable laws, regulations, and zoning code standards in effect at the time a complete application for development or improvement of the parcel is submitted. (Ord No. 34-08; Ord No. 1-10)

63.155. Exceptions to Lot Standards.

(a) **Subdivisions and partitions developed as a unit.** The Planning Administrator may authorize the relaxation of lot size and frontage requirements set forth in SRC 63.145 where the applicant presents a plan satisfactory to the Planning Administrator whereby the entire subdivision or partition will be designed and developed with provisions for proper maintenance of recreation facilities and open space which will be commonly available for use of the residents of the subdivision or partition, and which the Planning Administrator determines will be of such benefit to said residents as is equal to that which would be derived from observance of the size and frontage requirements otherwise specified, and will not violate the purpose set forth in SRC 63.020.

(b) **Land zoned for commercial or industrial use.** The Planning Administrator may authorize relaxation of the lot size, dimension, and frontage requirements as set forth in SRC 63.145, SRC 63.285 and SRC 63.295 in the case of land zoned for commercial or industrial use, where such relaxation is necessary on consideration of the suitability of the land for such use, and will not violate the purpose set forth in SRC 63.020.

(c) **Lot retained for future subdivision or partition.** The Planning Administrator may waive frontage requirements where, in the Planning Administrator's judgment, a lot should and will be retained by the applicant and future subdivision or partition of such lot will be the highest and best use thereof, and such use will be best protected by the creation of a reserve block separating such lot from any street.

(d) **Flag lots.** The Planning Administrator may allow flag lots under any of the standards set forth in SRC 63.285 or SRC 63.295, as applicable.

(e) **Partitions not creating a road or street.** The Planning Administrator may authorize partitions creating lots without frontage on a public street where accessways conforming to the standards in Table 63-1 are provided. Such accessways, the location of which is subject to approval by the Planning Administrator, shall be constructed as a condition of occupancy permit issuance. The City may require the accessway to be named and the partitioner must provide notice recorded against each lot that the accessway shall be privately and not publicly maintained. (Ord No. 184-79; Ord No. 22-80; Ord No. 87-87; Ord No. 28-92; Ord No. 71-05)

63.157. Replat.

(a) A replat is required as follows:

(1) To consolidate or reconfigure lots or parcels and public utility easements within a recorded partition or subdivision plat, or

(2) Where multiple property line adjustments have been deemed to require a replat under SRC 63.147(b).

(b) If the replat is for the purpose of combining two or three lots or parcels into one, the

application and approval process shall be the same as for the property line adjustment as described in SRC 63.147(c).

- (c) Application process. An application for a replat shall contain the following:
 - (1) An application form containing original signatures of all owners of affected units of land;
 - (2) Payment of the filing pursuant to SRC 63.041;
 - (3) A copy of recorded deeds for all affected units of land, and if not contained in the deeds, legal descriptions;
 - (4) An assessor's map identifying the subject property;
 - (5) A tree inventory;
 - (6) Two copies of the tentative plan with one on paper either 22 inches or 24 inches by 36 inches and the second one as a reproducible copy not more than 11 inches by 17 inches and not less than 8.5 inches by 11 inches.
- (d) The tentative plan map shall include all applicable information as follows:
 - (1) Scale and north arrow;
 - (2) A title block on each sheet of the tentative plan showing subdivision name; names and addresses of the landowner and professional engineers or surveyors responsible for preparing the plat; date; and township, range and section of the subject property;
 - (3) A vicinity map indicating streets within one-quarter mile of the subject property;
 - (4) Proposed lot or parcel boundaries, dimensions, the gross area of each lot or parcel;
 - (5) Location, width and names of all existing and proposed street rights-of-way and public accessways abutting the perimeter of the subject property;
 - (6) The location of all public and private easements;
 - (7) Location, dimensions and use of all existing buildings (noting which building(s) shall remain and those planned for removal), waterways, and detention facilities,
 - (8) Location of natural topographic features, including, but not limited to, creeks, drainageways shown on the most recent USGS maps, wetlands shown on the Local Wetland Inventory and flood plains;
 - (9) If required, a geological assessment or geo-technical report as required;
 - (10) If required, a traffic generation estimate;
 - (11) Such other additional information deemed necessary by the planning administrator to explain or supplement any other component of the submittal documents, to establish compliance with the comprehensive plan, other ordinances, or state or federal laws or regulations, or for other reasons necessary to accommodate the orderly development of land. (Ord No. 41-2003)

63.165. Public Easements for a Subdivision and Partition.

- (a) Public easements for the construction and maintenance of all utilities and public facilities shall be dedicated along lot lines, as the Planning Administrator may require, for a width necessary to provide and maintain adequate utility service to each lot. Such width shall be a minimum of 10 feet unless a larger width is required by the Planning Administrator, and such easements, wherever possible shall be centered on or bordering a lot line. In the case of zero lot line development as allowed in the zoning district where the lot is located, the Planning Administrator may require easements along every other side lot line.
- (b) Minimum ten-foot-wide public improvement and maintenance easements for all storm drains shall be provided along the centerlines of such facilities. Public improvement and maintenance easements for creeks and other watercourses shall be provided and shall extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or sufficient width to pass 10-year flood flows or to accommodate the 100 year floodway on a FEMA regulated stream, whichever is greater, except that this provision shall not apply to

the Willamette River. Such easements shall be of a width sufficient to allow both initial improvements and future maintenance operations. Larger widths may be required by the Planning Administrator.

(c) The easements required by this section shall be restricted in scope of activity permitted to the minimum necessary to accomplish the purpose of the easement. Easements for utility mains or lines or creek maintenance shall prohibit the placement of any building on or over the easement, but shall not preclude landscaping, and shall require restoration of the site following any excavation or other disturbance permitted by the easement. (Ord No. 184-79; Ord No. 57-84; Ord No. 28-92; Ord No. 18-94; Ord No. 71-05)

63.175. Water Supply. Except for lots created pursuant to SRC 63.039 or as provided in SRC 70.100, all lots shall be served by the water system of the City of Salem. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the city. Such water supply systems shall be designed and constructed according to all applicable provisions of this Code and the standards and specifications on file in the office of the director of public works. (Ord No. 184-79; Ord No. 57-84; Ord No. 87-87; Ord No. 115-87; Ord No. 123-87)

63.185. Sewage Disposal. Except for lots created pursuant to SRC 63.039 or as provided in SRC 70.100, common sewer services are prohibited. Each individual lot structure shall be served by its own sanitary sewer service line. Any sanitary sewer system larger than four inches serving more than one lot or structure shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of this Code and the standards and specifications on file in the office of the director of public works. (Ord No. 184-79; Ord No. 57-84; Ord No. 87-87; Ord No. 115-87; Ord No. 123-87; Ord No. 48-89)

63.195. Storm Drainage. All lots shall be provided with adequate storm drainage, connected to the storm drainage system of the city if such system is available at the lot line. Where a public street is to be dedicated or improved by the applicant as a condition of tentative plan approval, the applicant shall provide and dedicate to the city a storm drainage system in such street. Storm drainage facilities shall include suitable on-site detention facilities when deemed appropriate by the director of public works. Such facilities shall be sufficient to safely transport through the subdivision or partition all volumes of water generated upstream and on the site specified by the director of public works. Storm drainage shall be provided in accordance with all applicable provisions of this Code and the standards and specifications on file in the office of the director of public works. Easements shall be dedicated as provided in SRC 63.165(b) or SRC 63.166. (Ord No. 184-79; Ord No. 57-84; Ord No. 87-87)

63.205. Creek Standards. Any channel, creek, stream, or watercourse which traverses or abuts the subdivision or partition shall only be improved in accordance with SRC 140.145 through 140.150 and the specifications and standards on file in the office of the director of public works. Easements shall be dedicated as provided in SRC 63.165 or SRC 63.166. (Ord No. 184-79; Ord No. 186-82; Ord No. 57-84; Ord No. 87-87; Ord No. 18-94)

63.215. Underground Utilities.

(a) All permanent utility service to lots shall be provided from underground facilities, and no overhead utility facilities in connection with permanent utility service to a subdivision or partition shall be permitted. For other than minor partitionings in commercial or industrial zones where underground utility service is not presently provided permanent service may be supplied by means of overhead wires or cables.

(b) The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or

corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon. (Ord No. 184-79; Ord No. 107-86)

63.225. Street Standards, Generally. All streets except as provided in subsection (h) of this section shall be dedicated to the public. All streets, both public and private, shall be improved as follows:

- (a) **Improvements.** All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to the provisions of this Code and the specifications and standards on file in the office of the director of public works.
- (b) **Grade.** All streets shall be designed with grades in accordance with City of Salem Public Works Street Design Standards. No street grade shall exceed 12 percent without a variance.
- (c) **Dead-end streets.** When it appears necessary to continue a street or public access way into a future subdivision or adjacent acreage, streets, or public access way shall be platted to a boundary of a subdivision or partition. The street may be platted without a turnaround unless the planning administrator finds that a turnaround is necessary. In all other cases, cul-de-sac streets shall have a turnaround with a property line radius of not less than 45 feet to the property line.
- (d) **Cul-de-sac streets shall not exceed 800 feet in length.** However, no portion of the cul-de-sac street shall be more than 400 feet from an intersecting street or a public access way unless physical constraints make it impractical.
- (e) **Reserve blocks.** Reserve blocks controlling the access to public streets from adjacent properties may be required by the planning administrator.
- (f) **Urban growth area streets.** Where a subdivision or major partition lies within the Urban Growth Area, or within the Urban Service Area but ahead of the city-planned construction of street improvements, the street improvements and dedications shall meet the requirements of SRC Chapter 66.
- (g) **Property line radius.** The property line radius at intersections of local streets shall be 20 feet. All other intersection property line radii shall be according to the specifications of the director of public works.
- (h) **Public/Private Streets.** Streets subject to subsection (c) of SRC 63.235 may be either public or privately owned; provided that the planning administrator may, giving consideration to the size, configuration, location, and number of lots or dwelling units in the subdivision, and the nature and location of its public and common facilities and proposed uses, require that any or all streets be dedicated to the public. Private streets shall be designed in conformance with the City of Salem Public Works Street Design Standards adopted by the director of public works and on file in the department of public works, or as otherwise required by state law. Where there are private streets, there shall, as part of the recorded covenants, conditions, and restrictions, be a provision that all common property owners shall be members of a property owners' association. The association shall, at a minimum, be responsible for the perpetual maintenance and operation of all common property and facilities in the development, including but not limited to: parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of common property and facilities. The documents creating such association shall have the approval of the city attorney.
- (i) **Right-of-way dedication.** All right-of-way dedication shall be conveyed via a warranty deed which conveys a good and merchantable title thereto free from all outstanding liens and encumbrances, including unpaid and deferred real property taxes, and free from all rights of lessees, tenants, and other persons claiming any rights in or to said property.
- (j) **Sidewalk, bike path, easements, turnarounds and public utility requirements.** All

streets shall be improved with sidewalks, public utility easements, turnarounds, construction strips, landscape strips and parking lanes as are specified in SRC 63.235.

(k) Cut and fill slopes. The fill slope shall begin no closer than two feet to the edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that the director of public works may approve slopes not exceeding one to one upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

(l) Easements. Slope easements shall be provided on both sides of the right-of-way, provided that the planning administrator may require additional width for slope easements where necessary.

(m) Street alignment. Consistent with good engineering practice, street alignment shall, so far as possible, avoid trees.

(n) Erosion control. In areas where the average cross slope exceeds 15%, erosion control measures will be required. Erosion control measures shall be taken throughout the course of development and construction and permanent measures shall be taken to prevent erosion from foreseeable sources. Prior to final acceptance by the city of the public improvements, all cut and fill surfaces subject to erosion shall be planted with live materials that will thrive with little or no maintenance once established. On slopes likely to be extensively disturbed by later construction, temporary measures may be implemented by planting an interim ground cover or by placing other suitable temporary measures, and supplemented by the permanent ground cover or shrubs and trees when the site is finally developed and landscaped. Anticipated methods of erosion control including type and spacing of ground cover shall be indicated on subdivision and major partition applications. Permanent erosion control measures shall be in place before occupancy of any building in the subdivision or major partitioning. If such measures are considered by the director of public works to be ineffective, alternate measures to control erosion shall be required. Upon the developer's failure to institute such measures within 30 days of notice to do so, the director of public works shall obtain competitive bids and let a contract in the name of the City of Salem for the performance of such work. All costs incurred thereby shall be the responsibility of the developer, and shall become a lien against the entire subdivision or partitioning to be assessed, collected, and enforced as provided in SRC Title II. No building permit shall be issued for the construction of any structure in the subdivision or major partitioning while any such lien remains unsatisfied.

(o) No Parking signs. If appropriate, signs shall be installed by the developer as directed by the director of public works at the time of construction on the side of the street where parking is prohibited.

(p) Connectivity. Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning administrator determines that one or more of the following conditions exist:

(1) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided; or

(2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(3) Streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required

street or accessway connection. (Ord No. 184-79; Ord No. 41-81; Ord No. 57-84; Ord No. 125-85; Ord No. 87-87; Ord No. 48-89; Ord No. 1-91; Ord No. 14-92; Ord No. 25-93; Ord No. 99-96; Ord No. 91-99)

63.235. Street Right-of-Way and Pavement Widths.

- (a) Except as otherwise required in this chapter, the street right-of-way in or along the boundary of a subdivision, partition, or parcel for which a building permit is being requested under SRC 56.115 and SRC 77.150 shall have up to one-half the following minimum widths, as determined by the Planning Administrator:
 - (1) Parkway - As specified in the Salem Transportation System Plan adopted under SRC 64.230.
 - (2) Major Arterial - As specified in the Salem Transportation System Plan adopted under SRC 64.230.
 - (3) Minor Arterial - As specified in the Salem Transportation System Plan adopted under SRC 64.230.
 - (4) Collector - As specified in the Salem Transportation System Plan adopted under SRC 64.230.
 - (5) Local street - 60 feet.
 - (6) Cul-de-sac - 50 feet at stem and 45-foot radius at turnaround.
- (b) Within the right-of-way specified in subsection (a) of this section, streets shall have the following improved curb-to-curb width:
 - (1) Arterial and collector streets - as specified by the director of public works.
 - (2) Local streets - 30 feet with parking on both sides.
 - (3) Cul-de-sac turnaround - 38 foot radius.
- (c) The planning administrator may require dedication and improvement of all internal streets in the subdivision or partition to the standards identified in this section.
- (d) The planning administrator may require additional right-of-way, easements, and improvements to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.
- (e) The Planning Administrator may require additional right-of-way and roadway improvements at the intersections of arterial and collector streets. Intersections and access points for high traffic generators such as shopping centers, schools, major recreational sites, office complexes, etc., may require additional intersection right-of-way and improvements. The dimensional requirements of all intersections shall be determined by the Director of Public Works.
- (f) The planning administrator may designate where the street standards may be reduced to accommodate projects affected by existing development or physical constraints.
 - (1) For arterial or collector streets, the reduced street standards shall be as determined by the director of public works.
 - (2) For local streets, the street standards may be reduced to a 50-foot right-of-way with a 30-foot pavement width and 4-foot sidewalks, if the proposed street is a cul-de-sac, the existing cross slope is 8 percent or greater, or the standard right-of-way would result in lot depths of 80 feet or less. For greater reductions, or for other situations affecting the local street right-of-way width, reduced standards may be approved by the Planning Administrator following review and recommendation by the Director of Public Works.
- (g) Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must meet the designation of the Salem Transportation system Plan and the City of Salem Public Works Street Design Standards.
- (h) Unless the planning administrator requires otherwise, for local streets there shall be a standard 10 foot public utility easement each side of the right-of-way. Variations of the

easement requirements may be determined by the director of public works.

(i) Sidewalks within 400 feet of and providing direct access to a school, shall be a minimum of 8 feet. All other standard sidewalks will be a minimum of 5 feet.

(j) Sidewalks shall have an unobstructed four-foot width around signs, mailboxes, etc.

(k) Landscape strips for signs, street lights, and shade trees shall be provided in the cross section and contained within the right-of-way specified in subsection (a) of this section.

(1) For standard local street cross-sections, the landscape strips shall be located on both sides of the street between the curb and sidewalk and be a minimum of 9.5 feet wide.

(2) For reduced local street cross-sections, the sidewalk width shall be reduced to 4 feet and located on the property line unless site conditions dictate otherwise. The landscape strips shall be located on both sides of the street between the curb and sidewalk and be a minimum of 5.5 feet wide.

(3) For arterials and collectors the landscape strips shall be as designated in the Salem Transportation System Plan. (Ord No. 184-79; Ord No. 22-80; Ord No. 41-81; Ord No. 57-84; Ord No. 69-84; Ord No. 125-85; Ord No. 87-87; Ord No. 14-92; Ord No. 28-92; Ord No. 64-93; Ord No. 84-94; Ord No. 51-96; Ord No. 91-99; Ord No. 71-05)

63.237. Boundary Street Requirements for Subdivisions.

(a) For boundary streets in subdivisions, the planning administrator may require dedication and construction of a half-street improvement as defined in SRC Chapter 63 definitions along the development side of the street centerline. If the planning administrator determines that the required dedication and improvement is insufficient to provide for a minimum of one travel lane in each direction or proper street grade, the planning administrator may require a three-quarter-street improvement.

(b) Notwithstanding subsection (a) of this section, for properties which currently have a tentative subdivision approval for a subdivision in which one or more phases have been built, the planning administrator may require in a partitioning, any necessary street improvements and right of way dedication, up to, but not exceeding, the street improvement identified in the subdivision tentative approval. The applicant may request deferral of said improvement until the street improvements are deemed required by the council. An applicant seeking deferral shall sign an agreement which specifies the terms of the deferral. Said agreement shall be in a form approved by the City Attorney and shall be filed in the deed records of the appropriate county. The fact that street improvements have been deferred shall be noted on the final plat which is approved by the planning administrator.

(c) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, the planning administrator may require dedication and improvement of streets to greater widths than those provided in SRC 63.235.

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

(e) Deferral - City Required. Where future street improvements are anticipated, the director of public works may require all or a portion of the improvement to be deferred.

(f) Deferral Agreement. When a deferral is required, the applicant shall sign a street improvement deferral agreement and pay the fees set by city council resolution. Said agreement shall be in a form approved by the city attorney, shall be filed in the deed records of the appropriate county, and shall provide that required street improvements will be constructed at such time as the city council directs or at such other time as may be specified. (Ord No. 91-99)

63.238. Boundary Street Requirements for Partitions.

(a) For boundary streets in partitions, the planning administrator may require dedication of up to one-half of the right-of-way specified in SRC 63.235 (a).

(b) The planning administrator may require a half-street improvement not to exceed a 17 foot width, plus curb, gutters, sidewalks, bike lanes (where appropriate), piped drainage, street lights, and other signing (where appropriate). The minimum requirement for the opposite side of the centerline is a 12 foot wide paved travel lane. A partition for single family residential use or abutting a boundary street which is a funded project in the City's Five Year Capital Improvement Program shall be exempt from this improvement requirement.

(c) The structural section for the portion of the improvement that is added to the existing pavement shall be as specified for the designation of the street in the Salem Transportation System Plan.

(d) Deferral - Applicant Initiated. Improvements for underimproved boundary streets may be deferred if the applicant can demonstrate that any one of the following apply to the development site:

(1) Abuts a boundary street section and the existing vertical or horizontal alignment for the street section neither meets nor can be constructed within the limits of the site frontage to meet City of Salem Street Design Standards for future final street grades and alignment.

(2) Abuts a local street, the total development site has less than 150 feet of frontage and the use will generate 20 or less vehicle trips per day.

(3) Abuts a local street and there is no improved street section or street improvement deferral for the boundary street within 150 feet of the property corners of the development site.

(4) If unusual and special conditions exist which in the opinion of the director of public works would warrant a deferral of all or a part of the improvement.

(e) Deferral - City Required. Where future street improvements are anticipated, the director of public works may require all or a portion of the improvement to be deferred.

(f) Deferral Agreement. When a deferral is required, the applicant shall sign a street improvement deferral agreement. The agreement shall be filed in the deed records of the appropriate county and shall provide that required street improvements will be constructed at such time as the council directs or at such other time as may be specified. (Ord No. 64-93; Ord No. 84-94; Ord No. 91-99)

63.242. Deferral of Street Improvements in Partitions.

(a) Upon satisfaction of the requirements of subsection (b) of this section, an applicant may defer those improvements required pursuant to SRC 62.235(c) until a lot owner applies for a building permit or until such street improvements are required by the council, whichever is earlier.

(b) An applicant seeking deferral under subsection (a) of this section, shall sign a street improvement deferral agreement. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of the appropriate county. The fact that street improvements have been deferred shall be noted on the final plat which is approved by the planning administrator.

(c) City Required Deferral. Where future street improvements are anticipated, the Director of Public Works may require all or a portion of the improvement to be deferred. (Ord No. 64-93; Ord No. 51-96)

63.245. Street Lights. All subdivisions shall include underground electric service, light standards, wiring, and lamps for street lights according to the specifications and standards of the director of public works. The subdivider shall install such facilities and make the necessary arrangements with

the serving electric utility for a city-owned and operated street lighting system to be served at the lowest applicable rate available to the city. Upon the city's acceptance of subdivision improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City of Salem. (Ord No. 184-79)

63.255. Monuments. Proper monuments shall be constructed with street improvements to the requirements of the director of public works. (Ord No. 184-79)

63.265. Public Accessways.

(a) When necessary for public convenience or safety, the planning administrator may require the developer to improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services.

(b) The accessway shall be of such design, width, and location as reasonably may be required to facilitate public use and shall meet the specifications and standards of the director of public works. Where possible, said dedications may also accommodate utility easements and facilities. (Ord No. 184-79)

63.275. Street Signs. Prior to final acceptance of the street construction by the city or when a building permit is issued for the construction of any building in a subdivision or partition, the developer shall install street signs for all paved blocks of streets within the subdivision or partition. The city shall furnish street signs and sign posts to the developer at cost. All other elements of such installation shall be at the developer's expense. (Ord No. 184-79; Ord No. 28-92; Ord No. 31-96)

63.285. Flag Lots in Partitionings. Within partitionings, and in addition to any applicable lot development standards set forth in SRC 63.145, the following lot standards shall apply.

(a) **Lot Dimensions.** The dimensional requirements for residential flag lots are not based on the standard "width" and "depth" requirements. Flag lots shall have two dimensional requirements, each perpendicular to the other and generally running parallel to the parcel boundaries, and excluding any accessway. The average length across one dimension of the parcel shall be no less than 40 feet. The average length across the perpendicular dimension of the parcel shall be no less than 70 feet.

(b) **Area.** As prescribed in SRC 63.145(c), excluding the accessway, except that in the RA and RS zone district, the minimum parcel area for any infill lot shall be 5,500 square feet, exclusive of the accessway to the parcel.

(c) **Accessways.**

(1) Accessways shall be created and developed to the standards shown in Table 63-1. Reciprocal and irrevocable access rights for all parcels using the accessway shall be included on the final map and deeds for the individual parcels. The property address shall be posted at the intersection of the accessway and the street as provided in SRC 84.050.

(2) Additional design standards for access management on collectors, arterials, and parkways may require shared access points along such streets under the direction of the Director of Public Works. (Ord No. 22-80; Ord No. 62-86; Ord No. 28-92; Ord No. 71-05)

63.295. Flag Lots in Subdivisions.

(a) Within subdivisions, the Planning Administrator may waive or relax any of the lot development standards set forth in SRC 63.145 to not less than the minimums specified in this section for up to 15 percent of the lots in the subdivision, any fraction of a lot of 1/2 or more

counting as a full allowable lot in such computation, any lesser fraction not being counted.

(b) Lot Dimensions. The dimensional requirements for residential flag lots are not based on the standard “width” and “depth” requirements. Flag lots shall have two dimensional requirements, each perpendicular to the other and generally running parallel to the lot boundaries, and excluding any accessway. The average length across one dimension of the lot shall be no less than 40 feet. The average length across the perpendicular dimension of the lot shall be no less than 70 feet.

(c) Area. As prescribed in SRC 63.145(c), not including the accessway.

(d) Accessways. Accessways shall be created and developed to the standards shown in Table 63-1. Reciprocal and irrevocable access rights for all parcels using the accessway shall be included on the final map and deeds for the individual parcels. The property address shall be posted at the intersection of the accessway and the street as provided in SRC 84.050. (Ord No. 22-80; Ord No. 62-86; Ord No. 71-05)

63.330. Variances for a Subdivision.

(a) The planning administrator may grant a variance from any of the requirements of SRC 63.115 to 63.295 if, upon proper notice, and after written application and proof by the applicant, the planning administrator finds that the conditions set forth in SRC 63.332 exist.

(b) The planning administrator may grant a variance from the setback, lot coverage, and required yard requirements of Title X of this code if the necessity for such variance is created by the proposed subdivision.

(c) The planning administrator shall have no power to grant any other or greater degree of variance than that requested by the applicant unless such variance is necessary to accomplish a condition imposed by the planning administrator in furtherance of his authority under SRC 63.046. The planning administrator may grant any lesser degree of variance or impose such additional conditions as he deems necessary to insure that the variance will have the minimum possible adverse effect on the public health, safety, and welfare, and on the comfort and convenience of owners and occupants of land within and surrounding the proposed subdivision.

(d) No variance shall be considered after a plat has been recorded. (Ord No. 5111; Ord No. 55-74; Ord No. 50-75; Ord No. 77-78; Ord No. 184-79; Ord No. 128-80; Ord No. 57-84; Ord No. 69-84; Ord No. 28-92; Ord No. 85-92; Ord No. 62-95; Ord No. 57-2000)

63.331. Variances for a Partition.

(a) Upon written application and proof by the applicant, or upon need for a variance being identified by the planning administrator, the planning administrator may grant a variance from any of the requirements of SRC 63.115 to 63.295 if it is found that the conditions set forth in SRC 63.332 exist.

(b) The planning administrator may grant a variance from the setback, lot coverage, and required yard requirements of Title X of this code if the necessity for such variance is created by the proposed partitioning.

(c) No variance shall be considered after a plat has been recorded.

(d) When the planning administrator identifies the need for a variance which has not been requested by the applicant, he shall notify the applicant of such necessity and proceed as required pursuant to SRC 63.043 and 63.047.

(e) Variances from requirements imposed under SRC 63.238 may be granted by the Hearings Officer upon showing of compliance with the criteria contained in SRC 77.150(f). (Ord No. 57-84; Ord No. 28-92; Ord No. 85-92; Ord No. 116-94; Ord No. 60-97)

63.332. Basic Conditions for a Variance.

(a) No variance shall be granted except upon a finding by the planning administrator that each of the following conditions is met:

- (1) There are special conditions inherent in the property (such as topography, location, configuration, physical difficulties in providing municipal services, relationship to existing or planned streets and highways, soil conditions, vegetation, etc.) which would make strict compliance with a requirement of SRC 63.115 to 63.295 an unreasonable hardship, deprive the property of a valuable natural resource, or have an adverse effect on the public health, safety, and welfare;
- (2) The variance is necessary for the proper development of the subdivision and the preservation of property rights and values;
- (3) There are no reasonably practical means whereby the considerations found under (1) or (2) above can be satisfied without the granting of the variance; and
- (4) It is unlikely that the variance will have adverse effect on the public health, safety, and welfare, or on the comfort and convenience of owners and occupants of land within and surrounding the proposed subdivision or partition.

(b) Each specific variance shall be separately considered, and no variance shall be granted if, taken together with all other requested variances, the cumulative effect would be to subvert the purpose expressed in SRC 63.020.

(c) Notwithstanding the provisions of subsection (a) of this section, variance requests concerning the constitutionality of requirements in SRC 63.225 and 63.238 shall be decided on the basis of prevailing legal standards. (Ord No. 77-78; Ord No. 184-79; Ord No. 57-84; Ord No. 62-95; Ord No. 31-96)

63.350. Review Procedure for Creating a Subdivision Within an Existing Manufactured Dwelling or Mobile Home Park.

(a) Subdivisions of a Manufactured Dwelling or Mobile Home Park existing as of July 2, 2001, shall conform the provisions of SRC 63.352. (Ord No. 30-2002; Ord No. 1-10)

63.352. Decision of the Planning Administrator for a Subdivision of a Manufactured Dwelling or Mobile Home Park.

(a) Before approval of a tentative plan, the applicant shall demonstrate, and the planning administrator shall find that:

- (1) The park is in compliance with the development standards for a manufactured dwelling park or a mobile home park at the time the park was approved or it is an approved nonconforming use. For purposes of this subsection, a park is in compliance if the city has not issued a written notice of noncompliance on July 2, 2001.
- (2) The tentative plan does not increase the number of lots, as defined in ORS 446.003, approved for the park, change the boundary lines or setback requirements or make other development changes.

(b) The planning administrator shall approve a plat of the manufactured dwelling or mobile home park subdivision upon an affirmative finding that the plat is in compliance with the applicable requirements of ORS 92.010 to 92.190. (Ord No. 30-2002; Ord No. 1-10)

63.360. Phased Subdivisions.

(a) Real property which will be developed for commercial or industrial use may be subdivided as a phased subdivision, as provided in this section.

(b) **Additional Submittal Requirements.** In addition to the information required under SRC 63.038(b), a tentative plan for a phased subdivision shall include a phasing plan that indicates the tentative boundaries and sequencing of each phase and the tentative configuration of lots in

each phase. The phasing plan shall include the provisions for the construction of all public facilities, including streets, water, sewer and storm drain, in each phase of the subdivision.

(c) Additional Approval Criteria. In addition to any other approval criteria set forth in this Chapter, a phased subdivision shall:

- (1) Show tentative connectivity for streets and utilities between each phase to ensure the orderly and efficient construction of required public improvements among all phases;
- (2) Demonstrate that each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements; and
- (3) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

(d) Conditions of Approval. Conditions of approval shall be imposed upon the tentative plan that will ensure all public facilities will be completed in a timely manner, that safe and healthful development of the subject property and neighboring properties will be ensured, and that the public health, safety and welfare will be preserved.

(e) Construction of Public Facilities; Performance Security. The developer shall be required to construct or provide performance guarantee for only those public improvements required as conditions of tentative plan approval for that phase, unless the tentative plan approval specifically requires otherwise as a condition of development approval. A developer shall only be required to provide performance security allowed under SRC 63.053(a), (b) and (c) for public improvements that are required to be constructed as a condition of final plat approval for the specific phase that is to be recorded.

(f) Final Plat Approval. Approval of a final plat for a phase of a phased subdivision shall be as set forth in SRC 63.052. Final plat for each phase shall be in substantial conformance with the tentative plan, and shall have satisfied any conditions of approval with respect to the phase involved set forth in the tentative plan approval. The final plat for each phase may diverge from the tentative plan as provided in this subsection, and unless the divergence from the tentative plan would require a modification of any condition of approval, and still be considered in substantial conformance with the approved tentative plan if there is:

- (1) A decrease or increase in the number of lots within the particular phase;
- (2) A change in the location or size of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, does not change the street designation from one classification to another;
- (3) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
- (4) A decrease in the number of phases or area of a specific phase; or
- (5) An increase in the area of a specific phase.

(g) Time Limit for Tentative Plan Approval. Tentative plan approval for a phased subdivision shall be valid for ten years following the date tentative plan approval becomes a final. (Ord No. 8-08)

63.990. Violations. Violation of SRC 63.032 is an infraction. (Ord No. 184-79; Ord No. 194-79)

TABLE 63-1 - FLAG LOT ACCESSWAY STANDARDS

No. of lots served by single accessway	Maximum Length	Prescribed Total Width*	Paved Width*	Parking	Turnaround
1-2 lots (residentially-zoned property)	150 feet ^{1,4}	20 feet ²	15 feet ²	Not Allowed	Not Required ³
3-4 lots (residentially-zoned property)	400 feet ⁴	25 feet ²	20 feet ²	Not Allowed	Accessways over 150 feet in length ¹ shall have an approved turnaround ⁵
1-4 lots (commercial and industrial zoned property)	400 feet ⁴	25 feet ²	20 feet ²	Not Allowed	Accessways over 150 feet in length ¹ shall have an approved turnaround ⁵

¹ Fire code requires that a fire apparatus shall have unobstructed access to within 150 feet of any facility, building or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshall or designee.

² This is a minimum standard.

³ If the accessway length exceeds 150 feet as a result of an adjustment or variance, the turnaround standards for 3-4 residential lots shall apply.

⁴ This standard does not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Director of Public Works or designee.

⁵ All turnarounds shall be designed and constructed pursuant to the Department of Public Works Design Standards.

(Ord No. 14-92; Ord No. 71-05)

