

CHAPTER 3  
ADMINISTRATIVE PROCEDURES

**3.100 APPLICATION REQUIREMENTS AND REVIEW CRITERIA**

Section 3.101	VARIANCES.....	3.1-2
3.101.01	Application Procedure.....	3.1-2
3.101.02	Authorization to Grant or Deny Variances.....	3.1-2
3.101.03	Decision Criteria.....	3.1-2
3.101.04	Time Limit on a Building Permit for a Variance.....	3.1-3
Section 3.102	CONDITIONAL USE.....	3.1-3
3.102.01	Application Procedure.....	3.1-3
3.102.02	Authorization to Grant or Deny a Conditional Use.....	3.1-3
3.102.03	Alteration of a Conditional Use.....	3.1-4
3.102.04	Decision Criteria.....	3.1-4
3.102.05	Time Limit on a Building Permit for a Conditional Use.....	3.1-5
Section 3.103	LAND DIVISIONS - GENERAL.....	3.1-5
3.103.01	Purpose.....	3.1-5
3.103.02	Scope of Regulations.....	3.1-5
3.103.03	Administrative and Public Hearing Procedures.....	3.1-5
Section 3.104	PLANNED UNIT DEVELOPMENTS.....	3.1-5
3.104.01	Plat Approval Procedure.....	3.1-5
3.104.02	Information on Tentative Plan.....	3.1-8
3.104.03	Information on Final Plat.....	3.1-10
3.104.04	Improvement Guarantees.....	3.1-11
3.104.05	Design Standards.....	3.1-12
3.104.06	Planned Unit Development Standards and Requirements.....	3.1-15
Section 3.105	PARTITIONING.....	3.1-16
3.105.01	Purpose of Partitioning Review.....	3.1-16
3.105.02	General Requirements for Partitions.....	3.1-16
3.105.03	Partition Procedure.....	3.1-17
3.105.04	Approval and Recording of the Final Partition Plat.....	3.1-18
Section 3.106	PROPERTY LINE ADJUSTMENT.....	3.1-20
3.106.01	Statement of Purpose.....	3.1-20
3.106.02	Application Procedure.....	3.1-21
3.106.03	Property Line Adjustment Review Procedure.....	3.1-21
3.106.04	Standards for Evaluating Property Line Adjustments.....	3.1-21

**1 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

3.106.05	Final Approval Process.....	3.1-22
3.106.06	City Council Review.....	3.1-22
3.106.07	Verification of Final Decision.....	3.1-22
Section 3.107	AMENDMENTS.....	3.1-22
3.107.01	Authorization to Initiate Amendment.....	3.1-22
3.107.02	Application for an Amendment.....	3.1-23
3.107.03	Public Hearing.....	3.1-23

**3.101 VARIANCES**

**3.101.01 Application Procedure**

The procedure for taking action on an application for a variance shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application in accordance with Section 3.201.05 and a filing fee in accordance with Section 3.201.06 with the City Recorder.
- B. Before the Council may act on a variance application, it shall hold a public hearing thereon, following the procedures in Section 3.202.

**3.101.02 Authorization to Grant or Deny Variances**

The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the Council may impose conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

**3.101.03 Decision Criteria**

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances (e.g. fire) apply to the property which do not generally apply to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over

which the owners of the property have had no control.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.
- C. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Sodaville Comprehensive Plan.
- D. The variance requested is the minimum variance which would alleviate the hardship.

#### **3.101.04 Time Limit on a Building Permit for a Variance**

A variance shall be declared void after one year after the date of approval by the Council unless substantial construction on the structure for which the permit was authorized has taken place. The Council may, at its discretion, extend the time period, not to exceed an additional year.

### **3.102 CONDITIONAL USES**

#### **3.102.01 Application Procedure**

The procedure for taking action on a Conditional Use application shall conform to the procedure for taking action on a Variance application as contained in Section 3.101.01.

#### **3.102.02 Authorization to Grant or Deny a Conditional Use**

A conditional use listed in this ordinance shall be permitted, enlarged or altered upon authorization by the Council in accordance with the procedures of this article or any others referenced in this article. A conditional use may be use entirely appropriate within a particular zone, but due to the nature of the use -- creation of traffic hazards, objectionable storage of large unsightly items, or similar adverse impacts -- it is necessary to impose conditions to protect the public health, safety or welfare. In permitting a conditional use, the council may impose the following types of conditions which the Council considers necessary to protect the best interest of the surrounding property or the City as a whole:

- A. Increasing the required lot size in accordance with septic tank requirements.

#### **3 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- B. Limiting the height, size or location of structures.
- C. Controlling the location and number of vehicle access points and parking spaces.
- D. Increasing the street width.
- E. Limiting the number, size and location of signs.
- F. Limiting the hours of operation of a use causing loud, irritating and sustained noise.
- G. Requiring screening or landscaping to protect adjacent properties.
- H. Any other conditions necessary to accomplish the intent and purpose of the Comprehensive Plan and Development Ordinance.

### **3.102.03 Alteration of a Conditional Use**

In the case of a use existing prior to the effective date of this Ordinance and classified as a conditional use in this ordinance, any change in the use or in the lot area or any alteration of the structure shall conform with the requirements for conditional use. In no instance shall the Conditional Use Permit process be used to discourage any uses permitted under the provisions of this ordinance.

### **3.102.04 Decision Criteria**

The decision by the City Council to approve or deny a conditional use application shall be based on findings related to the following criteria:

- A. Development of the property as proposed in the application is generally compatible with existing development on abutting properties and in the surrounding neighborhood. It is also generally compatible with possible future development of property in the surrounding neighborhood as indicated by the Comprehensive Plan.
- B. The proposed development site has the physical characteristics needed to support the use taking into consideration factors such as steepness and stability of the slope, drainage characteristics, and septic suitability.
- C. The proposed development will not unduly affect the capacity of current public facilities including water supply and streets.

#### **4 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- D. The proposed development is consistent with the goals and policies in the Comprehensive Plan.

### **3.102.05 Time Limit on a Building Permit for a Conditional Use**

A conditional use permit shall be declared void after one year after the date of approval by the Council unless substantial construction on the structure for which the permit was authorized has taken place. The Council may, at its discretion, extend the time period, not to exceed an additional year.

## **3.103 LAND DIVISIONS - GENERAL**

### **3.103.01 Purpose**

The purposes of these regulations are to encourage or require the appropriate development of tracts of land sufficiently large enough to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the zoning ordinance thereby promoting a harmonious variety of uses, the economy of shared facilities and service, compatibility of surrounding areas, and the creation of an attractive, healthful, efficient and stable environment for living, and working.

### **3.103.02 Scope of Regulations**

These regulations are applicable to the subdivision or partition of land as defined in this ordinance, and, the adjustment of boundaries separating property.

### **3.103.03 Administrative and Public Hearing Procedures**

The administrative and public hearing requirements contained in the City of Sodaville Zoning and Development Ordinance shall be applicable to all land divisions.

## **3.104 PLANNED UNIT DEVELOPMENTS (PUD)**

### **3.104.01 Plat Approval Procedure**

- A. Submission of Tentative Plan for Proposed Subdivision. The developer shall prepare a tentative plan of the P.U.D. and other supplementary information as required by this ordinance. The developer shall submit at least 20 copies of the tentative plan to the City Recorder at least 35 days prior to the Council meeting at which the request will be heard. The

#### **5 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

tentative plan shall be submitted together with an application and a filing fee in an amount set by ordinance of the City Council.

- B. Preliminary Review of Proposal. Within five (5) days of receipt of the tentative plan, the City Recorder will furnish a copy to affected agencies. Agencies will be given at least 15 days to review the tentative plan, suggest revisions and return the recommendations to the City. An extension of time shall be granted for review when requested by an agency. All other affected state, federal, and local agencies shall be given an opportunity review and comment on the plan. Failure to respond shall be considered to be no objection by the agency to the tentative plan.
- C. Approval of the Tentative Plan for the Proposed PUD.
1. Hearing. Before the Council may take action on a tentative plan, it shall hold a public hearing. Notification of the hearing shall be by posting notices of the hearing on the property to be developed, the Sodaville Park Community Board and Sodaville City Hall; notifying by mail the applicant and all owners of parcels or lots within 300 feet of the exterior boundaries of the proposed PUD, and publication of notice in the Lebanon Express. All notices shall be posted, published, and mailed at least 20 days prior to the scheduled public hearing.
  2. Within 65 days following the initial public hearing, the Council shall take action on the tentative plan, taking into consideration the reports of appropriate officials and agencies.
  3. The Council may approve the tentative plan as submitted, approve it with conditions, or deny it. The decision of the Council shall be based on findings related to the following criteria:
    - a. The impact of projected traffic resulting from the proposed development and the adequacy of the transportation system within the proposed project to handle anticipated traffic volumes.
    - b. The resulting development will not be inconsistent with the objectives of the Comprehensive Plan with respect to housing, public facilities, recreation or urbanization.
    - c. The proposed sanitary, water supply, drainage, and other utility facilities are adequate for the population to be accommodated in the proposed development and will not create service delivery problems in other parts of the City.

**6 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- d. The area around the development can be planned to be in substantial harmony with the proposed project.
4. The action of the Council shall be noted on two copies of the tentative plan, including any modifications or conditions attached to the action. One copy shall remain with the City and the other returned to the developer.

D. Submission of Final Plat.

1. Within one year after approval of the tentative plan, the developer shall prepare a final plat in conformance with the tentative plan and the provisions of this ordinance for submission to the City Engineer.
2. If the developer wishes to proceed with the proposal after the one year period following approval of the tentative plan by the Council, he must resubmit the tentative plan to the Council along with any revisions necessary to meet changed conditions.

E. Review and Approval of Final Plat.

1. Upon receipt of the final plat and accompanying data, it shall be reviewed by the City Engineer and the County Surveyor. The City Engineer shall review the plat and documents to determine that it conforms with the approved tentative plan, with the City's engineering standards, and the provisions of this ordinance. The County Surveyor shall examine the plat for conformance with the provisions of ORS Chapter 92 and ORS 209.250 and shall collect such fees for this purpose as are provided for by state law. The City Engineer and other City representatives may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.
2. If it is determined that there has not been full conformity, the City Engineer shall advise the developer of the changes or additions that must be made. If it is determined that there is full conformity, the City Engineer shall so certify.
3. Upon certification of full conformity, the Final Plat shall be submitted to the Council for final review. Approval of the final plat shall be by a majority of those present. The plat shall then be signed by the Mayor and City Engineer.

**7 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

4. Approval of a final plat shall not constitute or affect an acceptance by the City of the dedication of any street, recreation area, open space, drainage way, or other dedication shown on the plat.
5. Prior to recording of the final plat, the subdivision shall be approved by the appropriate City officials and by County officials as specified by ORS 92, as amended. Signatures on the final plat by a majority of the Board of County Commissioners shall constitute approval of the plat by them. The plat shall then be recorded in the Office of the County Clerk.
6. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the Mayor. However, the developer may request a time extension from the Council.
7. An exact copy of the final plat as approved and recorded shall be filed with the City. The exact copy shall be of the same quality as the plat submitted to the County for recording.

### **3.104.02 Information on Tentative Plan**

- A. Scale. The tentative plan of the proposed PUD shall be drawn at a scale of 1" = 100'. The scale may be increased or decreased as necessary but shall in all cases be a multiple of 10.
- B. General Information. The following general information shall be shown on the tentative plan:
  1. Proposed name of the PUD - the name shall not duplicate nor resemble any other subdivision in the County and shall be approved by the Council and by the County Surveyor.
  2. Date, north arrow, and scale.
  3. Appropriate identification clearly stating the proposal as a tentative plan.
  4. Vicinity map showing the relationship of the proposed PUD to surrounding properties including all streets within 500' of the proposal.

#### **8 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*



5. Names and addresses of owner, developer, and surveyor.
  6. The following existing conditions:
    - a. Locations, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, corners, City boundary lines and monuments.
    - b. Contour lines related to some established benchmark or other datum, as follows: slopes less than 5% - 2 foot intervals; 5% to 15% - 5 foot intervals; 15% to 20% - 10 foot intervals; and greater than 20% - 20 foot intervals.
    - c. Location and direction of drainage channels and areas subject to flooding.
    - d. Natural features such as rock outcroppings, marshes, and wooded areas.
    - e. Existing uses of the property including the location of existing structures.
- C. Proposed Plan of Development. The following information shall be included on the tentative plan of the development:
1. The location, width, names, approximate grades and radii of curves of proposed streets as well as the relationship of streets to any projected streets as shown on the Comprehensive Plan.
  2. The location, width, and purpose of easements.
  3. The location, approximate dimensions and square footage of lots, a calculation of the land area devoted to various uses, and a calculation of the net residential density, not to exceed that specified by this ordinance.
  4. Sites, if any, allocated for purposes other than single family dwellings.
  5. Land to be deeded to a public body for schools, parks or other public uses.
  6. Location of pedestrian paths.
  7. Location, extent and arrangement of off-street parking as per the requirements of Section 2.204.

**9 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- D. Supplemental Information. The following plans or information shall supplement the tentative plan of the proposed PUD:
1. Proposed deed restrictions, if any, in outline form.
  2. Location within the PUD and adjacent streets and properties of existing water mains, culverts, drainpipes, gas lines and electric lines.
  3. General utility plans for domestic water supply, sewage disposal, storm drainage, gas, electric, telephone, and street lighting, indicating how these services will be provided.
  4. Any proposals to phase development of the PUD.

### **3.104.03 Information on Final Plat**

- A. Form and Scale of Final Plat. The final subdivision plat shall be submitted in the form as required by ORS 92.080. The scale of the final plat shall be 1" = 100', except that the scale may be increased or decreased in multiples of 10 to fit the legal size of 18 by 24 inches. In no case shall the scale be decreased to less than one (1) inch equals 200 feet.
- B. General Information on Final Plat. In addition to the information contained on the proposed plan of development as specified in Section 3.030, the following information shall be contained on the final plat:
1. Legal description of the PUD boundaries.
  2. The location of the following:
    - a. Monuments or other evidence found on the ground and used to determine the boundaries of the PUD.
    - b. Adjoining corners of other properties or existing surveys.
    - c. City boundary lines when crossing or adjacent to the PUD.
    - d. All permanent monuments within the PUD.
  3. Lot numbers and boundaries and street rights of way with dimensions.
  4. The area of each lot shall be shown.
  5. The width and location of the portion of streets being dedicated to traveled roadway and pedestrian ways.

#### **10 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

6. Locations and width of drainage channels and reserve strips at the end of stub streets. One (1) foot reserve strips shall be dedicated by separate document.
  7. Easements clearly identified, and if being dedicated by the plat, properly referenced in the owners certificates of dedication.
  8. The date, scale, north arrow, legend, and existing features such as roads and streams.
- C. Certificates on Final Plat. The following certificates shall appear on the final plat and may be combined where appropriate:
1. A certificate signed by all parties having any recorded title or interest in the land to be developed, consenting to the preparation and recording of the plat.
  2. A certificate, signed as above, dedicating all parcels of land, streets, pedestrian ways, drainage channels, other dedications, easements and other rights of way intended for public use.
  3. A certificate of the registered engineer or licensed surveyor who prepared the final plat.
  4. Written proof that all taxes and assessments on the tract are paid which have become liens on the tract.
- D. Supplementary Information with Final Plat. The following data shall accompany the final plat:
1. Addresses of owner(s), developer, and surveyor.
  2. A copy of any deed restrictions applicable to the development.
  3. Certifications or statements pertaining to the availability of domestic water supply and sewage disposal systems to serve each dwelling unit.

#### **3.104.04 Improvement Guarantees**

- A. Agreement for Improvements. Before council approval of a PUD plat the land developer shall either install required improvements and repair

#### **11 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

existing streets and other public facilities damaged in the development of the property or execute and file with the City Recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City which shall not exceed 10% of the cost of the improvements to be installed.

**B. Bond**

- 1) The land divider shall file with the agreement, to assure his full and faithful performance thereof, 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.
  - b. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - c. Cash.
2. Such assurance of full and faithful performance shall be for a sum approved by the City Council based on a recommendation of the City Engineer, as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
3. If the land developer fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land developer shall be liable to the City for the difference.
4. The performance guarantee shall remain in effect for one (1) year after improvements are installed in order to correct any defects which may have taken place. A performance review shall be

**12 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

conducted by the City Engineer within 12 months of the time the improvements are installed. A written report of defects or a certificate of approval shall be issued by the City Engineer as the basis of determination of the performance guarantee. The report shall be reviewed and approved by the City Council before going into effect.

### **3.104.05 Design Standards**

- A. Principles of Acceptability. A land division shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.
- B. Streets
1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
    - a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
    - b) Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
  2. Minimum right of way and roadway width. Unless otherwise indicated on the development plan, the street right of way and roadway widths shall conform to standards in the Sodaville Comprehensive Plan. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right of way may be accepted, ordinarily not less than 50 feet. In necessary, slope easements may be required.
  3. Reserve strips. Reserve strips or street plugs controlling access to

#### **13 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they be required. The reserve strips shall normally one (1) foot in width and under the ownership of the City. The one (1) foot reserve strip shall be dedicated by separate document.

4. Alignment. As far as is practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets, have approximately the same direction and, in no case, shall be less than 100 feet.
5. Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the PUD and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
6. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land development.
7. Half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the council finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
8. Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.
9. Grades and curves. Grades shall not exceed six per cent on major collectors, ten per cent on minor collectors, or 15 percent on other streets. Center line radii of curves shall not be less than 300 feet on major collectors, 200 feet on minor collectors or 100 feet on other streets, and shall be to an even ten feet. Where existing

**14 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the council may accept steeper grades and sharper curves.

C. Building Sites.

1. Size and shape. The size, width, shape and orientation of building sites shall be appropriate for location of the land division and for the type of development and use contemplated.
2. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

D. Grading of Building Sites. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
2. Fill slopes shall not exceed two feet horizontally to one foot vertically.
3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

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

**3.104.06 Planned Unit Development Standards and Requirements**

- A. Uses Permitted Outright. All uses permitted outright in the R zone are permitted within a P.U.D.
- B. Conditional Uses Permitted. All conditional uses of the R zone are permitted conditionally in a PUD.

**15 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- C. Water and Drainage. Waterlines, drainage facilities, and fire hydrants shall be constructed at the cost of the developer.
- D. Utilities. All utilities servicing a P.U.D. shall be improved at the cost of the developer and constructed underground unless waived by the Council.
- E. Streets. Streets including pedestrian paths and street name-signs shall be constructed at the cost of the developer and shall conform to the standards for “local” lanes as contained in the Comprehensive Plan.
- F. Access. Each lot created for residential purposes shall abut a public right of way for a minimum of 25 feet.
- G. Lighting. Street lighting shall be constructed at the cost of the developer and shall be placed at intervals determined by the Council.
- H. Height Guidelines. The height limitations of the R zone shall apply in a PUD.
- I. Dedication and Maintenance of Facilities. The Council may, as a condition of approval, require the following improvements or considerations:
  - 1. Common Open Space. If a common open space is provided, the Council shall require that an association of owners or tenants be created into a non profit organization for the purpose of performing grounds maintenance of the common open space.
  - 2. Easements. Easements necessary for the orderly extension of public utilities may be required as a condition of approval.

### **3.105 PARTITIONING**

#### **3.105.01 Purpose of Partitioning Review**

Section 3.105 prescribes the procedures and standards governing the partitioning of land. Partitioning requirements are established to insure that adequate public access and utilities are provided to parcels created by the partition and that the opportunity for full and orderly development of the surrounding area will be maintained.

#### **3.105.02 General Requirements for Partitions**

##### **16 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*



- A. Filing Fees. At the time of application for partition, the City Recorder shall collect such filing fees as the City Council shall by Ordinance designate.
- B. Standards. The design standards for a PUD Section 3.104 of this Ordinance shall apply to partitions. Requests for variances shall comply with Section 3.101 of this Ordinance.
- C. Improvements. When a partition request for a parcel which is less than 2.6 acres is being reviewed, the City Council shall determine whether or not any or all of the improvements as specified in Section 3.104.06 are needed to serve the property in the partition. If the City Council finds that any or all of the improvements are needed, the City Council shall require improvements be accomplished according to the standards and procedures of regarding bonding and guarantees.
- D. Unapproved Partitions as Determined by Assessor Notification. The County Assessor is required by statute to provide notice to the City of all recorded documents which result in land partitions. A landowner whose partition has not been previously submitted, reviewed and approved pursuant to this Ordinance will be notified of this Ordinance requirement and will be subject to enforcement action by the City if the partition remains unapproved.

### **3.105.02 Partition Procedure**

- A. Application for Partition. A partition proposal shall be submitted to the City Council for review and approval. An application and a filing fee, together with twelve (12) copies of the tentative plat, shall be submitted to the City Recorder for review. The application shall include the following:
  - 1. A map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.
  - 2. Name and address of the owner or owners of record, and of the person who prepared the partition.
  - 3. The parcel layout, showing dimensions and size of each parcel.
  - 4. Location and proposed use of existing buildings to remain in place, drainage ways and their proposed use, and other features of land which are important to its development.

#### **17 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

5. Identification of the street area and its relation to existing streets serving the property. Identification shall include the location, widths, and names of streets.
  6. Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of water lines and drainage ways; street lighting; and location of power, gas and telephone lines.
  7. Vicinity map showing the street and lot pattern in the general vicinity.
- B. Agency Review of Tentative Plat. Within five (5) days of acceptance of the tentative partition plat, all affected city, county, state, and federal agencies and special districts shall be notified of the application and shall be requested to review the partition proposal and submit their recommendations to the City Council. Notification shall be provided to the following agencies: Linn County Environmental Health Program, Linn County Planning and Building Department, Linn County Road Department, Linn County Surveyor, Consumer's Power, Inc., Northwest Natural, and Centurylink (telephone). These agencies shall be given at least 15 days to review the tentative major partition plat, suggest revisions, and return recommendations to the City.
- C. Public Hearing and Notice for Partition. Before the City Council may act on an application for a partition, it shall hold a public hearing thereon in accordance with the provisions of Section 3.202 of this Ordinance. The public hearing shall be held within 35 days of the acceptance of the application by the City Recorder. Hearing notice shall be mailed to the applicant and to all owners of property within 100 feet of the exterior boundaries of the property to be partitioned at least 20 days prior to the date of the hearing. Hearing notice shall also be published in a newspaper of general circulation within the City at least 20 days prior to the date of the hearing.
- D. Action on Tentative Plat. Within 35 days following the public hearing, the City Council shall take action on the tentative plat. The City Council shall approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:
1. The major partition is consistent with the provisions of this

**18 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

ordinance and the zoning ordinance.

2. Vehicular access to the property is adequate.
3. All necessary public utilities can be provided to the proposed parcels.
4. Full and orderly development of the surrounding area can be assured.

### **3.105.02 Approval and Recording of the Final Partition Plat**

- A. Record of Approved Tentative Plat. Upon approval of a tentative partition plat, three (3) copies of the approved tentative plat shall be signed, dated and conditions of approval noted. One copy shall be returned to the applicant, one retained by the City Recorder, and for the City planning file.
- B. Final Partition Plat. The final partition plat shall be the survey map which has been recorded with the County Surveyor in accordance with County and State requirements and that has been recorded in the office of the County Clerk. Prior to recording of the final partition plat, it shall be submitted to the City for approval. The final partition plat shall be prepared to meet the requirements of ORS 92.070, 92.080, and 209.250. An exact copy of the final approved and recorded plat shall be submitted to the City. The final plat shall be of the same quality as the plat submitted to the County for recording. The final plat shall include the following:
  1. The survey map of the parcels being offered for sale prepared by a registered land surveyor. The survey map shall indicate the location of all interior and exterior monuments.
  2. A legal description of the parcels being created.
  3. A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcels.
  4. A notarized signature of the owner or owners declaring the ownership and consenting to recording of the partition plat.
  5. A designated space for approval signatures of the Mayor, the City Engineer and the County Surveyor. There shall also be a space for

#### **19 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

approval signatures of the Board of County Commissioners if the right of way is to be dedicated for any roads under County jurisdiction.

6. The recording numbers of all deeds, dedications, easements, and agreements approved as part of the partitioning review.
7. An affidavit of the licensed surveyor having surveyed the land incorporated in the partition plat, showing that the surveyor correctly surveyed the property in accordance with ORS 92.060 and 92.070.

C. Procedure for Approving Final Partition Plat. The final partition plat shall be filed with the City Recorder who shall coordinate the process of final plat review and approval. This shall be accomplished within six (6) months of approval of the tentative partition plat.

1. All final partition plats shall include the information and signatures required in this ordinance.
2. Prints of the final partition plat for review and approval shall be forwarded to the City Engineer and the County Surveyor. The City Engineer shall review the plat for agreement with the approved tentative partition plan and other City requirements or conditions of approval. The County Surveyor shall review the partition plat for conformance with County and State survey requirements. City review shall occur within 35 days from the time the final plat has been filed with the City.
3. If it is determined that there has not been full conformity with the approved tentative partition plat, the City Recorder shall advise the applicant of the changes that must be made and afford the applicant an opportunity to make such changes. If it is determined that full conformity has been made, the City Engineer shall so certify.
4. If it is determined that the final plat conforms fully with the approved tentative partition plat and all applicable regulations and standards, the City Recorder shall advise the Mayor. The City Engineer and the Mayor may then sign the plat.
5. Approval of a final partition plat shall not constitute or effect an

**20 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

acceptance by the City of the dedication of any street, recreation area, drainage way, area reserved for water line, or other dedication shown on the plat, unless, on the face of the plat, there is a dedication of land for public purposes or any other public or private easements created. Such declarations shall be consistent with the provisions of ORS 92.075.

6. The signed final partition plat and the signed copy shall be forwarded to the County Surveyor for approval and signature.
7. Within 45 days of the final approval by the City, the developer shall submit the approved final partition plat to the County Surveyor, who shall record the plat with the County Clerk.

### **3.106 PROPERTY LINE ADJUSTMENT**

#### **3.106.01 Statement of Purpose**

The purpose of this article shall be to provide the City with the authority to review all property line adjustments within the City of Sodaville in order to assure compliance with the Comprehensive Plan and all applicable City Ordinances.

#### **3.106.02 Application Procedure**

- A. For all property line adjustments a complete application shall be filed with the City Recorder. The application shall be accompanied by a filing fee in an amount set by resolution adopted by the City Council. A site plan is required which shows all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.
- B. The applicant shall provide a preliminary plan of the proposed property line adjustment showing how the property lines will be modified.

#### **3.106.03 Property Line Adjustment Review Procedure**

- A. Within 21 days of the receipt of a completed property line adjustment application, the City Recorder shall determine whether or not the application is in conformance with all of the standards specified in Section 3.106.04.
- B. A property line adjustment is considered to be a ministerial act and does not require that notice be provided to any party except the owners of both

#### **21 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

lots or parcels directly affected by the property line adjustment. A property line adjustment will be approved when the standards in Section 3.106.04 are met. If the application complies with these standards, the City Recorder shall grant tentative approval.

### **3.106.04 Standards for Evaluating Property Line Adjustments**

In reviewing requests for property line adjustments, the following standards shall be met prior to the City Recorder approving the property line adjustment.

- A. The lots being modified in size through the property line adjustment shall meet the minimum dimensional and lot area standards of the zone in which they are located.
- B. The amended lot lines do not encroach upon the location of water supply lines or easements or upon the location of sub surface sewage disposal systems and drain fields. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements.
- C. The property line adjustment does not create any additional lots.
- D. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.
- E. The property line adjustment does not eliminate vehicular access for any of the parcels.
- F. Verification of ownership for each of the affected properties must be presented to the City Recorder.
- G. The property owner of each lot affected by the property line adjustment must sign a statement of agreement with the proposed change.

### **3.106.05 Final Approval Process**

- A. A metes and bounds description shall be prepared for City staff review which describes the area to be added to or reduced from each parcel. If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for final City Recorder review.

#### **22 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

- B. Compliance with any conditions of approval must be demonstrated before final approval by the City.
- C. The City Recorder shall render a decision within 30 days of receiving the final property line adjustment plan. This decision is subject to City Council review in accordance with Section 3.106.06.

### **3.106.06 City Council Review**

The City Recorder's decision on the property line adjustment is subject to City Council review before it is final. Within 35 days of the City Recorder's decision, the City Council shall review that decision and determine the need for further review. If it is determined that further review is necessary, the City Council shall consider the property line adjustment request at a public meeting. The City Council may affirm, deny, or modify the City Recorder's decision but must use the standards in Section 3.106.04 in arriving at the decision.

### **3.106.07 Verification of Final Decision**

- A. Within 180 days of approval of the property line adjustment by the City Council, the applicant shall provide evidence to the City Recorder that the boundaries of the parcels have been modified in accordance with City approval.
- B. Evidence of approval shall be verification from the County Recorder and the County Assessor that the property has been transferred from party to the other and that the land to be added to a parcel has been consolidated with the parcel. Evidence of approval shall also be a copy of the survey as filed with the County Surveyor.
- C. As required by ORS 92.060(7), an adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey filed with the County Surveyor.

## **3.107 AMENDMENTS**

### **3.107.01 Authorization to Initiate Amendments**

An amendment to this ordinance, in the text or map, may be initiated by the City Council or by application of a property owner or authorized agent.

#### **23 City of Sodaville**

*Zoning and Development Ordinance – Adopted August 16, 2012*

*Amended by Ordinance #14-03 August 21, 2014*

*Amended by Ordinance #19-02 May 23, 2019*

### **3.107.02 Application for a Amendment**

An application for an amendment by a property owner or his authorized agent shall be filed with the City Recorder. The appropriate filing fee shall accompany the application.

### **3.107.03 Public Hearing**

A public hearing shall be held by the City Council on any amendments to the zoning ordinance.

- A. Notice of Hearing. Notice of time and place of the public hearing before the City Council shall be as specified in Sections 8.045 and 8.046.
- B. Recess of Hearing. The Council may recess a hearing in order to obtain additional information or to serve further notice upon other persons it decides are affected by the application. The Council shall announce the time and date the hearing is to be resumed.
- C. The Council shall approve the application as submitted, approve it with conditions, or reject the application. In the case of a zoning amendment, an approved amendment shall be adopted by ordinance.