

ORDINANCE NO. 4324

AN ORDINANCE PROVIDING MAJOR AND MINOR PARTITIONING AND SUBDIVISION STANDARDS AND PROCEDURES, AMENDING ORDINANCE NO. 2718 AND ORDINANCE NO. 4064 (Section 13.07 of Ordinance No. 2718).

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

1.0 DEFINITIONS

1.01 DEVELOPMENT PLAN: Any plan adopted by the Planning Commission for the guidance of growth and improvement of the City. The Planning Commission may make adjustments in any such plan from time to time to meet unanticipated problems and conditions affecting the public or land owners.

1.02 EASEMENT: A grant of the right to use a strip of land for specific purposes.

1.03 LOT: A portion of a subdivision intended as a unit for transfer of ownership or for development.

1.031 THROUGH LOT: A lot having frontage on two parallel or approximately parallel streets.

1.04 PEDESTRIAN WAY: A right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

1.05 PLAT: The map, drawing or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.

1.06 RIGHT-OF-WAY: The area between boundary lines of a street.

1.07 ROADWAY: The portion or portions of a street right-of-way available for vehicular traffic.

1.08 SIDEWALK: A surfaced walk not less than five feet wide constructed of Portland cement concrete.

1.09 STREET: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, including the placement of utilities.

1.91 ALLEY: A narrow street through the middle of a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

1.92 ARTERIAL: A street used primarily for through traffic and of considerable continuity which is primarily a traffic artery for inter-communication among large areas.

1.93 COLLECTOR: A street supplementary to the arterial street system and a means of intercommunication between this system and smaller access; used to some extent for through traffic and to some extent for abutting properties.

1.94 CUL-DE-SAC (Dead-end Street): A short street having one end open to traffic and being terminated by a vehicle turn-around.

1.95 HALF STREET: A portion of the width of a street, usually along the side of a subdivision where the remaining portion of the street could be provided in another subdivision.

1.96 MARGINAL ACCESS: A minor street parallel and adjacent to a major arterial street providing access to abutting properties and protection from through traffic.

1.97 MINOR STREET: A street used exclusively for access to abutting properties.

1.10 SUBDIVIDE LAND means to divide a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division.

1.11 SUBDIVISION means either an act of subdividing land or a tract of land subdivided as defined in this section.

2.0 PROCEDURE

As authorized by ORS Chapter 92 and ORS 227.100-227.110 all major and minor partitionings and all subdivision plats and all streets or ways inside the City created for the purpose of partitioning land shall be approved in accordance with these regulations. A person desiring to subdivide land by creation of a street or way within the City shall submit preliminary plans and final documents for approval as provided in this ordinance and the State law.

3.0 PRELIMINARY PLAT - MAJOR SUBDIVISIONS

3.01 PREPARATION: The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.

3.02 SCOPE: The preliminary plat need not be finished drawing but it should show all pertinent information to scale, in order that the Planning Commission may properly review the proposed development.

3.03 PARTIAL DEVELOPMENT: Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

3.04 INFORMATION REQUIRED: The preliminary plat shall include the following information:

3.041 VICINITY MAP: If the detailed map does not show the following information, a vicinity map at a small scale (400 feet to the inch) shall be prepared showing:

- (1) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing major streets.
- (2) Name of the record owners of all contiguous land parcels.
- (3) How streets and alleys in the proposed subdivision may connect with existing proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

3.042 DETAILED MAP: The preliminary plat shall be drawn at a scale of 1" - 100' or for areas over 100 acres, 1" - 200'.

3.043 GENERAL INFORMATION: The following general information shall be shown on the preliminary plat.

- (1) Name of the subdivision; this name must not duplicate nor resemble the name of another subdivision in the same county or in the same area within six miles of Albany and shall be approved by the Planning Commission.
- (2) Date, northpoint, and scale of drawing.
- (3) Location of subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
- (4) Names and addresses of owner or owners, subdivider, engineer or surveyor, and lead planner or landscape architect.
- (5) Date of the property survey.

3.044 EXISTING CONDITIONS: The following existing conditions shall be shown on the preliminary plat:

- (1) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; railroad rights-of-way and other important features, such as section lines and corners, City boundary lines, monuments.
- (2) The location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections.

(3) Contour lines having the following minimum intervals:
One (1) foot contour intervals for ground slopes less than five (5%) percent.

Two (2') feet contour intervals for ground slopes between five (5%) and ten (10%) percent.

Five (5') feet contour intervals for ground slopes exceeding ten (10%) percent.

The elevations of all control points which are used to determine the contours.

Contours shall be related to City of Albany datum.

(4) Approximate location of areas subject to inundation or storm water overflow with approximate high water elevation.

(5) Location, width, direction and flow of all water courses.

(6) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

(7) Existing uses of the property and adjacent property within 100' including location of all existing structure to remain on the property or adjacent property after platting.

(8) Zoning on and adjacent to the tract.

3.045 PROPOSED PLAN OF SUBDIVISION: The following information shall be included on the preliminary plat:

(1) Proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission.

(2) Easements: Location on the site or abutting property, showing the width and purpose of all easements.

(3) Lots: Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers.

(4) Proposed Land Use: Sites, if any, allocated for:
Multiple family dwelling
Shopping centers
Churches
Industry
Parks, schools, playgrounds
Public or semi-public buildings

3.046 EXPLANATORY INFORMATION: a. The names and addresses of all owners within 200' of the proposed subdivision property. b. Findings indicating compliance with the City of Albany Comprehensive Plan and Oregon Land Conservation and Development Commission Goals and Guidelines.

- (1) Proposed deed restriction in outline form.
- (2) Total acreage in the subdivision and the percent of usable land in streets.
- (3) Center line profiles showing the finished grade of all streets.
- (4) All improvements proposed to be made or installed and the approximate time they will be made.
- (5) Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least 30 days prior to the time the Planning Department is to act on the final plat. Agreements on any recommended changes shall be obtained prior to approval of the final plat.

4.0 SUBMISSION OF PRELIMINARY PLAT - MAJOR SUBDIVISIONS

4.01 SUBMISSION: The subdivider shall file five (5) prints of the preliminary plat and one 8½" x 11" reduced copy with the Secretary of the Planning Commission at least thirty (30) days prior to the Planning Commission meeting at which consideration of the plat is desired.

4.02 PRELIMINARY PLAT: Within forty (40) days from the first regular Planning Commission meeting following submission of the plat, the Planning Commission will hold a public hearing on the plat and may consider approval of the preliminary plat as submitted or as it may be modified. If disapproved, the Planning Commission shall express its disapproval and its reasons therefore. At least ten (10) days prior to the public hearing, a written notice shall be mailed by the Planning Department to the property owners within 200 feet of the subject property. The action of the Planning Commission shall be noted on two (2) copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

5.0 FINAL PLAT - MAJOR SUBDIVISIONS

5.01 TIME LIMIT: The final plat must be **prepared** and submitted within six (6) months following approval of the preliminary plat by the Planning Commission and it shall incorporate the recommendations made by the Commission. If the owner or subdivider wishes to proceed with the subdivision of his land after the expiration of the six (6) month period following the tentative approval of the preliminary plat by the Planning Commission, he must resubmit his preliminary plat to the Planning Commission and make any revisions considered necessary to meet changed conditions.

5.02 PREPARATION: The final plat shall be submitted to the City Planning Department in the form required by these regulations and State laws including ORS 92.050-92.120 for plats of record.

5.021 INFORMATION REQUIRED: In addition to that specified by State law, the following information shall be shown on the final plat:

- (1) Date, north point and scale of drawing.
- (2) Legal description of tract boundaries.
- (3) Name and address of the owner, or owners, subdivider, engineer or surveyor and land planner of landscape architect.
- (4) Primary control points, approved by the City Surveyor; description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (5) Tract boundary lines, right-of-way lines of streets and other easements and property lines of all lots with accurate dimensions, bearings or deflection angles and radii, area, points of curvature and tangent bearings.
- (6) Purpose of all easements.
- (7) All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to street and alley lines.
- (8) Location and purpose of which sites, other than residential lots, are dedicated or reserved.
- (9) Easements and any other areas for public use shall be dedicated without any reservation or restriction whatsoever.
- (10) A copy of any deed restrictions shall be written on the face of the plat or shall be prepared to record with the plat.

5.022 SUPPLEMENTARY INFORMATION

- (1) Certification of title showing ownership of the land and also written proof that all taxes and assessments on the tract are paid to date.
- (2) Cross sections and profiles of the proposed streets showing width and grade of roadways.
- (3) Grades of pedestrian ways.
- (4) Assurance satisfactory to the Planning Commission that streets and pedestrian ways will be graded and sidewalks installed in all pedestrian ways.

(5) Assurance satisfactory to the Planning Commission that improvements installed by the subdivider will be in conformity with the standards of the City.

(6) Traverse Computation Sheets. The licensed land surveyor signing the surveyor's affidavit on the final plat shall submit traverse computation sheets for the use of the City Surveyor in checking the final plat, which sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the subdivision area, and for all boundaries and all lots in the final plat which are not completely rectangular in shape. Each course and distance, and each latitude and departure, shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and form a single point of origin. The total area of each lot shall also be submitted.

(7) Executed bargain and sale deed for reserve strips.

(8) Title Report or Subdivision Guarantee and Letter of Concurrence from all holders of interest who did not sign the plat.

6.0 SUBMISSION OF FINAL PLAT - MAJOR SUBDIVISIONS

6.01 SUBMISSION: The subdivider shall file the original drawings of the final plat and any supplementary information with the Planning Department in the form of one hardboard original and nine prints.

6.02 REVIEW: The Planning Department and City Engineer shall check the final plat with the approved preliminary plat for conformity with recommended revisions and these regulations, and approve or deny the final plat, in writing, within thirty (30) days. The Planning Director may elect to submit the final plat to the Planning Commission for approval when the preliminary plat has changed significantly or where circumstances relating to the plat have changed.

6.03 APPROVAL: Approval of the final plat shall be indicated by the signature of the City Surveyor and the Planning Director.

7.0 RECORDING OF THE FINAL PLAT

7.01 TIME LIMIT: Approval of the final plat by the Planning Department shall be conditional on its prompt recording and shall be null and void if the plat is not recorded within thirty (30) days after the date of approval. A mylar and four blueprints of the recorded subdivision shall be provided to the Planning Department within 30 days.

8.0 CREATION OF STREETS

The Planning Commission may approve the creation of a street to be established by deed without full compliance with these regulations provided either of the following conditions exist:

8.01 Such street is deemed essential by the City Council for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the creation.

8.02 The tract in which the street is to be dedicated is one acre or less and such dedication in the judgement of the Planning Commission is not an attempt to evade the provisions of this ordinance governing the control of land partitioning.

Such conditions as are deemed desirable and which are not at variance with the objectives of this Ordinance may be required by the Planning Commission prior to the approval of the creation of any street.

9.0 CREATION OF WAYS

The Planning Commission may approve an easement of way to be established by deed without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough to partition into more than two parcels a street must be dedicated.

10.0 DESIGN STANDARDS AND PRINCIPLES OF ACCEPTABILITY

In all respects, the subdivision shall be in conformity with any development plans or preliminary plans made in anticipation thereof and in conformity with the requirements of State laws and the standards established by this Ordinance.

11.0 STREETS

11.01 GENERAL: The location, width, and grade of all streets shall conform to any existing development plan and shall be considered in their relation to existing and planned streets, to topographic conditions to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Streets within the subdivision shall be placed at proper grade. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

11.011 Provide for the continuation or appropriate projection of existing principal streets in the surrounding areas; or

11.012 Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical.

11.02 MINIMUM RIGHT-OF-WAY WIDTHS: Unless otherwise indicated on a development plan the width of streets in feet shall not be less than the minimum shown in the following table:

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY</u>
Arterials	80-120
Collector/Business and industrial streets	60- 80
Minor Streets	
less than 1000 ft. in length	40
more than 1000 ft. in length	50
Cul-de-sacs	40- 50
Radius for turn around at end of cul-de-sacs	45
Alley	20

Exceptions to these standards may be made by the Planning Commission in the case of special development circumstances such as PUD access, no on-street parking, etc.

11.03 RESERVE STRIPS: Reserve strips restricting access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed definitely with the jurisdiction of the City under conditions approved by the Planning Commission.

11.04 ALIGNMENT: All streets shall, as far as practical, be in alignment with existing streets by continuations of the center lines thereof. In no case shall the staggering of streets making "T" intersections be so designed that jogs of less than 100 on such streets, are created and measured from the center line of the intersecting streets.

11.05 FUTURE EXTENSION OF STREETS: Where a subdivision is being considered adjacent to unsubdivided acreage, the Planning Commission may require that any number of stub streets be dedicated in the plat to allow for future street extensions to serve the unsubdivided acreage.

11.06 INTERSECTION ANGLES: Streets shall intersect one another at an angle as near to a right angle as practical, and no intersections of streets at angles of less than 30 degrees will be approved unless necessitated by topographic conditions. When intersections of other than 90 degrees are unavoidable, the right-of-way within the acute angle shall be based on a minimum 30 foot center line radius.

11.07 EXISTING STREETS: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

11.08 HALF STREET: Half streets while generally not acceptable may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

11.09 CUL-DE-SAC: A cul-de-sac shall be as short as possible and shall in no event be more than 400 feet long nor serve more than 18 single family or 30 multiple family dwellings. All cul-de-sacs shall terminate with a circular turn around.

11.10 GRADES AND CURVES: Grades shall not exceed six percent on major or secondary arterials, ten percent on collector streets, or twelve percent on any other street. In flat areas allowance shall not be less than 300 feet on primary arterials, 200 feet on secondary arterials, or 100 feet on other streets.

11.11 PLANTING EASEMENTS: Additional easements for planting of street trees or shrubs may be required where screening is necessary to preserve neighborhood character and reduce noise.

11.12 STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY: Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad. Such distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

11.13 MARGINAL ACCESS STREETS: Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11.14. ALLEYS:

11.141 INTERSECTIONS: Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

12.0 BLOCKS

12.01 GENERAL: The lengths, widths, and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

12.02 SIZES: Blocks shall not exceed 1200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1800 feet.

12.03 EASEMENTS:

12.031 UTILITY LINES: Easements for electric lines or other public utilities shall be provided as required, and all utility distribution lines shall be placed underground unless specifically excepted by Planning Commission from this requirement when it is not technologically or economically feasible.

12.032 WATER COURSES: Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to water courses may be required.

12.033 PEDESTRIAN WAYS: In any block over 750 feet in length a pedestrian way with a minimum width of ten feet shall be provided through the middle of the block. If unusual conditions require blocks longer than 1200 feet two pedestrian ways shall be provided. When essential for public convenience, pedestrian ways may be required to connect cul-de-sacs. Long blocks parallel to arterial streets may be approved with pedestrian ways if desirable in the interests of traffic safety. The subdivider shall install sidewalks through all pedestrian ways in conformity with standards of the City.

13.0 LOTS

13.01 The lot width shall be measured on the building setback line. In no case shall the average depth be more than two and one-half time the average width. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

13.02 ACCESS: The subdividing of the land shall be such that each lot shall abut upon a public street.

13.03 DOUBLE FRONTAGE AND REVERSE FRONTAGE: Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages or topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. If so screened, the lots shall not be classified as double frontage lots.

13.04 LOT SIDE LINES: The side lines of lots shall run at right angles to the street upon which the lots face, as far as practical or on curved streets they shall be radial to the curve.

13.05 RESUBDIVISION: In subdividing tracts into large lots which at some future time are likely to be resubdivided into normal sized City lots, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Planning Commission considers it necessary.

13.06 PUBLIC OPEN SPACE: The provisions of public open spaces for parks and playground within carefully selected areas of the City is considered essential for the proper development of all residential neighborhoods. Furthermore, it is determined that every type of residential development contributes to the need for open space and by all rights should provide for such. Therefore, it is the intent of this section to insure that all future residential developments shall in an equitable manner, provide for the acquisition and development of park lands within their geographic area of the City without creating an undue burden on established taxpayers.

The requirements for park land dedication in all types of residential developments shall be based on the following formula:

Residential developments shall provide for:

1. Neighborhood park at 1 acre per 800 population
2. Community park at 1 acre per 800 population
3. Regional park at 1 acre per 400 population OR to provide total needed 4 acres per 800 population OR need for each person.

$$4/800 = .005 \text{ acres for each person.}$$

The requirement for all types of multiple family dwelling shall be \$12.50 per bedroom or 0.005 acres per bedroom where bedroom is defined as any room designed or intended for sleeping purposes.

Procedures of Land Dedication or Fee Payment: In the case of any proposed residential development, the Planning Commission shall recommend to the developer whether the dedication of land or payment of fees in lieu thereof would be appropriate. The recommendation of the Planning Commission shall be based upon the recommendation of the Parks and Recreation Department in each case and appropriate approved public open space plan or Comprehensive Land Use Plan.

In the case of land dedication the developer shall designate a park site when requesting preliminary development or subdivision approval which shall contain at least the minimum acreage required by this Ordinance. The Parks and Recreation Commission shall review the proposed site together with any other potential sites within the development and shall submit its recommendation to the Planning Commission. Prior to granting preliminary development or subdivision approval, the Planning Commission shall make the final determination as to the location and size of the park within the proposed development.

Where the payment of fees is recommended by the Planning Commission in lieu of land dedication and agreed to by the owner or developer to payment of such fees, they shall be paid prior to issuance of building permits for developments and minor land partitions and prior to signing of the final plan for subdivisions.

Payments received in lieu of dedication shall be expended for the acquisition and/or development of public open space within the same neighborhood planning area (as established by the City Council).

No subdivider shall be required to dedicate or make payments in lieu thereof, for more than forty percent (40%) of his land for all public purposes including streets, but not including utility easements for drainage ways.

14.0 MAJOR AND MINOR LAND PARTITIONING

14.01 All major and minor land partitions, lot line adjustments, and tax lot consolidations shall require Planning Department approval. The Planning Director may elect to refer a minor or major partition proposal to the Hearings Board for approval if, in his opinion, the proposed partitioning has unusual or unique characteristics.

14.02 MAJOR AND MINOR PARTITIONING; PROCEDURE FOR APPROVAL: Land partitioning other than subdivision of the creation of a street or way, shall be known as minor partitioning and shall be approved under the following procedure:

14.021 There shall be submitted to the Planning Department four copies of a scale drawing of the proposed partitioning along with a reduced copy, 8½ inches by 11 inches in size with the following information:

- (1) The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned.
- (2) Name and address of the record owner or owners and of the person who prepared the scale drawing.
- (3) Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the minor partitioning.
- (4) For land adjacent to and within the parcel to be partitioned, locations, names and existing widths of all streets and easements; and location and size of sewer and water lines, drainage ways and power poles.
- (5) Outline and location of existing buildings to remain in place.
- (6) Lot lay-out showing sizes and relationship to existing or proposed streets and utility easements.
- (7) Such additional information as required by Planning Commission procedures.

14.03 If the proposed minor partitioning does not appear to comply with the requirements for routine administrative approval, the scale drawing shall be submitted for Hearings Board review and determination that the proposal will be compatible with the development plan. The Hearings Board may require such dedication of land and easements and may specify conditions or modifications in the scale drawing as are deemed necessary to carry out the development plan. In no event, however, shall the Hearings Board require greater conditions or dedications than could be required if the entire parcel were subdivided.

14.04 DISPOSITION OF APPROVED SCALE DRAWINGS: The Planning Department will notify the applicant in writing within 30 days of the approval or denial of his proposal. The applicant must then have the partitioned parcels surveyed and report the survey number and date to the Planning Department. The Planning Department will then issue the applicant a Certificate of Approval which will authorize the Assessor to segregate the tax lots.

15.0 IMPROVEMENT STANDARDS

The quality of all improvements installed by the subdivider either as a requirement of these regulations or at his own option shall be in conformity with the standards of the City subject to the approval of the City Engineer.

16.0 VARIATIONS AND EXCEPTIONS

16.01 HARDSHIP: Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of a development plan or these regulations.

16.02 PLANNED UNIT DEVELOPMENT: The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center or large industrial area development, which in the judgement of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

16.03 CONDITIONS: In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements to be varied or modified.

17.0 VALIDITY

If any provision of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect the validity of the remaining portion of this Ordinance.

18.0 FEES

18.01 Subdivision review and plan check fees shall be paid by the applicant upon submittal of the final plat at the rate of \$200 plus \$10 for each lot.

18.02 Major or minor partitioning review shall be paid by the applicant at the time of filing the initial application and shall be \$100.

Passed by the Council: November 28, 1979

Approved by the Mayor: November 28, 1979

Effective Date: December 28, 1979

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder