

SUBCHAPTER 90: SUBDIVISION REGULATIONS

Subchapter 90.10 General Provisions

90.10.005 Title

This chapter shall be known as the "Independence Subdivision Regulations" and may be so pleaded.

90.10.010 Purpose

The purpose of this chapter is to establish standards and procedures for land divisions in the city. These regulations are necessary to provide uniform procedures and standards for the subdivision and partition of land, to provide the proper construction and arrangement of space in order to avoid undue congestion of population, to provide adequate light and air including protection and assurance of access to incident solar radiation for potential future use, to assure adequate sanitation and water supply, to provide for orderly development and conservation of land, to protect the general health, safety and welfare and to implement the Comprehensive Land Use Plan of the City of Independence.

90.10.015 Scope

The criteria in this chapter apply to all land divisions in the city.

90.10.020 Sale Prohibited

No person shall sell any lot or parcel created by a land division until final approval of the land division has been granted by the city. Final approval of a land division occurs when the partition or subdivision plat is recorded with the county clerk.

90.10.025 Building Permits and Improvements Prohibited

No building permit shall be issued for any lot or parcel created after the effective date of this chapter if such lot or parcel is not created in conformity with the criteria set out in this chapter. No excavation of land or construction of improvements shall be commenced except in conformity with this chapter.

90.10.030 Conditions

The city may attach reasonable conditions to any approval it deems necessary to implement the provisions of this chapter and the Comprehensive Land Use Plan of the city; to ensure the general health, safety and welfare of residents of the city and to promote the economical and aesthetic development of land in the city.

90.10.035 Violations and Penalties

Violation of any provision of this chapter is punishable upon conviction by a fine not to exceed \$500.00. Each day of a continuing violation constitutes a separate violation.

Subchapter 90.20 Definitions

ACCESS

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

ALLEY

"Alley" means an unnamed street which affords only a secondary means of access to property.

ALTER

"Alter" means any change, addition, or modification in construction of a structure or building.

BLOCK

"Block" means a parcel of land bounded by three or more streets in a subdivision.

BLOCK LENGTH

"Block Length" means the distance measured along all that part of one side of a street which is between two intersecting or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, water course, body of water, or undivided acreage.

BUILDING LINES

"Building Lines" means a line that is parallel with and adjacent to the most forward portion of a building.

BUILDING OFFICIAL

"Building Official" means the superintendent of the building department or his designate.

CITY

"City" means the City of Independence, Oregon.

COMMISSION

"Commission" means the City Planning Commission.

COMPREHENSIVE LAND USE PLAN

"Comprehensive Land Use Plan" means the master plan adopted by the City Council and approved by the Land Conservation and Development Commission for the guidance of physical, economic and social growth and improvement of the City.

CONDOMINIUM

"Condominium" means the land, whether leasehold or in fee simple and whether contiguous or noncontiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto.

CONSTRUCTION

As used in this chapter, of the masculine includes feminine and neuter and the singular includes the plural. The particular controls the general. The word "shall" is mandatory, the word "may" is permissive.

COUNCIL

"Council" means the City Council of the City of Independence.

CURB CUT

"Curb cut" means a driveway opening where a curb is provided along a street.

DEVELOPMENT PLAN

"Development Plan" means any plan adopted by the Planning Commission or Council for the guidance or growth and improvement of the city, including modifications or refinements which may be made from time to time.

DWELLING UNIT

"Dwelling Unit" means a single unit providing complete independent facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT

"Easement" means a grant of the right of use across or through a block, lot, parcel or tract of land for specific purposes.

INCIDENT SOLAR RADIATION

"Incident Solar Radiation" means solar energy falling upon a given surface area.

LAND DIVISION

"Land Division" means the creation of a lot or parcel of land through the subdivision or partition process.

LOT

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

LOT, CORNER

"Corner Lot" means a lot abutting on two or more streets, other than an alley, at their intersection.

LOT, CURVILINEAR

"Curvilinear Lot" means a lot having a curved frontage.

LOT LINE ADJUSTMENT

"Lot Line Adjustment" means an 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 all requirements of this Ordinance.

MAJOR PARTITION

"Major Partition" means a partition, as defined by this ordinance, that includes the creation of a road or street.

MAP

"Map" means a final diagram, drawing or other writing concerning a major partition.

MINOR PARTITION

"Minor Partition" means a partition, as defined by this ordinance, that does not include the creation of a road or street.

NEGOTIATE

"Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

OWNER

Where used in relationship to real property, "Owner" means the legal owner of record or, where there is a recorded land sales contract in force, the purchaser thereunder.

PARCEL

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

PARTITION

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

PARTITION LAND

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

- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
- C. The division of land resulting from the recording of a subdivision or condominium plat;
- D. 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 applicable comprehensive plan. However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- E. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when

the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

PARTITIONED LAND

Amended 1986.

PARTITION PLAT

"Partition Plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

PERSON

"Person" means an individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

PLANNING COMMISSION

"Planning Commission" means the Planning Commission of the City of Independence, Oregon.

PLANNED UNIT DEVELOPMENT

"Planned Unit Development" means a complex of residential and/or commercial structures designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. Conversion of existing multiple dwelling unit structures to condominiums shall constitute a Planned Unit Development. The phrase Planned Unit Development may be abbreviated "PUD".

PLAT

See "Partition Plat" and "Subdivision Plat".

PROPERTY LINE

"Property Line" means the division line between two units of land.

PROPERTY LINE ADJUSTMENT

“Property Line Adjustment” means the relocation of a common property line between two abutting properties.

RESERVE BLOCK

"Reserve Block" means a strip of land usually one foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

RIGHT-OF-WAY

"Right-of-Way" means the area between boundary lines of a street or other easement assigned for public purposes.

ROAD OR STREET

"Road or 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 to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. The term street shall include such designations as highway, thoroughfare, park-way, throughway, road, avenue, boulevard, lane, court, place or other such terms.

- A. Arterial. A major facility for moving large volumes of inter-area traffic primarily carrying through-traffic.
- B. Collector Street. A facility that allows intra-area traffic to connect to the arterial system. It supplies abutting property with the same degree of land service as a local street but is given priority over local streets in any traffic control installation.
- C. Local Street. It serves primarily to provide direct access to abutting land and offers the lowest level of traffic mobility. Through traffic movement is deliberately discouraged.
- D. Cul-de-sac. A short, dead-end street with vehicular turn-around at the dead-end.
- E. Dead-End Street. An arterial, collector, local or cul-de-sac street which will be completed or extended and with no turnaround at the present dead-end.
- F. Marginal Access Street (frontage road). A minor street parallel and adjacent to an arterial or collector street providing access to abutting properties, but protected from through traffic.

SALE or SELL

"Sale or Sell" includes every disposition or transfer of land.

SERVICE UTILITIES

Whenever the term "service utilities" or "service utility" is used it shall mean and include public street lighting and water mains and facilities for fire protection and the following utilities for residential service: water, sanitary sewer, electricity, gas, telephone and television cable service.

SUBDIVIDE LAND

"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 exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVIDER

"Subdivider" means any person who proposes a land division.

SUBDIVISION

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

SUBDIVISION PLAT

"Subdivision Plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision prepared as specified by Oregon Revised Statutes Chapter 92.

TENTATIVE PLAN

"Tentative Plan" means a preliminary map of a partitioning or preliminary plat of a subdivision.

UTILITIES

"Utilities" means water, gas, sewer, electrical, telephone and wire communication service, and all persons and companies supplying the same.

WETLANDS

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Subchapter 90.40 MINOR PARTITIONING REGULATIONS

90.40.010 Minor Partition Procedure for Approval.

Land divisions other than subdivisions or major partitions shall be known as minor partitions and shall be approved under the procedures contained in this subchapter. Minor land partition decisions shall be made by the City Manager or designee as a Type I decision under Zoning Code Section 11.015.

90.40.012 Applications for Minor Partitions.

Applications for all minor partitions, as defined in this chapter, shall be filed with the City. An application shall be submitted in writing in a format provided by the City.

90.40.015 Filing an Application for a Minor Partition Action.

The City Manager or designee shall examine each application to ascertain if the appropriate forms have been completed, the appropriate fees have been paid and if all required documents and information have been submitted. Three copies of a sketch map 18 by 24 inches in size containing the date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned shall be submitted to the City Manager or designee along with the following information:

- A. The name and address of the owner of record and of the person who prepared the map.
- B. The names and addresses as compiled from the most recent county property tax assessment roll of all property owners within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- C. The approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partition.
- D. For land adjacent to and within the parcel to be partitioned, the locations, names and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and power poles.

- E. Outline, location and setback dimensions to property lines of existing buildings to remain in place.
- F. Outline, location, approximate date of original construction and dimensions of existing building and other structures to be removed.
- G. Lot layout, showing size and relationship to existing or proposed streets and utility easements.
- H. Such additional information as required by the City Manager or designee.

90.40.020 Notice and Procedural Requirements.

Minor land partition decisions shall be made by the City Manager or designee as Type I decisions under Zoning Code Section 11.015.

90.40.025 Standards for Minor Partition Requests.

The City Manager or designee may approve the minor partition application upon a finding that:

- A. The proposed division complies with the requirements for its submittal, all requirements of the Comprehensive Plan, the intent and purposes of this Chapter and all other applicable laws and regulations;
- B. The proposed division is not contrary to previous conditions imposed upon the use or development of the subject parcel by the Planning Commission; and
- C. The proposed division is consistent with the extension of existing or planned City improvements such as streets.
- D. The City Manager or designee may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the City's Comprehensive Plan standards, land use regulations and other applicable legal requirements. In no event, however, shall the City Manager or designee require greater dedications or conditions than could be required if the parcel were subdivided.
- E. If the parcel of land to be partitioned exceeds five acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre, full compliance with all requirements for subdivisions may be required if the City Manager or designee should determine that the entire parcel being partitioned is in the process of being divided into small parcels.

90.40.030 Appeal.

Appeals of minor land partition decisions shall be made as provided under Zoning Code Section 11.040.

90.40.035 Final Plat Submission Requirements

- A. An application for minor plat final approval shall be made by the person proposing the land division, or authorized agent or representative, on a form prescribed by the Planning Department and submitted after the effective date of preliminary plat approval. Said applications shall be accompanied by a final plat and additional information as prescribed in this section.
- B. The applicant shall submit the final plat within the timeframe specified in IDC Subchapter 11.

90.40.040 Technical Review.

Upon receipt of the final plat and accompanying data, the City Manager or designee shall review the final plat and documents to determine that the plat conforms with the approved tentative plat, and that there has been compliance with provisions of the law of this chapter. The City Manager or designee shall either approve, deny, or when further information is required, postpone a decision on the application. If the City determines that there has not been full conformity, the partitioner shall be advised of the changes or additions that must be made and will be afforded a reasonable opportunity to make such changes or additions.

Approval shall be granted, provided that:

- A. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition as approved, and all conditions of approval have been satisfied.
- B. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U. S. Geological Survey or giving two or more permanent objects for identifying its location.

90.40.050 Appeal.

Appeals of minor land partition decisions shall be made as provided under Zoning Code Section 11.040.

90.40.055 Resubmission Of Requests.

Any request for a minor partition which has been denied by the City Manager or designee shall not be resubmitted for a period of one year following the date of the denial unless consent for resubmission is approved by the Planning Commission or the City Council.

90.40.060 Rescission Of A Minor Partition Approval.

Prior to recording the final plat, any minor partition action granted under this chapter may be rescinded by the City Manager or designee if it is found that the application for such action contains false statements, or if subsequent division, development, or use of land occurs in a manner different from that which was approved.

Subchapter 90.60 SUBDIVISIONS AND MAJOR PARTITIONING REGULATIONS

90.60.005 Scope of Subchapter. This subchapter shall apply to all subdivisions and major partitions in the city and, to the extent applicable, all minor partitions in the city. No parcel of land or contiguous parcels of land under single ownership shall be partitioned as a major partition or subdivided for the transfer of ownership or development so as to conflict with the standards as set forth in this subchapter.

90.60.010 Design Standards. The standards contained in Subchapter 90.50 through 90.90 shall apply to all land divisions regulated by this chapter.

90.60.015 Preliminary Conference. A conference shall be held prior to the submission of any tentative plan or drawing to enable the City to put the applicant on notice of the provisions of this chapter. Any applicant for a land division shall submit a plan of the preliminary scheme for the layout of property to be divided to the City. No statements or representations made by the City shall constitute an agreement or approval with respect to any land division or requirements of this chapter.

90.60.020 Tentative Plat. The subdivider shall prepare a tentative plat together with improvement plans and other supplementary materials and, after payment of a filing fee to the city in accordance with 90.60.022 of this chapter, shall submit 9 copies of the tentative plan and supplementary data on forms prescribed by the Planning Commission at least 45 calendar days prior to the next available Planning Commission meeting. The tentative plat shall show all pertinent information to scale in order that the Planning Commission may properly review the proposed development. Recording size copies of the tentative plat, 18 by 24 inches or 24 by 36 inches, shall be submitted to the city.

90.60.022 Fees. Fees for filing an application for a subdivision or major partition shall be set by resolution of the City Council.

90.60.025 Tentative Plat, Scale. The tentative plat shall show all pertinent information, normally at a scale of one inch equals 50 feet. For subdivision, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. Major partition tentative plats shall conform to dimensions and size as specified by the County Recording office for major partition maps offered for record, and the scale may be

adjusted accordingly. However, in all cases the scale shall be standard, being 10, 50, 100 or multiples of 100 feet to the inch. No partition survey or description may be made by any surveyor or person until tentative approval has been given by the Planning Commission.

90.60.030 Tentative Plat, Information. The following information shall be shown on the tentative plat:

- A. Proposed name of the subdivision. Except for the words "town", "city", "place", "court", "addition", or similar words, the name shall be clearly different and clearly pronounced differently from the name of any other subdivision in the County, unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed. The City shall reserve the right to assign or have assigned a sequential number placed upon the tentative map.
- B. The proposed language to be used in the dedication.
- C. Date, north point with orientation to the upper edge of the plan, and scale of drawing.
- D. Appropriate identification clearly stating the plan is a tentative plan.
- E. Location of the subdivision sufficient to define the location and boundaries of the proposed tract and its relation to surrounding land uses and existing and proposed transportation facilities.
- F. Names and addresses of the owner, subdivider, surveyor, and engineer.
- G. The location, width, names, approximate grades and radii of curves of streets. The relationship of streets, bikeways and pedestrian facilities to any existing or projected streets, bikeways and pedestrian facilities as shown on the Independence Transportation System Plan or as may be suggested by the Planning Commission in order to assure adequate traffic circulation.
- H. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be required as provided for in other sections of this chapter.
- I. The location and approximate dimension of lots and the proposed lot and block numbers.
- J. The approximate radii of all curves.
- K. Sites, if any, allocated for purposes other than single family dwellings.

- L. A vicinity map, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets, bikeways, pedestrian facilities, and utilities may be extended to connect to existing and proposed streets and utilities.
- M. Proposed deed restrictions, if any, in outline form.
- N. Approximate center line profiles with extensions for a distance of 200 feet beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street, bikeway, and sidewalk construction.
- O. A plan for domestic water supply, including the source, and plans for water lines.
- P. Proposals for sewage disposal, storm water drainage, erosion control, storm water treatment, and flood control, including profiles of proposed drainage ways.
- Q. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil. All lots created shall be level and finish graded to allow positive drainage and mowing of the lots until building construction.
- R. Proposals for other improvements such as electric utilities, street lighting, landscape plans. Required landscape plans must conform to Subchapter 54, Buffering and Screening Requirements.
- S. A complete service utility plan for the subdivision to be made which plan shall require easements adequate to meet the underground service utility requirements of the subdivision, but not to exceed the preliminary requirements. The utilities to be located in any proposed easements shall be identified on the plan. The final plat of the subdivision as provided shall contain a dedication to the public of easements in accordance with the service utility plan as adopted by the Commission. The City may require the extension of utilities to any boundary line of the proposed development to allow for future development beyond the subject property.
- T. The location within the subdivision and the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.
- U. Any other information relevant to the proposal consistent with the purposes and scope of this chapter.
- V. Location of park property and other public areas.

W. A cross-section of each street, bikeway, and pedestrian facility proposed, including roadway pavement, curb, sidewalk, designated bikeway, gutters and planter strips.

X. The plan required above, reduced to 8½ x 11 inches.

Y. If located within the Southwest Independence Concept Plan area, the location and widths of streets, pedestrian and bicycle facilities, and the trail/stormwater/riparian corridor along Ash Creek consistent with the Southwest Independence Concept Plan.

90.60.035 Traffic Impact Analysis Requirement

A. Intent and Purpose. A transportation impact analysis (TIA) provides an objective assessment of the anticipated modal transportation impacts associated with a specific land use action. A TIA is useful for answering important transportation-related questions such as:

1. Can the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
2. What transportation system improvements are necessary to accommodate the proposed development?
3. How will access to the proposed development affect the traffic operations on the existing transportation system?
4. What transportation impacts will the proposed development have on the adjacent land uses, including commercial, institutional, and residential uses?
5. Will the proposed development meet current standards for roadway design?
6. Does the proposed development comply with the TSP?

B. County and ODOT Coordination. Throughout development of the TIA (and beginning as early as possible), cooperation/coordination between the City of Independence, Polk County, and ODOT staff (as applicable), the applicant, and the applicant's traffic engineer is encouraged to provide an efficient and effective process.

City of Independence staff may, at their discretion, and depending on the specific situation, require additional study components in a TIA beyond what is outlined in this section or waive requirements deemed inappropriate.

These requirements are for subdivision and development applications that are

expected to affect city and/or county facilities. For development applications that require an ODOT access permit, land use zoning changes, or comprehensive plan modifications, applicable ODOT requirements should be referenced and ODOT should be consulted during the project scoping process.

The City of Independence and Polk County assume no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of a transportation impact analysis.

- C. When a Transportation Impact Analysis is Required. A TIA shall be required when:
1. The development generates 50 or more peak-hour trips or 500 or more daily trips;
 2. An access spacing exception is required for the site access driveway(s) and the development generates 25 or more peak-hour trips or 250 or more daily trips;
 3. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour; or
 4. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.
 5. A major construction project is anticipated to significantly impede normal traffic flow or roadway capacity, as determined by the Public Works Director.
 6. A construction project is anticipated to cause significant deterioration of the roadway infrastructure, as determined by the Public Works Director.
- D. When a Transportation Assessment Letter is Required. If a TIA is not required per Subsection (C) above, the applicant's traffic engineer shall submit a transportation assessment letter to the city and/or county indicating the proposed land use action is exempt. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet the City of Independence or Polk County sight-distance and access spacing requirements and roadway design standards.

- E. Scoping Memorandum. For either a TIA or Transportation Assessment Letter, a scoping memorandum shall be prepared and submitted to the city, county (if applicable), and/or ODOT. This memorandum must detail the proposed analysis approach, relevant assumptions, project background information, assumed trip generation and trip distribution for the site, and proposed study facilities, at a minimum.

- F. Contents of a Transportation Impact Analysis. As a guide in the preparation of a transportation impact analysis, the City of Independence recommends the following format be used to document the analysis.
 - 1. Table of Contents. Listing of all sections, figures, and tables included in the report.

 - 2. Executive Summary. Summary of the findings and recommendations contained within the report.

 - 3. Introduction. Proposed land use action, including site location, building square footage, and project scope. Map showing the proposed site, building footprint, access driveways, and parking facilities. Map of the study area, which shows site location and surrounding roadway facilities.

 - 4. Existing Conditions. Existing site conditions and adjacent land uses. Roadway characteristics (all transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross section descriptions, posted speeds, bicycle and pedestrian facilities, on-street parking, and transit facilities). Existing lane configurations and traffic control devices at the study area intersections. Existing traffic volumes and operational analysis of the study area roadways and intersections. Roadway and intersection crash history analysis.

 - 5. Background Conditions (without the proposed land use action). Approved developments and funded transportation improvements in the study area. Traffic growth assumptions. Addition of traffic from other planned developments. Background traffic volumes and operational analysis.

 - 6. Full Buildout Traffic Conditions (with the proposed land use action). Description of the proposed development plans. Trip-generation characteristics of the proposed development (including trip reduction documentation). Trip distribution assumptions. Full buildout traffic volumes and intersection operational analysis. Intersection and site-access driveway queuing analysis. Expected safety impacts. Recommended roadway and intersection mitigations (if necessary).

7. Site Circulation Review. Evaluate internal site access and circulation. Review pedestrian paths between parking lots and buildings. Ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the design vehicle.
 8. Turn Lane Warrant Evaluation. Evaluate the need to provide turn lanes at the site driveways.
 9. Conclusions and Recommendations. Bullet summary of key conclusions and recommendations from the transportation impact analysis.
 10. Appendix. Traffic counts summary sheets, crash analysis summary sheets, and existing/background/full buildout traffic operational analysis worksheets. Other analysis summary sheets such as queuing and signal warrant analyses.
 11. Figures. The following list of figures should be included in the Transportation Impact Analysis: Site Vicinity Map; Existing Lane Configurations and Traffic Control Devices; Existing Traffic Volumes and Levels of Service (all peak hours evaluated); Future Year Background Traffic Volumes and Levels of Service (all peak hours evaluated); Proposed Site Plan; Future Year Assumed Lane Configurations and Traffic Control Devices; Estimated Trip Distribution Pattern; Site-Generated Traffic Volumes (all peak hours evaluated); Full Buildout Traffic Volumes and Levels of Service (all peak hours evaluated).
 12. Preparer Qualifications. An Oregon-registered professional engineer (Civil or Traffic) shall prepare the transportation impact analysis. In addition, the preparer should have extensive experience in the methods and concepts associated with transportation impact studies.
- G. Study Area. The study area shall include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street; the study area shall include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage. Beyond the minimum study area, the transportation impact analysis shall evaluate all intersections that receive site-generated trips comprising at least 10% or more of the total intersection approach volume. In addition to these requirements, the City Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. The applicant and the Public Works

Director (or his/her designee) will agree on these intersections prior to the start of the transportation impact analysis, preferably with input from ODOT if any state-owned facilities may be affected. The required study area may need to be expanded to comply with ODOT requirements.

- H. Study Years to be Analyzed in the Transportation Impact Analysis. A level-of-service analysis shall be performed for all study roadways and intersections for the following horizon years:
1. Existing Year. Evaluate all existing study roadways and intersections under existing conditions.
 2. Background Year. Evaluate the study roadways and intersections in the year the proposed land use is expected to be fully built out, without traffic from the proposed land use. This analysis should include traffic from all approved developments that impact the study intersections, or planned developments that are expected to be fully built out in the horizon year.
 3. Full Buildout Year. Evaluate the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy. For phased developments, an analysis shall be performed during each year a phase is expected to be completed.
 4. Twenty-Year Analysis. For all land use actions requesting a Comprehensive Plan Amendment and/or a Zone Change, a long-term level-of-service analysis shall be performed for all study intersections assuming buildout of the proposed site with and without the comprehensive plan designation and/or zoning designation in place. The analysis should be performed using the future year traffic volumes identified in the Transportation System Plan (TSP). If the applicant's traffic engineer proposes to use different future year traffic volumes, justification for not using the TSP volumes must be provided along with documentation of the forecasting methodology. The required study area may need to be expanded to comply with ODOT requirements.
- I. Study Time Periods to be Analyzed in the Transportation Impact Analysis. Within each horizon year, a level-of-service analysis shall be performed for the time period(s) that experience the highest degree of network travel. These periods typically occur during the mid-week (Tuesday through Thursday) morning (7:00 a.m. to 9:00 a.m.), mid-week evening (4:00 p.m. to 6:00 p.m.), and Saturday afternoon (12:00 p.m. to 3:00 p.m.) periods. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed lane use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak-

hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed.

Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of non-peak travel periods may be appropriate. Examples of land uses that have non-typical trip generating characteristics include schools, movie theaters, and churches. The Public Works Director (or his/her designee) and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

- J. Traffic Count Requirements. Once the study periods have been determined, turning movement counts should be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m., depending on the proposed land use. Historical turning movement counts may be used if the data are less than two years old, but must be factored to meet the existing traffic conditions.

- K. Trip Generation for the Proposed Development. To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:
 - 1. Institute of Transportation Engineers (ITE) *Trip Generation Manual* (latest edition).
 - 2. Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak-hour trip-generating characteristics. The Public Works Director (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.
 - 3. In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the most recent version of the *Trip Generation Handbook* (ITE) should be used to account for pass-by, diverted link, and internal trips.

- L. Trip Distribution. Estimated site-generated traffic from the proposed development should be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:
 - 1. An analysis of local traffic patterns and intersection turning movement counts gathered within the previous 12 months.
 - 2. A detailed market study specific to the proposed development and surrounding land uses.

- M. Intersection Operation Standards. The City of Independence will evaluate intersection operational performance based on level of service.
 - 1. Intersection Levels of Service. The City of Independence will require all intersections within the study area to maintain an acceptable level of service (LOS) upon full buildout of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual, published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D" while the minimum acceptable level of service for unsignalized intersections is LOS "E". Any intersections not operating at these standards will be considered to be unacceptable.

- N. Review Policy and Procedure. The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.
 - 1. The road system is designed to adequately meet the projected traffic demand at full build-out.
 - 2. Proposed driveways do not adversely affect the functional characteristics of the surrounding roadways.
 - 3. Adequate intersection and stopping sight distance is available at all driveways.
 - 4. Proposed driveways meet the City and County's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.

5. Opportunities for providing joint or crossover access have been pursued.
 6. The site does not rely upon the surrounding roadway network for internal circulation.
 7. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
 8. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.
- O. Conditions of Approval. As part of every land use action, the City of Independence and/or Polk County, and ODOT (if access to a state roadway is proposed) will be required to identify conditions of approval needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of Approval that should be evaluated as part of subdivision and site plan reviews include:
1. Crossover easement agreements for all adjoining parcels to facilitate future access between parcels.
 2. Conditional access permits for new developments which have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
 3. Right-of-way dedications for future planned roadway improvements.
 4. Half-street improvements along site frontages that do not have full-buildout improvements in place at the time of development.

90.60.040 Partial Subdivision Plat/Master Plan. If the subdivision plat pertains to only part of the tract owned or controlled by the subdivider, the subdivider shall provide a sketch of a tentative layout for streets, bikeways, pedestrian facilities, and lots in the unsubdivided portion.

90.60.045 Tentative Plat Changes. Any changes in a tentative plat initiated by the applicant shall constitute a new application and shall be accompanied by the fees required in this subchapter.

90.60.050 Existing Conditions. The following existing conditions shall be shown on the tentative plat:

- A. The location, widths and names of both opened and unopened streets, bikeways and pedestrian facilities within or adjacent to the tract, together with easements and other important features, such as section lines, corners, city boundary lines and monuments.
- B. Location and size of sewer and water lines (including laterals, drainage ways and the location of power poles).
- C. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:
 - 1. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbol, together with not less than four spot elevations per acre, evenly distributed.
 - 2. For slopes of 5 percent to 15 percent: five feet.
 - 3. For slopes of 15 percent to 20 percent: ten feet.
 - 4. For slopes of over 20 percent: 20 feet.
 - 5. For slopes in designated flood plain areas and drainage ways: 5 feet except that the flood plain elevation and contour lines shall also be noted.
- D. The location of at least one temporary bench mark within the plan boundaries.
- E. The location and direction of water courses and the location of areas subject to flooding.
- F. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- G. Existing uses of the property, including location of all existing structures to remain on the property after platting or mapping.
- H. Locations and widths of streets and roads, bikeways and pedestrian facilities held for private use, and all reservations or restrictions relating to such private roads and streets.

I. Existing uses of all abutting parcels, including the location of existing structures, roads, streets bikeways, pedestrian facilities, and easements contiguous to the parcel to be subdivided.

90.60.055 Governmental Notification And Comment. Within ten working days after the major partition or subdivision application is submitted, according to the provisions of this chapter, the City Manager or designee shall distribute copies thereof to the appropriate agencies and departments for review, comments and recommendations.

90.60.057 Major Partition And Subdivision Procedural Requirements. Preliminary plat review for a major partition or subdivision shall be made by the Planning Commission as a Type II procedure under Zoning Code Section 11.015 and as specified by this subchapter. Final plat review shall be conducted by the City Manager or designee as a Type I procedure under Zoning Code Section 11.015 and as specified by this subchapter.

90.60.058 Preliminary Plat Approval Criteria. The Planning Commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- A. The proposed preliminary plat complies with the requirements for its submittal, all requirements of the Comprehensive Plan, all requirements of this Chapter, all requirements of the Zoning Code, and all other applicable laws and regulations.
- B. All proposed streets, alleys, sidewalks, pedestrian facilities, bicycle facilities, pathways, utilities, and surface water management facilities conform or transition to the plats of subdivisions and major partitions already approved for adjoining property as to width, general direction, and all other respects and such facilities comply with the standards of the Monmouth Comprehensive Plan, Transportation System Plan, Zoning Code, and this chapter.
- C. All proposed public improvements and dedications are identified on the preliminary plat.
- D. All proposed private common areas and improvements (e.g. home owner association property) are identified on the preliminary plat.
- E. All proposed lots, blocks, and parcels meet the standards of the applicable zoning district and this chapter.
- F. Land proposed for dedication as park land has been provided and approved by the City Council or as provided in Subsection 90.90.060. In lieu of this dedication, the City Council may require that a fee be paid as specified in Subsection 90.90.060.

G. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or major partition plat.

H. In accordance with the Uniform Fire Code, a 20-foot wide fire apparatus access drive shall be provided to serve all portions of a building located more than 150 feet from a public right-of-way or approved access drive.

I. The City may attach such conditions as are necessary to carry out the provisions of this Code and all other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining properties.

90.60.065 Tentative Plat - Effective Date. Unless appealed, Planning Commission decisions shall become effective on the 13th day after the date the decision is rendered. The applicant may then proceed with final surveying and preparation for final approval.

90.60.070 Final Plat.

- A. Any application for major partition or subdivision plat final approval shall be made by the person proposing the land division, or authorized agent or representative, on a form prescribed by the City Manager or designee and submitted after the effective date of tentative approval. Said applications shall be accompanied by plats and additional information as prescribed in this section.
- B. The applicant shall submit the final plat within within the timeframe specified in IDC Subchapter 11.
- C. One original and two copies, 18 inches by 24 inches in size. Original plats shall be in substantial conformity with the approved tentative plan and shall conform to the Polk County Surveyor's specifications and requirements and all requirements of Oregon Revised Statutes Chapter 92. Sheet dimensions and size shall be as specified by the County recording officer for major partition plats offered for record.

90.60.075 Information Required on Final Applications. The application provided for in 90.60.070 of the proposed subdivision plat or the major partition must contain the following information with respect to the subject area:

- A. The lengths of all chords, radii points of curvature, and tangent bearings shown.
- B. The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown. Area in square feet for each lot shall also be tabulated or indicated on each lot.

C. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.

D. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.

E. The description and location of all permanent reference monuments, including a tie, section corner, 1/4 corner, donation land corner, other such reference point.

F. An affidavit of an Oregon licensed land surveyor, and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.

G. The location of all existing easements for public utilities and such easements being created, and also all reserve strips required as provided for by Section 90.90.010 of this chapter.

H. A designation of all area being dedicated by the applicant, including proposed uses, and an effective written dedication thereof.

I. Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plan for the subdivision or major partition.

J. A copy of all protective deed restrictions being proposed.

K. A title report issued by a title insurance company licensed by the State of Oregon, verifying ownership by the applicant of the real property that is to be dedicated to the public.

L. Certificates. The following, which may be combined where appropriate, must be included:

1. A certificate that the subdivider has entered into agreement with the city relating to completion of improvements, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute, or federal law. The subdivider is responsible for the cost of an independent third party inspector for all public improvements including, but not limited to sewer, water, storm drainage and road construction, said inspection fees will be paid to the city before construction begins. Inspection fees will be set by the City Council. The subdivider shall be responsible for payment of any inspection fee costs

that exceed the fee amount set by the City Council. All unused inspection fees shall be refunded to the subdivider upon satisfactory completion of all inspections.

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

3. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

4. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

5. Other certifications now or hereafter required by law.

M. County Tax Assessor Certification. County tax assessor verification is required on Final Plat stating that all taxes and assessments on the tract are paid.

90.60.090 Technical Review. Upon receipt of the final plat and accompanying data, the City Manager or designee shall review the final plat and documents to determine that the plan conforms with the approved tentative plat, and that there has been compliance with provisions of the law of this chapter. The City Manager or designee shall either approve, or deny the final plat based on findings regarding compliance with the following criteria. If the City determines that there has not been full conformity, the subdivider shall be advised of the changes or additions that must be made and will be afforded a reasonable opportunity to make such changes or additions.

Approval shall be granted, provided that:

A. Streets, roads, bikeways and pedestrian facilities, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

B. Streets and roads bikeways and pedestrian facilities held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.

C. The proposal complies with Independence policies and plans, all provisions of this chapter, the Independence Zoning Code, and the Independence Public Works Standards.

D. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition as approved, and all conditions of approval have been satisfied.

E. The plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, bikeways and pedestrian facilities, parks, sewage disposal and water supply systems, the dedication of which was made a condition of the approval of the tentative plan for the subdivision or major partition.

F. The applicant has provided copies of all recorded homeowner association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g. for access, common areas, parking, etc.) and other recorded documents pertaining to common improvements recorded and referenced on the plat.

G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U. S. Geological Survey or giving two or more permanent objects for identifying its location.

H. Either:

1. Improvements as required by this chapter or as a condition of tentative plan approval have been completed and a certificate of such fact has been filed with the City Manager or designee and a certification by the City that water and sanitary sewer service is available to each and every lot depicted on the plat; or

2. A performance agreement, or suitable substitute as agreed upon by the city and applicant, has been filed with the City Manager or designee in sufficient amount to insure the completion of all required improvements, as provided in 90.60.100 and 90.60.105 of this subchapter.

I. The subdivider shall provide:

1. A maintenance bond, in effect for a period of one (1) year, for all public improvements. The bond shall be equal to 30 percent of the construction cost of such improvements for a period of one year.

2. The subdivider shall submit, in writing, the date on which the one (1) year maintenance bond period shall begin.

J. Soils report.

1. Any area proposed for subdivision development shall be investigated to determine the soil characteristics, and a soils engineering report shall be submitted with every application. This report shall include data regarding

the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

2. The investigation and subsequent report shall be completed and presented to the Commission by a geotechnical engineer registered in the State of Oregon and experienced and knowledgeable in the practice of soil mechanics.

3. Recommendations included in the report and approved by the geotechnical engineer shall be incorporated in the design plan or specifications. Recommendations shall include all new street section designs for a 30-year period. Residential footing and foundation design shall also be included. Recommendations for construction methods and materials shall include both dry and wet weather construction conditions.

4. Any area which presents one or more of the following limiting factors shall not be subjected to development unless the geotechnical engineer can demonstrate conclusively that these limitations can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use, or stability of a public way or drainage channel, and adverse impact on the natural environment:

- Water table within three feet of the surface at any time of the year;
- Natural slopes greater than 15 percent;
- Soils with a high shrink-swell potential; or
- Soils with a severe rating for the proposed use.

90.60.095 Approval of Final Plat. If the final plat is approved as provided under Section 90.60.090, the City Manager or designee shall so advise the Chairman of the Planning Commission who may then sign the plat without further action by the Planning Commission.

90.60.100 Agreement for Improvements. Before Planning Commission approval is certified on the final plat, the subdivider shall install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision. The subdivider may, in lieu of completion of the required improvements and repair to existing streets and facilities, request approval of an agreement between the subdivider and the City specifying the period within which required improvements and repairs shall be completed. The agreement shall not be effective until approved by the City Manager or designee. The agreement shall provide that if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense

thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The City Manager or designee may reject any agreement authorized by this section for any reason the City Manager or designee deems sufficient.

90.60.105 Bond.

A. The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City.
2. A personal bond cosigned by at least two additional persons, 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.
3. Cash, or pledge of approved securities.

B. Such assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related city expenses.

C. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed 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 the cost and expense incurred by the city, the City 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 subdivider shall be liable to the City for the difference.

D. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

90.60.110 Filing of Final Plat. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Polk County for signatures of County officials as required by ORS Chapter 92. Upon final recording, the applicant shall submit to the City three (3) copies of all sheets of the recorded final plat. This shall occur prior to issuance of building permits for the newly-created lots.

90.60.130 Resubmission Of Requests. Any request for a major partition or subdivision which has been denied by the Planning commission or City Council shall not be resubmitted for a period of one year following the date of the denial unless consent for resubmission is approved by the Planning Commission or the City Council.

90.60.135 Rescission Of A Land Use Action. Prior to final plat approval, any major partition or subdivision action granted under this chapter may be rescinded by the Planning Commission or City Council if it is found that the application for such action contains false statements, or if subsequent division, development, or use of land occurs in a manner different from that which was approved.

Subchapter 90.70 PLANNED UNIT DEVELOPMENT REGULATIONS

90.70.005 Planned Unit Development Standards. A planned unit development applied for as a conditional use under the city's Zoning Ordinance shall be reviewed and approved on the same basis as if the request were for a subdivision. No parcel of land or contiguous parcels under common ownership within the city shall be approved as a planned unit development for transfer of ownership or building development so as to conflict with applicable standards for subdivisions as set forth in this chapter. The sale of condominiums developed from existing structures shall be considered a land division and shall be reviewed as a planned unit development under this chapter and Chapter 91 of the Independence City Code (Zoning).

Subchapter 90.80 IMPROVEMENTS

90.80.005 Improvement Requirements. The following improvements are summarily required in subdivision and major partitions, and may be applied to minor partitions as conditions for approval and shall be installed at the expense of the subdivider.

- A. Water Supply. Lots within a subdivision shall be served by an adequate city water supply system conforming to city specifications. Testing of new water lines is required using city approved methods.
- B. Sewage. All lots shall be served by an adequate city sewage disposal system conforming to city specifications. The materials and methods of construction of any sewer line shall provide for a water-tight system. Testing of new sewer lines is required using city approved methods.
- C. Drainage. Such grading shall be performed and drainage facilities installed conforming to city specifications as is necessary to provide property drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation. All drainage improvements must conform to Subchapter 80, Storm Water Management Requirements and applicable State and Federal laws.
- D. Streets. The subdivider shall grade and improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which

such streets intersect in accordance with city specifications. The paving line of existing streets shall be "saw-cut" to provide the most stable joint with the new street construction. Treatment of the joint created at this point will conform with general road construction standards. Section design will be based on an on-site soils investigation, report and recommendation by a licensed geotechnical foundation engineer. The road sub-base, base and asphalt overlay shall be tested for compaction requirements outlined in the engineer's report or as recommended by the city.

E. Pedestrian Ways. Sidewalks shown on the street sections shall be installed as located on those sections as a result of the subdivision or major partition. The date of sidewalk installation shall conform with the procedures outlined in Subsection 90.90.105.

F. Bikeways. Bikeways consistent with the Independence-Monmouth Bicycle Master Plan and the Independence Transportation System Plan shall be installed in accordance with City standards.

G. Monuments. Monuments shall be installed in accordance with city standards and with the requirements of the Oregon Revised Statutes.

H. Service Utilities. Before approval shall be given of any plat or plan of any subdivision, the subdivider shall provide for the installation of all service utilities in underground conduits and for easements therefor in the manner as hereby set forth and subject to the conditions set forth in this ordinance. The city may require installation of said utilities to any boundary line of the parcel being divided as to provide for the orderly extension of utilities or future development.

I. Above-Ground Utility Prohibited. In all new subdivisions in the City of Independence hereafter approved by the Commission it shall be unlawful for any service utility or utilities to be installed or used above the surface of the ground except on a temporary basis upon a special permit issued by the Building Official, but no use under such a special permit shall extend for total period of more than six months from the date of issue of the first permit therefore. All new street light poles shall be metal. The developer is responsible for any initial cost for such poles (one time fee and concrete footings). The developer will contact and coordinate this work with the appropriate utility.

J. Manner of Installation. All service utilities installed as herein provided shall be installed at a depth and in the manner conforming to city specifications.

K. Acceptance of Public Improvements. Acceptance of all public improvements will comply with Section V - Acceptance Policies of the City of Independence Specifications and Standards for Public Works Construction.

90.80.010 Improvement Procedures. In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

A. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City. For evaluation of the subdivision proposal, the engineering plans will be required before approval of the final map or plat. All plans shall be prepared in accordance with acceptable engineering standards by a registered engineer, licensed to practice in the State of Oregon. The fee for engineering plan review shall be set by the City Council.

B. Work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified. A pre-construction meeting with the city is required prior to any construction activity, including material storage and mobilization of equipment to the site.

C. Required improvements shall be inspected by and constructed to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest. The cost of improvement inspection will be paid by the developer in accordance with 90.60.075.24.1. The fee for construction inspection shall be set by the City Council. The developer shall submit cost estimates for such improvements to the City for review and approval. The cost estimates must be prepared and stamped by a licensed engineer, registered in the State of Oregon.

D. Underground utilities, television cables, telephone lines, sanitary sewers and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, television cable, telephone lines, and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.

E. Two (2) copies and one (1) reproducible copy of the plans showing public improvements as-built shall be filed with the city by the subdivider/developer or his agent upon completion of the improvements.

90.80.015 Specifications for Improvements.

Specifications for improvements shall be adopted by or under authority of city ordinance.

Subchapter 90.90 DESIGN AND DEVELOPMENT STANDARDS

90.90.005 Principles of Acceptability. Subdivisions and major partitions shall conform to any development plans and shall take into consideration tentative plans made in

anticipation thereof. Subdivisions and major partitions shall conform to the requirements of state law and the standards established by this chapter.

90.90.010 Streets.

A. General. The location, width, and grade of streets, bikeways and pedestrian facilities shall be considered in their relation to existing and planned streets, bikeways and pedestrian facilities, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. All streets, bikeways and pedestrian facilities shall connect to other said facilities within the development and to existing and planned streets, bikeways, and pedestrian facilities outside the development. Where location is not shown in the Independence Transportation System Plan or other a development plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing and planned streets, bikeways and pedestrian facilities in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets, bikeways and pedestrian facilities impractical.

B. Widths of street rights-of-way and paving design for streets shall not be less than those set forth in the table below. The street section shall be designed in accordance with Subsection 90.80.005.D. Streets within the Southwest Independence Concept Plan area shall be designed in accordance with the street cross sections provided in the Southwest Independence Concept Plan. Where applicable, the street cross-sections provided in the Southwest Independence Concept Plan supersede any conflicting standards in this section. Engineering staff may make exceptions to the standards based on individual site conditions.

C. The width of street rights-of-way provided in the table below shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets, and the applicant shall dedicate additional rights-of-way, as determined by the City in accordance with such table, for any such adjacent street where the existing width of rights-of-way for such street is less than the minimum in said table.

D. Street Standards:

Independence Street Design Standards:

	<u>Major Arterial Streets</u>	<u>Minor Arterial Streets</u>	<u>Collector Streets</u>	<u>Local Streets⁽¹⁾</u>
<u>Right-of-way width</u>	84 feet ⁽²⁾	66 feet ⁽²⁾	66 feet ⁽²⁾	52 feet
<u>Curb-to-curb width</u>	60 feet	36 feet	36 feet	28 feet
<u>Moving Lanes</u>	2-4	2	2	2
<u>Turn Lanes</u>	See ⁽³⁾	See ⁽³⁾	See ⁽³⁾	0
<u>Bike Lanes</u>	2 @ 6'	2 @ 6'	See ⁽⁴⁾	Shared
<u>Parking Lanes</u>	See ⁽⁵⁾	See ⁽⁵⁾	See ⁽⁴⁾	2 sides
<u>Sidewalks⁽⁶⁾</u>	2 @ 6'	2 @ 6'	2 @ 6'	2 @ 6'
<u>Parking Strip</u>	2 @ 6'	2 @ 6'	2 @ 5'	2 @ 5'

(1) The City may require up to 36 foot wide (60 foot right-of-way) Local Service streets in or along high density residential, industrial or commercially zoned areas, or those expected to exceed 400 ADT.

(2) Additional right-of-way and roadway improvements may be required at major intersections to provide for turn lanes.

(3) At all intersections where separate lanes are need due to volume of turning movement activity.

(4) Collectors with <2,000 ADT can accommodate on-street parking and shared use of road space by bicyclists and motor vehicles. These shared roadways will be designated with “sharrows”. “Sharrows” are markings painted directly onto the road to promote the awareness that the road is a shared traffic lane to be used by both motorists and bicyclists. For collectors with >2,000 ADT the city will study the need to eliminate on-street parking and provide bike lanes.

(5) The City of Independence may allow parking along sections of Major and Minor Arterial Streets, balancing the needs for accessibility to property, public safety, bicycle facilities, and roadway congestion. Parking allowances will be evaluated on an on-going basis as a part of roadway projects.

(6) Parking strips are encouraged, but not required, along Local Service streets. If built, parking strips should be 4 feet wide, to accommodate tree plantings.

E. Slope Easements. Slope easements shall be dedicated in accordance with specifications adopted by the City Council.

F. Reserve Strips or Block. The City may require the land divider to create a reserve block controlling the access to a street, said block to be placed under the jurisdiction of the Council:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
2. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the above table.
3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself.

4. To prevent access to land unsuitable for building development.

G. Alignment. As far as 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 having approximately the same direction and otherwise shall not be less than 125 feet.

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

I. Intersections of Streets:

1. Angles. Streets shall intersect one another at an angle as near to the right angle as is practicable considering topography of the area and previous adjacent layout. Where not practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 feet centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the City may determine in accordance with the purpose of Section 90.10.010 of this chapter.

2. Offsets. Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least 500 feet; and in no case shall there be an offset of less than:

a. (250 feet) on a minor arterial street. To the greatest extent possible the City shall also encourage consolidation of curb cuts and access points on arterial streets.

b. (125 feet) on local and collector streets.

3. Collector and Residential Lot Access to Arterials and Collectors. When a residential development abuts an existing or proposed arterial or collector, the Planning Commission shall require that access to such streets be limited by one of the following means:

a. The lots of the development back onto the arterial or collector and front onto a parallel local street.

b. A series of cul-de-sacs, U-shaped streets, shared driveways, or short loops entered from and designed generally at right angles to the arterial or collector street and where no lots derive direct access to the arterial or collector street.

c. Lots that would only have access to an arterial or collector shall be restricted to the collector street.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of Section 90.10.010 of this chapter.

K. Future Extension of Streets. Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through boundary lines to provide for the orderly division of such adjacent land or the transportation and access needs of the community.

L. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width with regard to right-of-way and/or roadway pavement, additional right-of-way and/or roadway pavement shall be provided by the developer(s) at the time of subdivision.

M. Cul-de-sac. There shall be no cul-de-sacs more than ~~400~~ 200 feet long or serving more than 20 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table in this subchapter. The use of cul-de-sacs shall be discouraged and may only be approved upon a showing by the applicant of unusual or unique circumstances justifying the cul-de-sac. A public access way connecting two (2) cul-de-sacs shall be required consistent with the standards for public accessways in Section 90.90.015(D).

For purposes of this section, “unusual or unique circumstances” exist when one of the following conditions prevent a required street connection:

1. Slopes are equal to or greater than 12 percent;
2. A wetland or other water body is present which cannot be bridged or crossed;
or
3. Existing development on adjacent property prevents a street connection.

N. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission, and need written approval by the Polk County Fire District #1 and the

Independence Police Department, and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the City.

O. Grades and Curves. Grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, or 230 feet on all other streets and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.33 percent.

P. Streets Adjacent to Railroad Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required 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 the streets and the railroad. The 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.

Q. 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 or side property line, or other treatment necessary for adequate protection or residential properties and to afford separation of through and local traffic. Access shall comply with 90.90.010(10)C of this section.

R. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions of access to off street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

1. Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of Section 90.10.010 of this chapter.

2. Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet. Slope easements shall be dedicated in accordance with specifications adopted by the City Council.

3. Corner Cut-Offs. Where two alleys intersect, 10 feet corner cut-offs shall be provided.

4. Grades and Curves. Grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.

5. Other Requirements. All provisions and requirements with respect to streets in this subchapter shall apply to alleys the same in all respects as if the word "street" or "streets" therein appear as the word "alley" or "alleys" respectively.

S. Street trees are required in all new subdivisions in the amount of one tree for every 35 feet of street frontage. Species, size, location and installation construction will conform to the Independence Urban Forestry Management Plan, as adopted by the City Council. Street trees shall be installed prior to final plat approval or as allowed by an agreement with the City Manager or designee. Temporary irrigation may be required at the time of installation and will be maintained by the developer as long as required by dry/hot weather conditions.

T. Mail Boxes. Plans for mail boxes to be used, including type and location, shall be approved by the Independence Postmaster.

U. Paving, strip, and signage. All street plans shall include all required street signs, traffic control signs, and pavement striping. All pavement striping shall use a heat tape process. The developer shall furnish and install these items to city standards.

V. Access Management. New access to arterials and collectors shall be limited. Shared or consolidated access shall be required for development or land divisions adjacent to these facilities unless demonstrated to be unfeasible.

1. Number of Access Points. All proposed development shall have access to a public right-of-way. Spacing requirements for access points and intersections on arterials and collector streets shall be as shown in the following two tables:

Access Management Spacing Standards for Private and Public Approaches on District Highways⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾ (OAR 734-051-0115) (Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Urban**	STA
55	700	
50	550	
40 & 45	500	
30 & 35	350	(6)
≤25	350	(6)

NOTE: The numbers in superscript (1) refer to explanatory notes that follow Table 4.
 *Measurement of the approach road spacing is from center to center on the same side of the roadway.
 **These standards also apply to Commercial Centers.

Notes on Tables 4:

- (1) These access management spacing standards are for unsignalized approaches only. Signal spacing standards supersede access management spacing standards for approaches.
- (2) These access management spacing standards do not apply to approaches in existence prior to April 1, 2000 except as provided in OAR 734-051-0115(1)(c) and 734-051-0125(1)(c).
- (3) For infill and redevelopment, see OAR 734-051-0135(4).
- (4) For deviations to the designated access management spacing standards see OAR 734-051-0135.
- (5) Posted (or Desirable) Speed: Posted speed can only be adjusted (up or down) after a speed study is conducted and that study determines the correct posted speed to be different than the current posted speed. In cases where actual speeds are suspected to be much higher than posted speeds, the Department reserves the right to adjust the access management spacing accordingly. A determination can be made to go to longer access management spacing standards as appropriate for a higher speed. A speed study will need to be conducted to determine the correct speed.
- (6) Minimum access management spacing for public road approaches is the existing city block spacing or the city block spacing as identified in the local comprehensive plan. Public road connections are preferred over private driveways and in STAs driveways are discouraged. However, where driveways are allowed and where land use patterns permit, the minimum access management spacing for driveways is 175 feet (55 meters) or mind-block if the current city block spacing is less than 350 feet (110 meters).

Access Management Requirements (City Streets)

Functional Class	Minimum Speed Posted	Minimum Spacing Between Driveways	Spacing Between Intersections
Major Arterial	35-50	250 feet	¼ mile
Minor Arterial	35-50	250 feet	250 feet
Major Collector	25-40	100-150 feet	250 feet
Collector	25-40	100-150 feet	250 feet

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

3. Frontage on Service Roads and Common Drives.

a. Projects proposed on arterials shall include a frontage or service road and shall take access from the frontage road rather than the arterial. Frontage road design shall conform to ODOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial.

b. Adjacent uses may share a common driveway provided that appropriate access easements are granted between and among property owners.

4. Alternative Designs. Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically unfeasible, alternate designs may be approved.

5. Access to Residential Lots. All lots in a proposed residential subdivision shall have frontage on and access from a local or collector street.

W. Bicycle Requirements. Bike lanes shall be provided during the construction, reconstruction, or relocation of arterial and collector streets. Design and construction of bikeways, or other public paths shall conform to the requirements of the American Association of State Highway and Transportation Officials (AASHTO) as revised and adopted in the “Oregon Bicycle and Pedestrian Plan”.

X. Pedestrian Requirements.

1. Sidewalk shall be constructed along all arterial, collector, and local service streets.

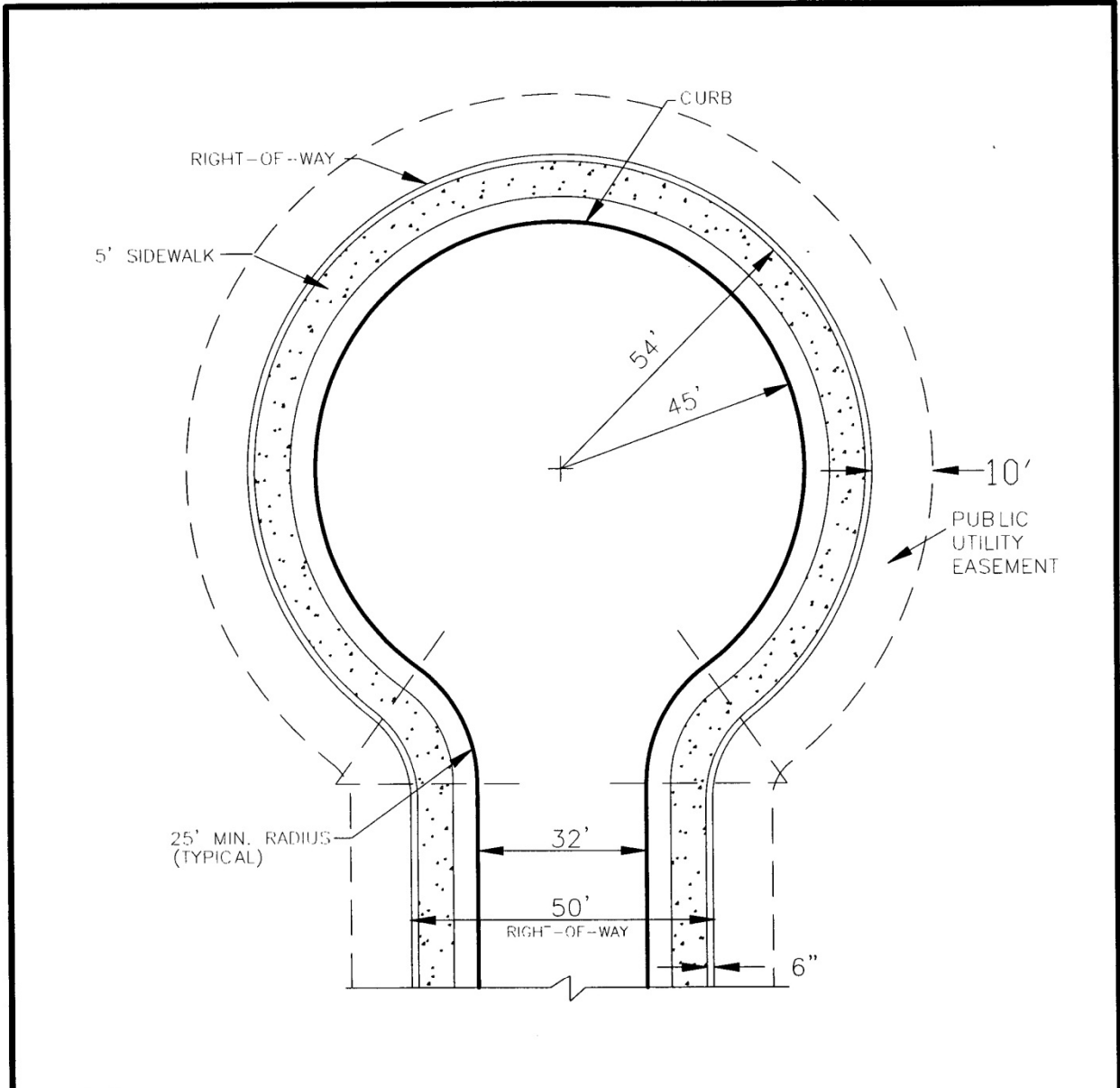
2. The design and construction of sidewalks and other public paths shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Monmouth standards.

Y. Accessways. Where required:

1. Accessways shall be located to provide a reasonably direct connection between likely pedestrian and cyclist destinations. A reasonably direct connection is a route which minimizes out-of-direction travel for most of the people likely to use the multiple-use path considering terrain, safety, and likely destinations.

2. The design and construction of accessways shall conform to the requirements of the “Oregon Bicycle and Pedestrian Plan”, ADA requirements, and City of Independence standards.

Z. Lighting. Illumination of all sidewalks and bicycle paths will be provided in conjunction with all new development. Adequacy of the lighting plan will be consistent with AASHTO standards and approved by the City Manager or designee. Metal street light poles with concrete bases are required.



- NOTES:
1. PAVEMENT WIDTH EXCEPTION. A 28' WIDTH WITH A 41' RADIUS TURNAROUND MAY BE ALLOWED WHEN A CONSTRAINED SECTION IS APPROVED.
 2. RIGHT OF WAY WIDTH EXCEPTION. A 40' WIDTH WITH A 47' RADIUS TURNAROUND MAY BE ALLOWED WHEN A CONSTRAINED SECTION IS APPROVED.

DRAW S.L.W.			City of Oregon City Public Works Standard Drawings 320 Warner Milne Rd. Oregon City, Oregon 97045	SCALE N.T.S.
CHECKED J.W.H.				DATE JULY 1993
REV.	DATE	APPROVED		APPROVED
STANDARD CUL-DE-SAC			PROJECT NO. 503	

90.90.015 Blocks.

- A. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width, access needs, and shall recognize the limitations of the topography.
- B. Size. No block shall exceed 600 feet in length or have a perimeter of more than 1,600 feet, except as follows:
1. Blocks with a perimeter of up to 1,800 feet are allowed if the average perimeter of blocks within a development does not exceed 1,600 feet; or
 2. The block is adjacent to an arterial street or topographic conditions or the location of adjoining streets justifying the need for a larger block.
- C. Public Access Ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other public areas of such design, width, and location as reasonably required to facilitate public use. Where possible, said dedications may also be employed to accommodate uses as included in Subsection (D) of this section.
- D. Easements for Utilities. Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and maintenance, and dedication of easements for other public utilities, may be required of the land divider at sufficient widths for their intended uses, by the Planning Commission along lot or parcel rear lines or side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Such easements shall be dedicated to the City for the underground installation and maintenance of all service utilities that may be required.

90.90.020 Lots.

- A. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.
- B. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages or topography and orientation. A planting screen easement across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use. The planting screen easement width,

installation construction, quantity of plantings, and species type shall conform to the Independence Urban Forestry Management Plan, as adopted by the City Council, and meet the requirements of Subchapter 54, Buffer and Screening.

C. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot or parcel face, except that on curved streets they shall be radial to the curve. Where incident solar radiation is a consideration, a side lot line may vary from the above requirement if the variation will improve solar access.

D. Flag Lots. Flag lots shall be subject to the following development standards:

1. The property line running perpendicular to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.
2. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 12 feet in width.
3. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of the Zoning Code.
4. The length of the access strip shall not exceed 200 feet.
5. Where two flag lots abut, access shall be via a shared drive wherever possible. The improved surface shall be a minimum of 12 feet in width.

E. General Requirements.

1. Width. Widths of lots shall conform to the standard of the zoning ordinance.
2. Depth. Each lot and parcel shall have an average depth between the front and rear lines of not more than 2½ times the average width between side lines. Widths of lots shall conform to the standards of the zoning ordinance.
3. Area. Lot sizes shall conform to the standards set forth in the zoning ordinance.

90.90.025 Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

A. Cut slopes shall not exceed three feet horizontally to one foot vertically.

B. Fill slopes shall not exceed two and one half feet horizontally to one foot vertically.

C. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purposes intended.

90.90.030 Suitability for Intended Use. All lots and parcels shall be suitable for the purpose of which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety, energy, or sanitary needs of the residents of the subdivision or partition, or of such lot or parcel, in accordance with the purpose of this chapter.

90.90.035 Building Lines. If special building setback lines are to be established in the subdivision they shall be included in the deed restrictions.

90.90.040 Future Subdivision or Partition of Lots or Parcels. Where the subdivision or partition will result in a lot or parcel one-half acre or larger in size, which in the judgment of the Planning Commission is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel 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 of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record.

90.90.045 Platting and Mapping Standards - Drainage. Where land in subdivision or partition is or will be periodically subject to accumulations of surface water, or is traversed by any water course channel, stream, or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating drainage easements. Drainage easements approved by the Planning Commission are established to provide designated areas for surface run-off from private or public land to be collected and flow to an approved outfall location. The easements are designated and platted to prevent future development of the area, which may obstruct the flow-way causing potential flooding. The width and length of the easements shall be determined by the City. All easements shall have clear and adequate access from a public street. All new development must conform with Subchapter 80, Storm Water Management Requirements, and any applicable State and Federal laws.

90.90.050 Platting and Mapping Standards & Railroads.

A. Crossings. Special requirements may be imposed by the Planning Commission, including but not limited to provisions for separation of street and railroad grades, connection with any railroad crossing which will immediately affect the safety of the residents of the subdivision or partition for the protection of such residents and the safety of the general public in accordance with the purpose of this chapter.

B. Subdivision or Partition Adjacent to Right-of-Way. Where the subdivision or partition is adjacent to a railroad right-of-way, and the surrounding economic and physical conditions indicate such property may be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from said right-of-way to allow for reasonable sites for industrial use adjacent to said right-of-way or buffer facilities will be provided adjacent to the right-of-way to minimize conflict between the railroad and adjacent land uses.

90.90.055 Platting and Mapping Standards - Partial Development. Where the subdivision or partition includes only a part of the area owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.

90.90.060 Land for Public Purposes

A. The applicant shall dedicate to the City a tract of land within or adjacent to the proposed subdivision, not less than 6.25 percent of the gross area of said subdivision for public park and recreation purposes. Any tract of land dedicated shall be approved by the City as being suitable and adaptable for park and recreation uses.

B. At the option of the Planning Commission, the City may permit the applicant to pay a sum of money in lieu of dedication of land. Said sum shall equal 13.0 percent of the market value of the undivided land as of the date of final plat approval, as carried on the tax roll or as determined by of the Polk County Assessor. Payment of said funds must be made at the time of approval of the final plat map.

C. All funds collected in lieu of land shall be credited to a public park and recreation development fund which may only be expended by resolution of the City Council for the purpose of acquiring land for park and recreation purposes or for the development of existing park lands.

90.90.065 Submitting Specification. The City shall adopt by ordinance specifications and amendments thereto for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivisions and partitions. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety and welfare needs of the City and area affected, in accordance with the purpose of this chapter.

90.90.080 Improvements - Water Supply. All lots and parcels within subdivisions and partitions shall be served by the water system of the City of Independence.

90.90.090 Improvements - Land Surface Drainage. Such grading shall be done and such drainage facilities shall be constructed by the land divider as are adequate for the purpose

of proper drainage of the partition or subdivision, or areas affected thereby, and for the preservation of wetlands, of healthful and convenient surroundings and conditions for residents of the subdivision or partition, and for the general public, in accordance with specifications adopted by the City Council.

90.90.095 Improvements - Streets and Alleys. The developer is responsible for installing street lighting spaced horizontally as required by the appropriate utility and having, as a minimum, horizontal 9500 lumen H.P.S. fixtures. All new street light poles shall be metal. The developer is responsible for any initial cost for such poles (one time fee and concrete footings). The developer will contact and coordinate this work with the appropriate utility. The developer shall grade and pave all streets and alleys in the subdivision or partition to the width specified in this subchapter and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision or partitioning in accordance with specifications adopted by the City Council.

90.90.100 Improvements - Existing Streets. A subdivision or partition abutting or adjacent to an existing road of inadequate width shall dedicate additional right-of-way and/or pavement construction to the width specified in this subchapter. Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision, which are inadequate or in failing condition, may be required.

90.90.105 Improvements - Sidewalks. Sidewalks shall be located and constructed in accordance with the provisions of this subchapter. If sidewalks are not to be installed along with streets and required public utilities, the developer shall deposit with the City sums sufficient to install all sidewalks within the subdivision. As sidewalks are installed, funds will be released to the party causing the sidewalks to be installed. The funds released shall not exceed the per linear foot cost paid by the developer or the actual cost of the sidewalk, whichever is less. Any funds remaining after all sidewalks have been installed shall be returned to the developer. Sidewalks shall be installed on all lots, whether developed or not, within two years from the date the final plat is signed.

Subchapter 90.95 EXCEPTIONS AND VARIANCES

90.95.005 Application for Exception or Variance. Application for variance shall be submitted concurrently with submitting a tentative plan to the City for consideration and approval. An applicant may submit an application for variance of any provision of this chapter. Variance procedures and standards shall be subject to the provisions of Subchapter 70 of the Independence Zoning Code.

90.95.010 Exceptions in Case of Large Scale Development. The Planning Commission may modify the standards and requirements of this chapter if the subdivision plat comprises a complete neighborhood unit, a shopping center, a planned unit development, or a planned industrial area. The Planning Commission shall determine whether modifications are detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

90.95.025 Streets Exceptions.

A. The creation of streets shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation of a street to be established by deed if any of the following conditions exist:

1. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
2. The tract in which the street is to be dedicated is an isolated ownership on one acre or less.
3. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impractical to develop more than three lots.

B. In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the City at least five days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Subchapter 90.90 of this chapter, shall be approved with such conditions as are necessary to preserve these standards.

Subchapter 90.100 SUBDIVISION OF A MANUFACTURED DWELLING PARK OR MOBILE HOME PARK

A. Subdivision of an existing manufactured dwelling park shall be approved provided:

1. The park is in compliance with all standards for a manufactured dwelling park or is an approved nonconforming use. A park is in compliance if the City has not issued a written notice of noncompliance on or before July 2, 2001;
2. The tentative subdivision plan does not increase the number of lots approved for the park, change the boundary lines, or setback requirements, or make other development changes; and
3. A plat is prepared and recorded in compliance with all regulations of this ordinance and Oregon Revised Statutes.

B. A subdivision of an existing manufactured home park is not required to meet the minimum lot size, frontage, setback requirements, or street standards of this ordinance or the Independence Zoning Code, with the following exception:

1. New structures located within yards abutting properties outside of the subdivision must meet all setback requirements or be approved for a variance.

C. A subdivision of an existing manufactured home park shall be subject to formation of a homeowners association for continued maintenance of streets and open space areas within the subdivision.

Subchapter 90.105 EXPEDITED LAND DIVISIONS

90.105.010 Expedited Land Division Definition and Approval Criteria.

A. An expedited land division:

1. Is an action of a local government that:
 - a. Includes land that is zoned for residential uses and is within an urban growth boundary.
 - b. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.
 - c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the

comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

i. Open spaces, scenic and historic areas and natural resources; or

ii. The Willamette River Greenway.

d. Satisfies minimum street or other right-of-way connectivity standards established by the Independence Zoning Code or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

e. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.

2. Is a land division that:

a. Will create 3 or fewer parcels under ORS 92.010; and

b. Meets the criteria set forth for an action under paragraph 90.100(A)(1) of this subchapter.

B. An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

C. The provisions of Subchapter 90.100 apply to all elements of the Independence Comprehensive Plan and land use regulations applicable to a land division, including any planned development standards and any procedures designed to regulate:

1. The physical characteristics of permitted uses;

2. The dimensions of the lots or parcels to be created; or

3. Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

A. An application for an expedited land division shall describe the manner in which the proposed division complies with each of the provisions of subsection 90.105.010(A)(1).

90.105.020 Application for Expedited Land Division; Notice Requirements; Procedure.

A. When requested by an applicant for an expedited land division, in lieu of the procedure set forth in the Independence Zoning Code, the City shall use the following procedures for an expedited land division:

1. If the application for expedited land division is incomplete, the City Manager or designee shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

2. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

B. The City shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property as per type of land division (i.e., subdivision, 300 feet; partitions, 200 feet). The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under Section 90.105.040, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the City or Polk County and whose boundaries include the site.

C. The notice required under subsection 90.100.020(B) shall:

1. State:

a. The deadline for submitting written comments;

b. That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

c. That issues must be raised with sufficient specificity to enable the City to respond to the issue.

2. Set forth, by commonly used citation, the applicable criteria for the decision.
 3. Set forth the street address or other easily understood geographical reference to the subject property.
 4. State the place, date, and time that comments are due.
 5. State a time and place where copies of all evidence submitted by the applicant will be available for review.
 6. Include the name and telephone number of a local government contact person.
 7. Briefly summarize the local decision-making process for the expedited land division decision being made.
- D. After notice under subsections 90.105.020(B) and (C), the City shall:
1. Provide a 14-day period for submission of written comments prior to the decision.
 2. Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the City's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the City:
 - a. Shall not hold a hearing on the application; and
 - b. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.
 3. Provide notice of the decision to the applicant and to those who received notice under subsection 90.105.020(B) of this section within 63 days of the date of a completed application. The notice of decision shall include:
 - a. The summary statement described in paragraph (2)(b) of this subsection; and
 - b. An explanation of appeal rights under Section 90.105.040.

90.105.030 Failure to Approve or Deny Application Within Specified Time.

A. Except as provided in subsection B of this section, if the City does not make a decision on an expedited land division with 63 days after the application is deemed complete, the applicant may apply in the Polk County Circuit Court for a writ of mandamus to compel the City to issue the approval. The writ shall be issued unless the City shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of Section 90.100.010. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

B. After seven (7) days' notice to the applicant, the City may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of Sections 90.105.010 to 90.105.050, including the mandamus remedy provided by subsection A of this section, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

C. The decision to approve or not approve an extension under subsection B of this section is not a land use decision or limited land use decision.

90.105.040 Appeal of Decision on Application for Expedited Land Division; Notice Requirements; Standards for Review; Procedure; Costs.

A. An appeal of a decision made under Sections 90.105.010 and 90.105.020 shall be made as follows:

1. An appeal must be filed with the City within 14 days of mailing of the notice of the decision under Section 90.105.020(D), and shall be accompanied by the appropriate fee for costs.
2. A decision may be appealed by:
 - a. The applicant; or
 - b. Any person or organization who files written comments in the time period established under Section 90.105.020.
3. An appeal shall be based solely on allegations:

- a. Of violation of the substantive provisions of the applicable land use regulations;
- b. Of unconstitutionality of the decision;
- c. That the application is not eligible for review under Sections 90.105.100 to 90.105.050 and should be reviewed as a land use decision or limited land use decision; or
- d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

B. The City shall appoint a referee to decide the appeal of a decision made under Sections 90.105.010 and 90.105.020. The referee shall not be an employee or official of the local government. However, if the City has designated a hearings officer under ORS 215.406 or 227.165, the City may designate the hearings officer as the referee for appeals of a decision made under Sections 90.105.010 and 90.105.020.

C. Within seven (7) days of being appointed to decide the appeal, the referee shall notify the applicant, the City, the appellant if other than the applicant, any person or organization entitled to notice under Section 90.105.020(B) that provided written comments to the City and all providers of public facilities and services entitled to notice under Section 90.105.020 and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the City but did not file an appeal under subsection A of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the City an opportunity to explain its decision, but is not limited to reviewing the City's decision and may consider information not presented to the City.

D.

1. The referee shall apply the substantive requirements of the applicable land use regulations and Section 90.105.010. If the referee determines that the application does not qualify as an expedited land division as described in Section 90.105.010, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

2. The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of

an appeal. The referee may not remand the application to the City for any reason other than as set forth in this subsection.

E. Unless the City finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

F. Notwithstanding any other provision of law, the referee shall order the City to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection A of this section, against an appellant who does not materially improve his or her position from the decision of the City. The City shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the City, but not the costs of other parties.

G. The Land Use Board of Appeals does not have jurisdiction to consider any decision, aspects of decisions or actions made under Sections 90.105.010 to 90.105.050.

H. Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850(9) or any other provision of law, the court shall reverse or remand the decision only if it finds:

1. That the decision does not concern an expedited land division as described in Section 90.105.010 and the appellant raised this issue in proceedings before the referee;
2. A basis to reverse or remand the decision described in ORS 36.355(1); or
3. That the decision is unconstitutional.

90.105.050 Application Fees for Expedited Land Division.

Application fees for Expedited Land Division shall be the same as for subdivisions if more than three (3) lots will be created, and the same as for partitions if less than four (4) lots will be created.

Subchapter 90.110 LOT LINE ADJUSTMENTS

The procedures and requirements in this section apply to the relocation of a common property line between two abutting properties.

90.110.010 Process

- A. A lot line adjustment application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser.
- B. A lot line adjustment application is processed as a Type I procedure pursuant to Section 11.002 of the Independence Zoning Code.

90.110.020 Submittal Requirements

- A. In addition to the completed application form, the applicant shall also submit:
 - 1. A map that shows the configuration of each parcel before the proposed adjustment.
 - 2. A map that shows the configuration of each parcel after the proposed adjustment.

90.110.030 Evaluation Criteria

- A. Approval of the lot line adjustment shall not be granted unless each of the following criteria are met:
 - 1. The number of lots or parcels as large as the minimum lot size in the affected zone is at least the same after the adjustment as before the adjustment.
 - 2. The number of lots or parcels resulting from the adjustment is the same or less than the number of lots or parcels existing prior to the adjustment.
 - 3. If a lot or parcel will be split-zoned after the adjustment, each portion of the lot or parcel that is in a separate zone shall meet the minimum lot size for that zone.
 - 4. All lots or parcels having access to a public or private street before the adjustment must retain access after the adjustment.

5. The adjustment shall not reduce the street access for any lots or parcels to a size or dimension that does not meet the minimum standards required by the Independence Zoning Code.

6. The lot line adjustment shall not reduce any required development feature or standard, such as parking, landscaping, or building setbacks, to a size or dimension that does not meet the minimum standards of the Independence Zoning Code.

90.110.040 Final Survey

A. In order to finalize the lot line adjustment process, Oregon Revised Statutes (ORS), Section 92.060(7) requires that the adjustment of a common boundary shall be surveyed and monumented, and a survey, complying with ORS 209.250, shall be filed with the County Surveyor. The survey shall be recorded with Polk County within one (1) year of the written approval or the decision shall be null and void, with the following exceptions:

1. The survey requirement shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary (a line is adjusted parallel to its current location with no change in its length); or

2. The survey requirement shall not apply to the sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets, or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

B. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to issuance of any building permits on the re-configured lots.