

ARTICLE 4.3 – SUBDIVISIONS

SECTION 4.3.001 - REVIEW PROCEDURE

Application for the review of a preliminary plat of a subdivision shall be subject to the Planning Commission Review Procedure.

SECTION 4.3.002 - REVIEW CRITERIA

The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

- A. The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this Code, other Ordinances and State Law.
- B. The circulation plan, which includes streets, signage, lighting, clustered mailboxes, bicycle and pedestrian facilities for the proposed subdivision will permit its development in accordance with this Code and the La Grande/Island City Transportation System Plan.
- C. The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this Code.
- D. The site of the proposed subdivision is physically suitable for the type and density of the proposed development.
- E. The existing public water and wastewater systems are available adequate to serve the proposed development.
- F. Development of the site is consistent with the need to minimize flood and landslide damage.
- G. For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk.

- H. Any other criteria as may be pertinent.

SECTION 4.3.003 - PROCESSING

In the processing of a subdivision, the following procedures shall be followed:

- A. Initiation - An application for a subdivision shall be initiated by the owner of the property for which the subdivision is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.

- B. Filing - An application for a subdivision approval shall be filed on forms provided by the Community Development Director/Planner and shall set forth in detail all the information requested. Twenty (20) copies of the drawing(s) shall be submitted to the Community Development Department/Planning Division along with the application and appropriate filing fee.
- C. Filing Fee - Application for a subdivision with the requested information attached shall be accompanied by a filing fee set by Resolution of the City Council, to defray the costs incidental to the proceedings.
- D. Incomplete Application - No review shall be scheduled for a subdivision if it is determined by the Community Development Director/Planner that the application does not provide the required information. Upon receipt of notification from the City that an application is incomplete, the applicant shall have up to sixty (60) days to supply the required information or the application shall be terminated by the City.
- E. Review by the Community Development Department/Planning Division - Prior to a preliminary plat application being scheduled on any agenda, the Community Development Director/Planner shall have thirty (30) days in order to deem the application complete.
- F. Review of the Preliminary Plat by Other Departments - Upon deeming an application complete, the Community Development Department/Planning Division shall furnish one (1) copy of the preliminary plat and supplemental material to the agencies or offices contained on the Hearings Notification Checklist maintained by the Community Development Department/Planning Division. These agencies may review the plat and return their recommendations in writing to the Community Development Director/Planner prior to the hearing.
- G. Property Inspection - All proposed subdivisions may be inspected by City staff prior to consideration by the Planning Commission. If any unusual conditions such as improper site distance, excessive grades, improper drainage facilities, or any other conditions that may have an adverse effect upon the surrounding property are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the Planning Commission.
- H. Review by Appropriate Authority - The application for a subdivision shall be reviewed by the appropriate review authority as provided in Chapter 9.
- I. Conditions - The preliminary plat for a subdivision may be approved subject to conditions as judged necessary by the Planning Commission to ensure that the development is compatible with other development in the vicinity, and that any adverse impact attributable to the development are minimized. The City may require street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips or other public improvements, so long as findings in the development approval indicate how the dedication or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development.
- J. Survey of Lots - Following the approval of a preliminary plat for a subdivision, the subdivider shall cause the lots thus created to be accurately surveyed and monumented in accordance with standards established in ORS 92.050 et seq, as revised.
- K. Submission of Final Plat - Within one (1) year of the date of approval of a preliminary plat, the subdivider shall prepare and submit a final plat which conforms to the approved preliminary plat and the survey. In the event of appeal of decision, the one (1) year time limit shall be from the

date when all appeals are concluded. When a Conditional Use Permit or Variance is a condition of approval, the one (1) year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance. For phased developments, the one (1) year time limit shall be from the date of final plat approval of the prior phase. The final plat shall be prepared in accordance with the State Law and the provisions of this Code. Any major revisions from the approved or conditionally approved preliminary plat, determined at the time that detailed surveying work is accomplished, shall be reviewed by the Community Development Department/Planning Division. If determined necessary, the plat shall be referred back to the Planning Commission for approval of the modified plat. The Community Development Director/Planner will allow density changes of up to a ten percent (10%) increase or twenty percent (20%) decrease in overall density so long as any increase of density is within the allowable limits of the applicable zone designation.

- L. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final plat, a subdivider may apply for a one (1) year extension of time on forms provided by the Community Development Department/Planning Division accompanied by the fee established by Resolution of the City Council. A maximum of three (3) of such extensions may be granted by the Community Development Director/Planner following the date of tentative approval and upon a written finding that the facts upon which the approval of the preliminary plat was based have not changed to an extent sufficient to warrant re-filing of the preliminary plat, and after a finding that no other development approvals would be affected. For phased developments, the cumulative length of all phases, including all extensions shall not exceed eight (8) years. If a time extension is not requested or approved, the subdivider shall file a new application for review of the preliminary plat.
- M. Approval of City Engineer or Engineering Superintendent - Upon its receipt the Community Development Department/Planning Division shall transmit the final plat and other related supplementary data to the City Engineer or Engineering Superintendent who shall ensure that the subdivider has complied with the following requirements:
 - 1. Before approval is certified on the final plat, the subdivider shall:
 - a. Install all required improvements and repair existing street, bicycle and pedestrian facilities and other public facilities damaged in the development of the subdivision; or
 - b. Execute and file with the City an agreement specifying that within two (2) years all required improvements and repairs shall be completed, and providing if such work is not completed, within two (2) years, the City may complete the same and recover the full cost and expense from the subdivider. Any fire access or fire flow requirements must be in place prior to construction of any structure.
 - 2. The required street improvements and repair of existing streets, bicycle or pedestrian facilities shall be done in accordance with the requirements of the City Engineer or Engineering Superintendent and the provisions of this Code.
 - 3. An improvement inspection fee shall accompany the submission of the final plat when required.
 - 4. When improvements are to be installed by the subdivider under terms of an agreement;
 - a. A subdivision bond or other security acceptable to the City shall be required;

- b. Construction of the roads may be permitted in phases under conditions specified; and,
 - c. Extension of the time limit may be granted under conditions specified.
5. The subdivider shall file with the agreement, to assure his full and faithful performance, one of the following subject to City approval:
- a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;
 - b. Cash or certified check;
 - c. Time deposit certificates payable to the City of La Grande;
 - d. Savings account assignment to the City of La Grande; or
 - e. An irrevocable letter of credit in favor of the City of La Grande from a financial institution authorized to do business in the State of Oregon in a form acceptable to the City.
6. 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 engineering and incidental expenses.
7. In the event the subdivider shall fail to carry out all provisions of the agreement, the City shall:
- a. Call on the surety company for full and faithful performance; or,
 - b. Use the deposit or certified check to complete the work.
8. If the amount of the bond, deposit, or letter of credit exceeds the cost of completing the work, the City shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the subdivider shall be liable for the difference and upon demand, pay such liability to the City.
- N. Approval of City Surveyor - Upon receipt of the final plat, the Community Development Department/Planning Division shall transmit the final plat and other related supplementary data to the City Surveyor who shall review the final plat and information to determine that there has been full compliance with all applicable Statutes and provisions and that the plat is technically correct and within the allowable limits of error according to statutes. The City Surveyor shall make field checks to verify that the plat is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the plat by affixing his signature.
- O. Approval of Community Development Director/Planner - Upon submission of the final plat and supplementary information to the Community Development Department/Planning Division, the Community Development Director/Planner shall thoroughly review the final plat. If the Community Development Director/Planner determines that the final plat is in conformance with the approved preliminary plat and planning requirements, he shall sign the final plat. If the final plat is not in conformance, it shall be referred to the Planning Commission at their next regular meeting for consideration, who shall then approve or disapprove the plat. An appeal from the actions of the Planning Commission may be filed with the City Council who shall make a final determination.

Upon the plat being approved by the City Council or being made to conform to the original conditions of approval, the Community Development Director/Planner shall affix his signature to the plat.

- P. Approval of the City Council - After review and approval of the final plat by the Community Development Director/Planner, the subdivider shall submit the same to the City Council for approval. If all requirements are met and all approvals obtained, the City Council shall accept the full plat for signature and recording.
- Q. Filing of Final Plat - After obtaining all required approvals and signatures, the subdivider shall file the plat and exact copy with the County Clerk. Approval of the final plat shall be null and void if the plat and required tracing is not filed within thirty (30) days after the date of the City Council's required approving signature. Upon the filing of the plat, the subdivider shall furnish one (1) print of the final plat to each of the following: County Assessor, County Surveyor, City Surveyor, and the Community Development Director/Planner.

SECTION 4.3.004 - SUBMITTAL REQUIREMENTS

The following standards shall apply for the submission of preliminary and final subdivision plats, and supplementary materials.

A. Preliminary Plat and Supplemental Materials

- 1. Preparation and Submission - The subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as may be required, to indicate the general subdivision plan and objectives of the development. Twenty (20) copies of the preliminary plat shall be submitted to the Community Development Department/Planning Division.
- 2. Information Required - The following information shall be shown on the preliminary plat:
 - a. The preliminary plat shall be drawn to a scale of not more than one-inch equals one hundred feet (1" = 100');
 - b. A tract number or numbers shall be obtained from the City Surveyor which number, if not used, within two (2) years from the date issued, shall become null and void. In addition to the number, a name may be used; however, such name shall not duplicate or resemble the name of any other subdivision in Union County. The City Surveyor shall maintain a permanent record of all tract numbers.

When a number or numbers have been assigned by the surveyor for the subdivision of a particular parcel or contiguous parcels of land, the subdivider shall place same upon each preliminary plat of the subdivision and neither the number or numbers, nor the area of the parcel of land for which the number or numbers was issued shall thereafter be changed or altered in any manner upon the preliminary plat of the subdivision unless and until a new number or numbers have been assigned by the City Surveyor.

- c. Date, north point, scale of drawing and sufficient description (vicinity map) to define the location and boundaries of the proposed tract;
- d. Location of the subdivision by section, township and range;

- e. Names, addresses and phone numbers of all owners within the subdivision, the subdivider, if other than the owner and the registered surveyor; and
 - f. Appropriate identification clearly stating the map is a preliminary plat.
3. Existing Conditions - The following existing conditions shall be shown on the preliminary plat:
- a. The location, width, and names of all existing or platted streets, ways or other public ways within or adjacent to the proposed subdivision, easements, railroad rights-of-way, and other important features, such as section lines and corner and city boundary lines;
 - b. Contour lines shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the City Engineer:
 - i. Two-foot (2') contour intervals for ground slopes between five percent (5%) and ten percent (10%); and,
 - ii. Five-foot (5') contour intervals for ground slopes exceeding ten percent (10%).
 - c. The location and direction of all water courses including a delineation of the high-water mark;
 - d. Natural features, such as rock outcroppings, marsh lands, wooded areas, preservable trees; and,
 - e. Existing uses of the property, including the location of all existing structures to remain on the property after platting.
 - f. Any utilities within the surrounding area, i.e., water, storm and sanitary sewer, electricity, natural gas, television, and telephone lines.
4. Proposed Plan of Development - The following information shall be included on the preliminary plat:
- a. All streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projected streets.
 - b. The location and width of all existing and proposed easements, including the purpose of such easement;
 - c. Lot layout showing approximate dimensions, minimum lot size, and proposed lot and block numbers; and
 - d. All land proposed to be reserved by the subdivider for public purposes, showing the location, size, and proposed uses.
 - e. The location of street signage, street lighting, fire hydrants, clustered mailboxes, and other required right-of-way improvements.

5. Accompanying Statement - A statement containing the following information shall accompany the preliminary plat and if the information cannot be shown practically on the preliminary plat, it shall be submitted in a separate statement with the preliminary plat:
 - a. Proposed uses of the property and present zoning, if applicable.
 - b. Proposed and/or existing deed restrictions, if any:
 - c. Statement of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use;
 - d. Statement of what provisions are proposed for water supply, sewage disposal and drainage;
6. Drainage Plan - A drainage plan, prepared in accordance with Article 6.5, shall accompany all preliminary plats.
7. Street Trees - All developers of proposed subdivisions of land shall be required to prepare a street tree planting plan prior to submission of the Final Plat. It will be the developer's responsibility to install street trees, as indicated on the approved plan and in accordance with Article 5.6.

B. Final Plat and Supplementary Materials

1. Drafting the Plat - The final plat shall be drawn in black India ink on good quality, three to five (3 - 5) mil mylar drawing film eighteen inches by twenty-four inches (18" x 24") in size. No part of the drawing shall be nearer to the edge of the sheet than one inch (1"). An exact duplicate of the final plat, either drawn in black India ink or photographically reproduced on good quality tracing medium, suitable for making prints as defined in ORS, shall be filed in the office of the County Surveyor after all approvals have been obtained.
2. Final Plat Requirements - The final plat shall include the following information:
 - a. The number, and if applicable, the name of the subdivision, date, scale, north point, legend and controlling topography such as creeks, highways, and railroads;
 - b. Written legal description of the plat boundaries;
 - c. Names of all owners within the subdivision and the registered land surveyor that prepared the plat;
 - d. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - i. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - ii. Adjoining corners of all adjoining subdivisions;
 - iii. Township, Range, Section and donation land claim lines within, or adjacent to the plat;

- iv. Whenever the City has established the center line of a street adjacent to or within the proposed subdivision, the location of this line shall be shown and monuments found or reset; and
- v. All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of these regulations.
- e. The length of all arcs and radii or curves, points of curvature, lengths and bearings of tangents and/or chords. All adjusted distances shall be shown to the nearest one-hundredth of a foot. All adjusted bearings and angles shall be shown to the nearest one (1) second and the basis of the bearing shown. Error of closure of the field work shall be within the limit of one (1) foot in ten thousand (10,000). Field survey shall be adjusted out of recorded plat distances and bearings so dimensions show on lot, block and tract boundary will produce as near perfect mathematical closure as practical.
- f. The location, names and widths of all streets, existing or being created. For streets on a curvature, curve data shall be based on the center line and shall indicate thereon the radius, the central angle, and the arc length which data may be shown in table form;
- g. The width and length of all easements existing or being created. For existing easements not definitely located of record, a statement of the easement must be included. New easements being dedicated by the plat shall be properly referenced in the Owner's Certificate of Dedication;
- h. Each lot or parcel shall be numbered consecutively throughout the plat;
- i. Land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case to be distinguished from lands intended for sale;
- j. The following certificates, which may be combined where applicable, exact as to form and content to those of these standards:
 - i. A certificate signed and properly acknowledged by all parties having any record title interest in the land to be subdivided, consenting to the preparation and recording of land shown on the final map;
 - ii. A certificate signed and properly acknowledged by the Registered Land Surveyor responsible for the survey and preparation of the final plat. The signature of such registered surveyor shall be accompanied by his seal;
 - iii. A certificate signed by the City Engineer certifying that the subdivider has complied with one of the following alternatives:
 - (1) All improvements have been installed in accordance with the requirements of this Ordinance and with the action of the Planning Commission giving conditional approval of the preliminary plat; or
 - (2) An agreement has been executed as provided in Section 4.3.003(M)(1)(b), of the Land Development Code.

- iv. A certificate signed by the County Assessor certifying that all ad valorem taxes and all special assessments, fees and other charges required by law to be placed on the tax roll which became a lien during this calendar year have been paid; and
 - v. A certificate, on the required tracing of the final plat, signed by the County Clerk and the Registered Surveyor certifying that the tracing is a true and exact copy of the final plat; and
 - vi. Statement of appurtenant water rights.
- 3. Space for signatures of the following: City Surveyor, County Treasurer, Community Development Director/Planner, Mayor and City Council.
- 4. Supplemental Information with Final Plat - The following data shall accompany the final plat:
 - a. A preliminary title report or subdivision guarantee issued by a title company in the name of the owner of the land, showing all parties having any title interest in the premises and what interest they have;
 - b. If applicable, a good and sufficient bargain and sale deed, executed to City of La Grande, free from all restrictions, outstanding liens and encumbrances, conveying property other than streets, alleys or walkways for public use;
 - c. A copy of any deed restrictions applicable to the subdivision, such as a disclosure statement addressing maintenance responsibilities for any storm water drainage bioswales;
 - d. Plans, profiles and specifications, prepared by the engineer showing proposed construction design and standards for all improvements.
 - e. All such design work shall be submitted to and approved by the City Engineer before construction begins, changes in plans must be reviewed with the design engineer and approved by the City Engineer, and final inspection and approval of the completed improvements shall be made by the City Engineer or his authorized representative before the improvements are accepted and performance assurance released.