LAND DIVISIONS

Section 4.200. General - Purpose.
The City Council hereby finds and deems that it is reasonable and necessary, in order to accomplish the orderly development of land within the corporate limits of the City, and in order to promote the public health, safety and general welfare of the City, to enact these sections, to be hereinafter known as the "Land Division Regulations of the City of Wilsonville, Oregon," in order to provide rules, regulations and standards to govern the approval of plats for subdivisions, land partitions, condominium divisions, and plans for other property divisions, to carry out the development pattern and plan of the City and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fires, flood, pollution and other dangers and to provide adequate light and area, and to prevent overcrowding of land, improve connectivity from one part of the community to another, and to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people of the City, and to prescribe procedures to be followed in submitting plans and plats of land divisions for approval by the City.


(.01) Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

(.02) The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

(.03) Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.

(.04) No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.

   A. No development permit shall be issued for any lot or parcel that is not legally created in accordance with this Code.

   B. It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the
remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.

(.05) Expedited land divisions, pursuant to ORS 197, shall be processed as provided in Section 4.232.

(.06) New condominium developments shall be subject to the planned development procedures of Section 4.118 and the standards of Section 4.140.

(.07) Condominium conversions shall be subject to the standards and procedures applicable to land divisions, and the following.

A. Upon application, formal notice shall be provided to tenants on the land and to adjacent landowners within two hundred fifty (250) feet of the affected property. Not less than thirty (30) days after the formal notice, a public hearing as set forth in Section 4.013 shall be held.

B. In the case of a conversion of apartments or rental units to condominiums, a minimum of 120 days' notice shall be afforded any tenants, prior to conversion. All the provisions of the Oregon Revised Statutes shall be met, and a plat, together with a homeowners' association agreement and By-Laws, shall be submitted for Development Review Board consideration as part of the public hearing process.

C. The owner will bear the burden of proving that there are an adequate number of vacant rental units available within Wilsonville, at approximately the same costs as the units that are proposed for conversion, to house those people who may be displaced as a result of the conversion.

(.08) Lot line adjustments shall be subject to the standards and procedures established in Sections 4.233. In no case shall the boundaries between adjoining lots or parcels be altered without compliance with those standards.


(.01) Pre-application conference. Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.

A. Preparation of Tentative Plat. The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be
prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.

B. Tentative Plat Submission. The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review Board and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:

1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.

2. Application fees as established by resolution of the City Council.

3. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be eighteen inch (18") by twenty-four inch (24"), or such other size as may be specified by the City Engineer.

4. Name of the subdivision. No subdivision name shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.

5. Names, addresses, and telephone numbers of the owners and applicants, and engineer or surveyor.

6. Date, north point and scale of drawing.

7. Location of the subject property by Section, Township, and Range.

8. Legal road access to subject property shall be indicated as City, County, or other public roads.

9. Vicinity map showing the relationship to the nearest major highway or street.

10. Lots: Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.


12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.

13. Improvements: Statement of the improvements to be made or installed including streets, private drives, sidewalks, lighting, tree planting, and times such improvements are to be made or completed. [Amended by Ord. 682, 9/9/10]

14. Trees. Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.
15. Utilities such as electrical, gas, telephone, on and abutting the tract.
16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.
17. Deed Restrictions: Outline of proposed deed restrictions, if any.
18. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.
19. If the subdivision is to be a "Planned Development," a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.
20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.
21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.
22. A list of the names and addresses of the owners of all properties within 250 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor’s office of the affected county.
23. A completed "liens and assessments" form, provided by the City Finance Department.
24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.
25. Locations of all existing and proposed utilities, including but not limited to domestic water, sanitary sewer, storm drainage, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated. [Amended by Ord. 682, 9/9/10]
26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.

C. Action on proposed tentative plat:

1. Consideration of tentative subdivision plat. The Development Review Board shall consider the tentative plat and the reports of City staff and other agencies at a regular Board meeting no more than ninety (90) days after tentative plat application has been accepted as complete by the City. Final action on the proposed tentative plat shall occur within the time limits specified in Section 4.013. The tentative plat shall be approved if the Development Review Board determines that the tentative plat conforms in all respects to the requirements of this Code.
2. Consideration of tentative partition plat. The Planning Director shall review and consider any proposed land partition plat through the procedures for Administrative Reviews specified in Section 4.030 and 4.035.

3. The Board shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.

4. Board may limit content of deed restrictions. In order to promote local, regional and state interests in affordable housing, the Board may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential subdivision or condominium development, the Board may prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc.

5. Effect of Approval. After approval of a tentative plat, the applicant may proceed with final surveying, improvement construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Planning Department within such time, the tentative plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist. Except, however, that the Development Review Board may grant a time extension as provided in Section 4.023.

D. Land division phases to be shown. Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.

E. Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.

F. Replats subject to same procedures as new plats. Proposals to replat any previously platted land shall be subject to the same standards and procedures as a new application for tentative plat approval. Except, however, that a replat that proposes the same number of lots or parcels as the originally recorded land division, and that is determined by the Planning Director to create no significant adverse impacts on adjacent properties beyond that of the original division, may be reviewed through Class II Administrative Review procedures.

Section 4.220. Final Plat Review.
.01 Submission of the Paper Plat. Prior to submitting the Final Plat as required in subsection “(.02),” below, the applicant shall submit a Paper Plat to the City Engineer for review. Comments of the City Engineer, Planning Director, and Community Development Director shall be conveyed in writing to the County Surveyor of the County where the final plat is to be recorded.

.02 Submission of the Final Plat. Any time within two (2) years after approval of the tentative plat, the applicant shall have the subject property, or any part thereof, surveyed and the final plat prepared in conformance with the approved tentative plat. When the final plat is in order, the applicant will submit the following items to the City offices for final approval of the plat.

A. Plat board, tracing, and five (5) full-sized blueprint copies of the plat.

B. The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All signatures shall be signed in India ink.

C. Deed restrictions. A copy of all protective deed restrictions proposed for the area shall accompany the final Plat and specifications of all easements and dedications as required by the Development Review Board. The Planning Director shall not sign the final plat if the proposed deed restrictions fail to provide for the on-going maintenance of common areas or violate established conditions of approval for the development.

D. Approval of agreement certified for all required improvements as follows:
   1. Improvements as required by conditions of approval have been completed, and a certificate of such fact has been filed with the Planning Director by the City Engineer; or
   2. A performance agreement and completion bond has been filed with the City Recorder in sufficient amount to ensure the completion of all required improvements.

.03 Review of Final Plat. Upon receipt of a complete Final Plat, together with the required fee, the Plat and other required information shall be reviewed as follows:

A. The Planning Director and Community Development Director shall examine the Plat and supplementary materials to determine that the subdivision or partition, as shown, is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of State Law and this Ordinance.

B. The County Surveyor, or such other professional land surveyor as shall be selected by the City to perform such work, shall check the site and plat and shall take such measurements and make such computations as are necessary to determine that the plat is correct, and that all requirements of State Law and this Ordinance are met.
C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) **Action on Final Plat:** Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

A. A final plat shall be approved only if affirmative findings can be made that:

1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads 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;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Private drives indicated on the tentative plat have been approved by the City; and  
   [Amended by Ord. 682, 9/9/10]
7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.

C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.
(.05) **Appeal of the Planning Director's Decision.** A decision made by the Planning Director to deny a final plat application may be appealed by the applicant as provided in Section 4.022.

(.06) **Effect of Approval:** Approval shall be effective for a period of ninety (90) days, and if the final plat is not offered for record by the applicant in the office of the County Clerk within such time, the final plat shall be submitted again to the Planning Director under Section 4.220 of this Code, and the entire procedure shall be repeated, for consideration of any conditions which may then exist.

(.07) **Delivery of Final Plat to County Offices.** Following the approval of the Planning Director:

A. Unless otherwise specified by the county where the final plat is to be recorded, the final plat shall be routed to the county departments as follows:
   1. The Assessor shall receive the final plat and may research the needed requirements as well as forward identification information to the Tax Department.
   2. Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this State have been met.
   3. Obtain the signature on the final plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them.
   4. Obtain the signature on the final plat of the County Tax Department if/or when all taxes on the property are paid.
   5. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and taxes have been prorated and collected, if plat is to be recorded after July 1.
   6. After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and required fees paid for recordation.

(.08) **Recording Final Plat.** In addition to the requirements authorized and provided in ORS 92, upon offering the final plat for recordation, the subdivider shall furnish one black line or blue print copy of the final plat to the City Engineer and to such County offices as may be requested or required by the County. [Amended by Ordinance No. 538, 2/21/02.]

**Section 4.232. Expedited Land Divisions.**

(.01) Applicants for subdivisions or land partitions may request that their applications be processed as expedited land divisions, pursuant to ORS 197. In order to be processed as an expedited land division, each such request must be filed in writing at the time that the application is filed.
Additional to the relevant standards and criteria applying to partitions and subdivisions, applications for expedited land divisions shall only be approved where the subject property is in a residential zone and the application includes no requests for waivers or variances from the standards applying to land divisions in the zone.

Expedited land divisions shall be subject to the same procedures and requirements as conventional land divisions, with the following exceptions:

A. The Planning Director shall have the authority to approve, conditionally approve, or deny applications through the Administrative Review procedures of Section 4.035. The Director shall not refer an application for an expedited land division to the Development Review Board for hearing and the Board shall not have the authority to call up the decision of the Director for review.

B. The Director shall render a decision on an expedited land division within thirty (30) days of a complete filing, unless a time extension has been requested by the applicant.

C. Appeals of the decisions of the Director on expedited land divisions shall be heard by a referee who has been retained by the City for the purpose of considering such appeals. Decisions of the referee shall be final and the City Council shall not have the authority to call up such decisions for review.

D. The referee shall render a decision on an expedited land division appeal within sixty-three (63) days of a complete filing, unless a time extension has been requested by the applicant.

Section 4.233. Lot Line Adjustments.

Property owners wishing to alter the location of a property line that separates adjoining properties, without creating a new lot or parcel in the process, may apply for approval of a lot line adjustment. Applications for lot line adjustment shall be processed through either of the following:

A. Administrative Review, through the procedures outlined in Section 4.035; or

B. As part of a partition or subdivision process, where new lots or parcels are being created at the same time as the existing lot lines are being reconfigured.

The lots or parcels resulting from a lot line adjustment shall conform to all requirements of the zone. Except, however, if either of the subject properties is a legal non-conforming lot at the time of the application, the requirements of Section 4.192 (Non-Conforming Lots) shall be followed.

The dedication of property to a unit of government, where the property being dedicated is added to property that is already in public ownership, may be completed by deed without requiring compliance with this Section.

Section 4.236. General Requirements - Streets.
Conformity to the Transportation System Plan. Land divisions shall conform to and be in harmony with the Transportation Systems Plan, the Bicycle and Pedestrian Master Plan, and the Parks and Recreation Master Plan. [Amended by Ord. #719, 6/17/13]

Relation to Adjoining Street System.
A. A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
B. Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
C. At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.

Creation of Easements: The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required. [Amended by Ord. 682, 9/9/10]

Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.

Reserve Strips: The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary:
A. 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; or

B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards established by the City; or

C. To prevent access to land abutting a street of the land division but not within the tract or parcel of land being divided; or

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

(.07) Future Expansion of Street: When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension. Notification that the street is planned for future extension shall be posted on the stub street. [Amended by Ord. #719, 6/17/13]

(.08) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.

(.09) Street Names: No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.
Section 4.237.  General Requirements – Other.

(.01) Blocks:

A. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.

B. Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

(.02) Easements:

A. Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City’s Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes. [Amended by Ord. 682, 9/9/10]

B. Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

(.03) Pedestrian and bicycle pathways. An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

A. Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.

B. Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

(.04) Tree planting. Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review
Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

(.05) Lot Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.

A. In areas that are not served by public sewer, an on-site sewage disposal permit is required from the City. If the soil structure is adverse to on-site sewage disposal, no development shall be permitted until sewer service can be provided.

B. Where property is zoned or deeded for business or industrial use, other lot widths and areas may be permitted at the discretion of the Development Review Board. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

C. In approving an application for a Planned Development, the Development Review Board may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development conditions of approval.

(.06) Access. The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:

A. A lot on the outer radius of a curved street or tract with a private drive, or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet upon a street or tract with a private drive, measured on the arc.

B. The Development Review Board may waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the Board determines that another standard is appropriate because of the characteristics of the overall development.

[Section 4.237(.06) amended by Ord. 682, 9/9/10]

(.07) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred (100) feet. The Development Review Board may require assurance that such screened areas be maintained as specified in Section 4.176.
.08) **Lot side lines.** The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face. [Amended by Ord. 682, 9/9/10]

.09) **Large lot land divisions.** In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.

.10) **Building line.** The Planning Director or Development Review Board may establish special building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.

.11) **Build-to line.** The Planning Director or Development Review Board may establish special build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

.12) **Land for public purposes.** The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.

.13) **Corner lots.** Lots on street intersections shall have a corner radius of not less than ten (10) feet.

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Section 4.250. **Lots of Record.**
All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.

Section 4.260. **Improvements - Procedures.**
In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.

Section 4.262. **Improvements - Requirements.**

.01) **Streets.** Streets within or partially within the development shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Transportation Systems Plan and City Public Works Standards. Existing streets which
abut the development shall be graded, constructed, reconstructed, surfaced or repaired as determined by the City Engineer.

(.02) **Curbs.** Curbs shall be constructed in accordance with standards adopted by the City.

(.03) **Sidewalks.** Sidewalks shall be constructed in accordance with standards adopted by the City.

(.04) **Sanitary sewers.** When the development is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City. When the development is more than two hundred (200) feet from an existing public sewer main, the City Engineer may approve an alternate sewage disposal system.

(.05) **Drainage.** Storm drainage, including detention or retention systems, shall be provided as determined by the City Engineer.

(.06) **Underground utility and service facilities.** All new utilities shall be subject to the standards of Section 4.300 (Underground Utilities). The developer shall make all necessary arrangements with the serving utility to provide the underground services in conformance with the City's Public Works Standards.

(.07) **Streetlight standards.** Streetlight standards shall be installed in accordance with regulations adopted by the City.

(.08) **Street signs.** Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required by the City Engineer.

(.09) **Monuments.** Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the developer and accepted by the City shall be replaced to conform to the requirements of State Law.

(.10) **Water.** Water mains and fire hydrants shall be installed to serve each lot in accordance with City standards.

**Section 4.264. Improvements - Assurance.**

(.01) A certificate shall be signed by the City Engineer certifying that the developer has complied with one of the following alternatives:

A. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Director or Development Review Board, giving conditional approval of the preliminary plat, or

B. A bond or other form of security satisfactory to the Community Development Director or a certified check, equal to one and one-half (1 1/2) times the City
Engineer’s estimate of the cost of such improvement, has been posted with the City to assure completion of all required improvements, or

C. Deed restriction to the effect that no lots may be sold until improvements have been completed and accepted by the City, a bond or other security satisfactory to the City Council or a certified check is posted, or other means approved by the Community Development Director, giving full assurance that the improvements will be completed.

D. If, at the termination of two (2) years, the work has not been completed, and no extension has been granted, the certified check or bond may be forfeited and the improvements constructed at the direction of the City Engineer. If the work has been completed to the satisfaction of the City Engineer, the certified check or bond shall be released.

Section 4.270. Variance from Land Division Standards.

(.01) The Development Review Board may authorize a variance from any requirement set forth in these standards, based upon the procedures, standards and criteria listed in Section 4.196, and the additional standards listed below.

(.02) The basic reason for granting a variance will be proof that:

A. Special conditions or circumstances unique to the property under consideration make the variance necessary.

B. The variance is necessary for the proper development of the land division and the preservation of property rights and values.

C. The variance will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed land division.

(.03) Consideration for a variance from these regulations shall be based upon a written statement by the applicant giving complete details of conditions and reasons why a variance should be granted.

Section 4.280. Appeals.

Appeals may be made as set forth in Section 4.022.

Section 4.290. Penalties.

Any person who violates or fails to comply with any provisions of this Code shall be subject to the provisions of Section 4.026 (Enforcement).