



SUBDIVISION ORDINANCE

ORDINANCE NO. 2808

**Passed by the Council and Approved by the Mayor
July 5, 1977**

Amended through January 2009

ORDINANCE NO. 2808-7-77

AN ORDINANCE REGULATING THE SUBDIVISION AND MAJOR AND MINOR PARTITIONING OF LAND IN THE CITY OF HILLSBORO; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF TENTATIVE AND FINAL SUBDIVISION PLATS AND PARTITION MAPS FOR SUCH PURPOSE; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; ESTABLISHING FEES; PRESCRIBING PENALTIES FOR THE VIOLATION OF THESE PROVISIONS; AND REPEALING ORDINANCE NOS. 1707, 2487-2-72, 2661-8-74 AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The City of Hillsboro does ordain as follows:

ARTICLE I

Section 1. Title. This ordinance shall be known as the subdivision ordinance of the City of Hillsboro, Oregon.

Section 2. Purpose. In order to accomplish the orderly development of land within the corporate limits of the City of Hillsboro and to promote and protect the public health, safety and welfare, the City of Hillsboro deems it necessary to enact this ordinance pursuant to ORS 92.0101 TO 92.245 AND 92.990 as amended by Chapter 643 Oregon Laws, 1975, inclusive, entitled "Plats and Subdivisions" and all laws now or subsequently amendatory thereto.

Section 3. Definitions. As used in this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

- (1) Access. The ability to cross between public and private property.
- (2) County. Washington County, Oregon.
- (3) Development review committee. Committee charged with coordinating the diverse aspects of reviewing tentative plats comprised of City Manager designees, including the City Planning Director or his representative and a minimum of two designees selected from the City Engineer, Building Superintendent, Public Works Director, Fire Chief, Fire Marshal and Police Chief.
- (4) Easement. A right to the use of real property granted by the owner to specific persons, firms, corporations or the public.
- (5) Final plat. A plat of a subdivision prepared for filing with the County, first submitted to the City for Planning Commission approval, containing the elements and requirements et forth in this ordinance and applicable State law.

- (6) Green Streets. Public or private streets designed to allow roadways to better manage stormwater runoff quantity and quality within the right-of-way over the long term. Design elements and facilities that can be used to accomplish this include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center. (Added by Ord. No. 5728/3-07)
- (7) Habitat Benefit Areas. In accordance with the Tualatin Basin Fish & Wildlife Habitat Program, areas shown on Metro's Regionally Significant Fish and Wildlife Habitat Inventory map as containing Classes I, II, and III riparian corridors/wildlife habitat and Class A Upland Wildlife Habitat. (Added by Ord. No. 5728/3-07)
- (8) Light rail station site. Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail station stop, such as the station platform, a park-and-ride lot, bus stops, and other similar facilities. Station site locations shall be determined by the City of Hillsboro in the manner set out in Section 135 of the Zoning Ordinance (Ord. No. 1945, as amended). For determining distance from a given light rail station site boundary, measurement shall be made from the nearest boundary of the station site to the point of interest to which measurement is being made. Maps to be used in making this determination shall be the current Washington County Tax Assessors Maps and, as applicable, the most recent right-of-way maps drawn for the Westside Light Rail Project or the Hillsboro Extension of the Westside Light Rail Project. (Added by Ord. 4466/8-96.)
- (9) Lot. A unit of land that is created by a subdivision of land.
- (10) Major partition. A division of land into two or three parcels within a calendar year which involves the creation of a road or street.
- (11) Map. A final diagram, drawing or other writing concerning a major partition or a minor partition.
- (12) Minor partition. A division of land into two or three parcels, within a calendar year, which does not involve the creation of a road or street.
- (13) Nearby. When used in connection with bicycle and pedestrian access, means uses within one-half mile distance of such access which can reasonably be expected to be used by pedestrians. (Added by Ord. 4466/8-96.)
- (14) Neighborhood activity center. Neighborhood activity centers include, but are not limited to, existing or planned parks, schools shopping areas, employment centers, transit stops, recreational centers, meeting rooms, theaters, museums, and other pedestrian oriented land uses that attract or are capable of attracting a significant level of daily pedestrian usage. (Added by Ord. 4466/8-96.)

- (15) Net Buildable Area. The area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:
- a. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;
 - b. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;
 - c. Required stormwater treatment and detention facilities;
 - d. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;
 - e. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;
 - f. Delineated wetlands, and vegetated corridors as required by Clean Water Services;
 - g. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and
 - h. Any land with slopes of twenty-five percent (25%) or greater or within the most current mapped 100-year floodplain (as referenced in Section 131 of the Zoning Ordinance), unless used for building or parking purposes.

(Amended by Ord. No. 5780/8-07.)

- (16) Parcel. A unit of land that is created by a partitioning of land.
- (17) Partition. Either an act of partitioning land or an area or tract of land partitioned.
- (18) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. However, partition land does not include: division of land resulting from lien foreclosures, creation of cemetery lots, divisions of land made pursuant to court order, including but not limited to estate or intestate succession, or the adjustment of a lot line by the relocation of a common boundary where the change does not conflict with requirements established in the zoning ordinance of the City of Hillsboro.

- (19) Pedestrian/bicycle accessway, or Accessway. Any off-street path or way designed and constructed for use by pedestrians and bicyclists which provides direct routes within and from new subdivisions and planned unit developments to other residential areas, transit streets, shopping areas and neighborhood activity centers where such routes are not otherwise provided by the street system. Pedestrian/bicycle accessways through parking lots are generally physically separated from adjacent vehicle parking, parallel vehicle parking, of vehicular traffic by curbs or similar devices and include landscaping, trees and lighting. Where pedestrian/ bicycle accessways cross driveways, they are generally raised, paved or marked in a manner that provides for convenient and recognized access for pedestrians. (Added by Ord. 4466/8-96.)
- (20) Pedestrian connection. A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, pedestrian walkways, pedestrian/bicycle accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard-surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. Where site conditions are favorable to stormwater infiltration, the City encourages, where technically feasible and appropriate the use of pervious pedestrian pathway. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 5728/3-07.)
- (21) Planning Commission. The Planning Commission of the City of Hillsboro.
- (22) Planning Director. The Planning Director of the City of Hillsboro or the Planning Director's designee. (Added by Ord. No. 4466/8-96.)
- (23) Plat. A map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (24) Property Line Adjustment. The relocation of a common boundary line between two or more abutting properties, which does not create an additional lot or parcel, and which does not reduce the areas or dimensions of existing lots or parcels, or the setbacks of structures thereon, below the minimum standards established by the applicable zone. (Added by Ord. No. 5780/8-07.)
- (25) Public improvements. The physical structures and facilities that are developed, owned and maintained by public agencies to house governmental functions and provide water, power, waste disposal, transportation and similar services in accordance with established public policy.
- (26) Reasonably direct. When used in connection with bicycle and pedestrian access, "reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users. (Added by Ord. No. 4466/8-96.)

- (27) Safe and convenient. When used in connection with bicycle and pedestrian access, “safe and convenient” means bicycle and pedestrian routes, facilities and improvements that are reasonably free from hazards (particularly types or levels of automobile traffic which would interfere with or discourage short pedestrian or bicycle travel trips), that provide a reasonably direct route of travel between the place of origin and place of destination, and that meet the travel needs of pedestrians and bicyclists considering destination and length of trip and an optimum trip length for pedestrian of generally one-quarter to one-half mile.(Added by Ord. No. 4466/8-96.)
- (28) Street or road. A public or private way that is created to provide ingress or egress for persons to more than one lot, parcel, area or tract of land.
- (29) Subdivide land. 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.
- (30) Subdivision. An act of subdividing land or an area or tract of land subdivided as defined in this ordinance.
- (31) Third Place. A commonly accessible location within a neighborhood, which is neither “home” nor “work”, which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned. (Added by Ord. No. 5780/8-07.)
- (32) Transit stop. Any posted bus or light rail stop. (Added by Ord. No. 4466/8-96.)
- (33) Transit trunk route. Any arterial or collector street upon which Tri-Met currently provides continuous 20-minute service during weekday business hours. Upon City adoption of its Transportation System Plan, "transit trunk route" means any arterial, collector or other street identified as a transit trunk route in that plan or any subsequent amendment thereto. (Added by Ord. No. 4466/8-96.)
- (34) Usable Open Space. Planned and improved open areas that provide opportunities for active recreation; passive relaxation; or community interaction. Such areas may include, but are not limited to: children’s play areas; pocket parks; improved playing fields or courts; and paved or landscaped pedestrian spaces. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas. Usable open space may include Resource Level 1, 2, or 3 Significant Natural Resource areas, wetlands or buffers only if such areas are enhanced pursuant to the standards of this Ordinance. (Added by Ord. No. 5780/8-07.)

ARTICLE II

Tentative Subdivision Application

Section 1. Application Procedure and Submittal Requirements. To initiate a subdivision within the City of Hillsboro the following procedures must be followed: (Amended by Ord. No. 4466/8-96.)

- (A) Obtain certification from the City Engineering Department on forms provided by the City that the following are available to the site:
 - (1) Municipal water with sufficient volume and pressure to serve the proposed development.
 - (2) Sanitary sewer with sufficient treatment plant capacity and line capacity to serve the proposed development.
 - (3) Storm sewer with sufficient line capacity to adequately provide the necessary drainage.

If any of these certifications cannot be made because the utilities cannot be provided at the property boundary, the City Engineer shall state on the form whether the utilities could be provided by extension or replacement of existing lines or construction of pumping stations and will provide an estimate of the cost of extension, replacement or the pump station. A signed statement by the developer that it is his intent to advance the funds necessary for the required extension, replacement or pump station will be acceptable in conjunction with the Engineers' statements to serve in lieu of a full certification. If certification or statement in lieu of certification cannot be given due to a lack of utilities, further processing of the proposed subdivision can proceed only if the developer furnishes a statement that he fully realizes that no development of the tract can proceed until utilities are available and that no time schedule for their availability can be provided.

(B) An application, using forms provided by the City of Hillsboro Planning Department, must be filed with said department in completed form a minimum of 30 days prior to the Planning Commission meeting at which said application is to be considered. (Amended by Ord. No. 5780/8-07.)

(C) In order to defray the costs of processing, a filing fee must be submitted with the application. Said filing fee shall be established by the City Council, under Article XI of this Ordinance. (Amended by Ord. Nos. 3322/5-82; 4134/3-93; 5314/10-03; and 5595/1-06.)

(D) Twenty-five copies of the tentative subdivision, a narrative addressing the approval criteria, and any other informational maps required shall be submitted with the application and filing fee. A list of information required on or accompanying the tentative

subdivision plat shall be available from the Planning Department. This list shall be provided upon request. (Amended by Ord. No. 5780/8-07.)

(E) In addition to the certificates, maps and other documents required under Sections (A) through (D) of this Section, the applicant shall provide the following information on the tentative plat or in supporting documents:

(1) A vicinity map showing the following information within 500 feet of the proposed subdivision: the locations of existing subdivisions and partitions and unsubdivided or unpartitioned land ownership; the locations and sizes of existing utilities; and the locations and dimensions of existing streets, sidewalks, transit trunk routes and transit stops, bike routes and bike ways, and pedestrian/bicycle accessways. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00.)

(2) The locations and widths of proposed streets, sidewalks, pedestrian/bicycle accessways, and other pedestrian connections or bicycle ways within the subdivision. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00.)

(3) The locations, widths and purposes of proposed easements within the subdivision. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00.)

(4) A map showing how proposed streets, sidewalks, bike routes and bike ways and pedestrian connections within the proposed subdivision may be extended onto adjoining undeveloped properties so as not to preclude their efficient development. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00.)

(5) A subdivision connectivity analysis prepared by an architect, engineer or other appropriate professionals licensed by the State or Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing and planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties showing how lotting and street patterns within the proposed subdivision will extend to and/or from such adjacent properties. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00.)

(6) A geotechnical investigation report which shows the following: slope stability studies, on-site site grading, cutting and filling; structural foundation requirements; surface and subsurface drainage recommendations; erosion vulnerability; building or grading limitations, including top of slope offsets and areas restricted for site grading; recommendations for construction of streets, utilities, and structures of the site; and identification of any portions of the site requiring further evaluation by a geotechnical or structural engineer. Unless the Planning Director determines that a geotechnical investigation is warranted due

to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement:

- (a) construction value of the project is \$150,000 or less; and
- (b) the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; and
- (c) there is no evidence of any previous fill on the site to a depth exceeding one foot; and
- (d) the project does not include proposed fill on the site to a depth exceeding one foot; and
- (e) no portion of the site has a slope in excess of ten percent (10%).
(Added by Ord. No. 4892/3-00.)

(7) Site plans, street and driveway cross-sections, landscaping and open space plans, fence and wall plans, street tree plans, and building elevations documenting compliance with any applicable development standards and design guidelines adopted by the City Council or the Planning Commission pursuant to Article VII. (Added by Ord. No. 5780/8-07.)

(8) In residential projects of eight or more lots, to demonstrate compliance with General Architectural Design and Construction Standards and Guidelines adopted under Article VII of this Ordinance, the applicant shall submit front, side and rear elevation, color palettes, and plot plans for all proposed residential structures.

At the option of the applicant, documentation of compliance with the General Architectural Design and Construction Standards and Guidelines may be delayed until submittal of the final plat, but in that case public notice of the final plat review shall be given as required in Section 3.

The City Council shall adopt by Resolution a fee, to be charged in addition to the tentative plat fee or the final plat fee as applicable, to defray the costs of reviewing the documentation required under this subsection.
(Added by Ord. No. 5780/8-07.)

(9) A Traffic Impact Report, prepared and certified by a registered traffic engineer, analyzing the impact of the project on City, County and State road and street systems within at least one (1) mile of the project, to such distance at which traffic impacts have dissipated to less than ten percent (10%) over current conditions. The Report shall comply with the following standards:

- a) Methodology generally in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions;
- b) Differentiation between traffic safety improvements necessary due to impacts of the project, and roadway capacity improvements necessary due to traffic volume generated by the project;
- c) Utilization of Level of Service (LOS) standards for both intersection and roadway segments as specified in Table 137.4, determined by the methodology in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

The Report shall include the following:

- a) an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and at the option of the applicant, a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.
- b) Consideration of the Volume to Capacity ratio and the delay, for each intersection approach's critical lane group; and
- c) Analysis of the 95th percentile queuing requirements at affected turn lanes.

(Added by Ord. No. 5894/12-08.)

(F) Any proposed subdivision within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Clean Water Service's Design and Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas*, shall be reviewed for compliance with, and shall comply with the applicable provisions and procedures of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the CWS's Design and Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems. Accordingly, as part of the application submittal requirements, the applicant shall submit either: 1) a determination by CWS that Site Assessment is not necessary, Or 2) CWS Service Provider Letter. (Added by Ord. No. 4983/12-00.)

(G) Prior to submittal of an application for a tentative subdivision plat, the applicant shall hold a neighborhood meeting at a location in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to surrounding neighborhood, at the same notification radius required by the City for the

tentative subdivision plat. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.

At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

The neighborhood meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal.

Compliance with the provisions of this Section is a jurisdictional requirement of the Hillsboro Subdivision Ordinance. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted without this documentation, such applications shall not be accepted by the City.

(Added by Ord. No. 5780/8-07.)

Section 2. Determination of Administrative or Planning Commission Review. An application for approval of a tentative subdivision plat may be processed either administratively through the Planning Department, or under a public hearing process through the Planning Commission.

(A) An applicant for tentative subdivision plat approval may request Planning Commission review upon submittal of the application at any time prior to the Planning Department determination of application completeness.

(B) Upon review of an application for tentative subdivision plat approval, prior to the determination of application completeness, the Planning Director may decide that the application warrants Planning Commission review due to either of the following factors:

- (1) the likelihood of significant interest or opposition from surrounding property owners or affected agencies; or
- (2) the presence of issues requiring significant discretion during the review process, or review by a second party (such as variances).

(C) Any application for tentative residential subdivision plat approval exceeding the following thresholds shall be processed only through Planning Commission review:

- (1) gross site acreage of five (5) acres or more;
- (2) total number of proposed lots greater than 20
- (3) total number of proposed dwelling units greater than 20;
- (4) site location within a light rail district or conservation district; or
- (5) inclusion within the site of Significant Natural Resource Overlay district.

(Added by Ord. No. 5780/8-07.)

(Section 3. Development Review. Deleted by Ord. No. 5780/8-07.)

Section 3. Public Notice. A public notice of the tentative subdivision plat application shall be mailed to property owners within 500 feet of the proposed subdivision not less than 30 days prior to the date of the Planning Director's decision, or not less than 20 days before the Planning Commission public hearing, as applicable. For this purpose the names and addresses of the owners as shown on the current records of the County Assessor shall be used. The notice shall state the proposed number of lots, the proposed use and shall be accompanied by a map showing the site and approximate street layout of the proposed subdivision in relation to the immediately surrounding area. Failure of a person to receive the notice specified in this Section shall not invalidate any proceedings in connection with the application for preliminary subdivision plat. (Added by Ord. No. 5780/8-07.)

Section 4. Administrative Review. The Planning Director shall distribute copies of the application, tentative plat and any other pertinent information to appropriate City department heads, affected governmental agencies and utility companies for review and comment.

(A) If sufficient questions or concerns are expressed, a meeting of department heads, governmental agencies, and utility companies may be called to review the proposed tentative plat. The applicant or the applicant's agent may be invited to attend this meeting. The purpose of the meeting will be to discuss the technical aspects of the proposed development and advise the developer regarding any concerns which the staff or other agencies might have regarding the development, and to make appropriate recommendations as to alterations or conditions which the staff feels are necessary for tentative plat approval.

(B) Following receipt of comments from department heads, affected governmental agencies, utility companies, and the public, the Planning Director or the Director's designee shall review the tentative plat and prepare a staff report. The staff report shall analyze issues of concern and make appropriate recommendations as to alterations or conditions necessary for tentative plat approval.

(C) A copy of the staff report shall be made available to the applicant and the public not less than seven days prior to the date of the Director's decision. If the applicant wishes to revise the plat based on the staff report, the applicant shall submit a 60-day

extension of the statutory 120-day limitation, and notice of the revised plat shall be sent to owners of surrounding property pursuant to Section 3. Following receipt of any additional comments, the Director shall evaluate the revisions and prepare a supplemental report regarding any changes in necessary conditions.

(Added by Ord. No. 5780/8-07.)

Section 5. Planning Commission Review. If the applicant or the Planning Director has determined that the tentative subdivision plat application will be reviewed by the Planning Commission, the Planning Director shall proceed through the process cited in Section 4 (A) through (C) of this Article, except that the staff report shall be made available to the applicant and the Planning Commission not less than seven days prior to the date of the Planning Commission public hearing. On the specified date, the Planning Commission shall conduct a public hearing on the tentative subdivision plat application as prescribed by its own Rules and Procedures and by state statute. (Added by Ord. No. 5780/8-07.)

Section 6. Planning Commission or Administrative Approval.

(A) In considering approval, conditional approval or denial of a tentative plat, the Planning Commission or the Planning Director shall consider whether the proposed subdivision:

- (1) Complies with the zoning ordinance and other applicable land use regulations, including the minimum and maximum residential densities of the zone if applicable.
- (2) Provides necessary public utilities and facilities including, but not limited to, water, sanitary sewer, storm sewer, streets, parks, fire protection, and police protection.
- (3) Facilitates safe and convenient bicycle and pedestrian connections and access within and from the proposed subdivision to nearby shopping centers, industrial parks, transit stops and neighborhood activity centers.
- (4) Facilitates the efficient development of and safe, access to adjoining undeveloped properties.
- (5) Complies with the street and bicycle/pedestrian design standards in Section 8 of this Article and the pedestrian/bicycle accessway standards in Section 9 of this Article.
- (6) Complies with the usable open space standards in Section 10 of this Article.
- (7) Conforms with the Development Standards and Design Guidelines adopted under Article VII of this Ordinance, and with any other applicable standards adopted by the City Council or Planning Commission.

- (8) Warrants conditions of approval to minimize traffic or other adverse impacts on adjacent properties or to enable a determination that applicable approval standards are met.

(B) The Planning Commission or the Planning Director shall approve the proposed tentative plat only if it finds that the tentative plat satisfies the standards in subsection A of this Section. The Planning Commission or the Planning Director may impose such approval conditions as necessary to assure compliance with those standards. The Planning Commission or the Planning Director may deny the proposed tentative plat if the tentative plat does not comply with the standards in subsection A (1) - (8) of this Section.

- (1) If the Planning Commission or the Planning Director finds that there are inadequacies in public facilities, services, and/or utilities, the Commission or Director may condition approval of the subdivision only upon finding that such deficiencies can be corrected in a timely manner.
- (2) If the Planning Commission or the Planning Director finds that the tentative plan does not comply with the applicable design standards for subdivisions in subsections A (1) - (8) of this Section, the Commission or Director may approve the tentative plat with conditions, or deny the tentative plat.
- (3) The Planning Commission or the Planning Director shall notify the applicant and parties of the decision in the manner established by state law.

(Amended by Ord. No. 4466/8-96 and Ord. No. 5780/8-07.)

Section 7. Appeal of Decision on Tentative Subdivision Plat. A decision by the Planning Commission may be appealed to the City Council under the provisions of Article VIII of this Ordinance. A decision by the Planning Director may be appealed to the Planning Commission under the provisions of Article VIII of this Ordinance. (Added by Ord. No. 5780/8-07.)

Section 8. Street and Pedestrian/Bicycle Design Standards. In addition to such other City street, pedestrian and bicycle design standards applicable to subdivisions, all subdivisions shall comply with the following: (Renumbered by Ord. No. 5780/8-07).

(A) Through street connections between neighborhoods are encouraged. The applicant shall demonstrate how the proposed street, pedestrian and bicycle network provides safe and convenient access to adjacent residential developments and transit stops, to adjacent undeveloped property likely to be subdivided or otherwise developed in the future, and to neighborhood activity centers, transit trunk routes and other transit facilities within one-half mile of the development.

(B) The location, width and grade of streets shall be considered in relation to existing and planned streets; topographical conditions and natural resource corridors;

public convenience and safety for all modes of travel; existing and identified future transit routes and pedestrian/bicycle accessways; and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall connect to all existing or approved stub streets which abut the development site.

(C) Full street connections with spacing of no more than 530 feet between connections shall be provided in all contiguous areas of vacant and underdeveloped parcels of five or more acres planned or zoned for residential or mixed-use development, except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 resource Protection requirements prevent their construction or require different street connection standards. (Added by Ord. No. 4903/5-00.)

(D) Narrow street designs for local streets may be permitted with City Engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths. (Added by Ord. No. 4903/5-00.)

(E) Upon recommendation by the City Engineer when deemed necessary to improve public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the Planning Commission, with Street Committee approval, may require that local streets be constructed using techniques which discourage their use by non-local automobile traffic.

(F) Within subdivisions that can be adequately served by transit, the street and pedestrian/bicycle network shall be designed and laid out in a manner that promotes transit use. The Planning Commission may require provisions for transit facilities along transit trunk routes where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified. Such provisions may include, but need not be limited to, easements and dedications.

(G) The use of Cul-de-sacs designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent full street extensions. When permitted, their use shall be consistent with the provision of safe and convenient pedestrian and bicycle access from within the development to adjacent residential developments, transit stops and nearby neighborhood activity centers. Cul-de-sacs shall have a maximum length of 200 feet and shall serve no more than 25 dwelling units. Green Street design elements and facilities may be incorporated, such as reducing cul-de-sac radii and using vegetated islands in the center. (Amended by Ord. No. 4903/5-00 and 5728/3-07.)

(H) The length, width and shape of blocks shall take into account the need for adequate building site size, safe and convenient motor vehicle, pedestrian, bicycle and transit access,

control of traffic circulation, and limitations imposed by topography and other natural features. Except where precluded by topography or other physical constraint or by existing development patterns or lot configurations, block lengths between local and collector streets shall not exceed 1000 feet, and the maximum perimeter of the blocks formed by local and collector streets shall not exceed 2750 feet. The length of blocks which are situated within one half (1/2) mile of existing neighborhood activity centers or transit stops, shall not exceed 600 feet, and the maximum perimeter of the blocks formed by such local and collector streets shall not exceed 1800 feet. Where a subdivision connectivity analysis indicates that block lengths or perimeters within the proposed subdivision will deter safe and convenient pedestrian and bicycle travel between neighborhoods and from neighborhoods to nearby pedestrian destinations such as neighborhood activity centers and transit stops, the Planning Commission shall require the construction of pedestrian accessways in appropriate locations through such blocks to provide for such pedestrian and bicycle travel.

(I) Sidewalks shall be built on both sides of streets within a subdivision and along private driveways serving seven (7) or more single family lots. The Planning Commission may reduce sidewalk requirements to one side of the development frontage for new streets to avoid impacting Habitat Benefit Areas or when physical or topographic features require a reduction in road standards. (Amended by Ord. No. 5728/3-07)

(J) Where site conditions are favorable to stormwater infiltration “green streets” designs may be utilized. In these cases, deviation from the street standards contained in Transportation Implementation Measure O and shown on the adopted street cross-sections may be permitted by the City. Permissible design elements and facilities include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center, and minimizing the negative effects of stream crossings. (Added by Ord. No. 5728/3-07)

(Added by Ord. No. 4466/8-96 and Amended by Ord. No. 4903/5-00 and 5728/3-07.)

Section 9. Pedestrian/Bicycle Accessways.

(A) Purpose. Pedestrian/bicycle accessways are intended to provide safe and convenient connections within and from new subdivisions to adjacent and nearby residential areas, transit stops and neighborhood activity centers where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways should only be used in areas where public street options are unavailable, impracticable or inappropriate.

(B) When required. Pedestrian/bicycle accessways shall be provided in the following situations:

(1) In areas where full street connections are not possible, bicycle and pedestrian connections on public easements or rights-of-way shall be provided with

spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Titles 3 and 13 of the adopted Metro Urban Growth Management Functional Plan, or City Goal 5 Resource Protection requirements prevent their construction. (Added by Ord. No. 4903/5-00 and Amended by Ord. No. 5728/3-07.)

(2) Accessways are required between discontinuous street rights-of-way, through mid-block locations where blocks are longer than 1000 feet, in accordance with Section 8 (H) of this Article, or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

(3) Accessways shall be included as follows in all residential districts:

(a) To provide reasonably direct access to nearby neighborhood activity centers, transit trunk routes and other transit facilities.

(b) Where practicable, to provide reasonably direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided, partitioned, or otherwise developed in the future.

(c) To provide reasonably direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center.

(d) To provide reasonably direct connections from cul-de-sacs or local streets to arterial or collector streets.

(C) Development standards.

(1) Entry points shall align wherever practicable with pedestrian crossing points along adjacent streets and with adjacent street intersections.

(2) Accessways shall not exceed 300 feet in length between streets. Accessways shall be free of horizontal obstructions and have a nine (9) foot, six (6) inch high vertical clearance. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

(a) Accessways shall have a 15 foot wide right-of-way with a minimum 10 foot wide paved surface. Where pervious pavement is appropriate (e.g. in dense urban areas where little pervious surface exists, parking lots and where runoff is not highly contaminated), a deviation from this standard may be allowed per City Engineer approval. (Amended by Ord. No. 5728/3-07)

(b) If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least 20 feet with a 15 foot wide paved surface. Where pervious pavement is appropriate (e.g. in

dense urban areas where little pervious surface exists, parking lots and where runoff is not highly contaminated), a deviation from this standard may be allowed per City Engineer approval. (Amended by Ord. No. 5728/3-07)

(3) Accessways shall be direct with both end points of the accessway always visible from any point along the accessway.

(4) To enhance pedestrian and bicycle safety, accessways shall be lighted. Accessway lighting shall be provided by the developer to standards established by the City Engineer. Lighting shall be provided at both entrances and may also be required at intermediate points along the accessway, as appropriate for safety, as determined by the City Engineer. Lighting shall be directed as to avoid shining in fish and wildlife habitat areas. (Amended by Ord. No. 5728/3-07)

(5) Wherever practicable, accessways shall have a maximum slope of five (5) percent and avoid the use of stairways.

(6) Accessways shall be fenced and screened along adjacent property by:

(a) A thick vegetation screen at least 42 inches high with an additional four (4) feet high evergreen vegetation screen; or

(b) A minimum five (5) feet high fence with a row of three (3) to four (4) foot high evergreen shrubs or climbers planted along the fence (native shrubs are encouraged); if a wooden fence is used, then the fence shall be constructed with pressure-treated structural members including a pressure treated cap; or (Amended by Ord. No. 5728/3-07)

(c) If there is an existing fence on private property adjacent to the accessway, a four (4) foot high evergreen vegetative screen.

(d) In satisfying the requirements of this Section, evergreen plant materials that grow over four (4) feet in height shall be avoided. All plant materials shall be of a low maintenance variety and shall be reviewed and approved by the Planning Director. Plants used as a thorny vegetation screen shall reach 42 inches in height within three years of planting without irrigation.

(7) Accessways shall be designed to prohibit motorized traffic, except for motorized wheelchairs for disabled pedestrians. Curbs, removable lockable posts and bollards are suggested mechanisms to achieve this, except for motorized wheelchairs for the disabled.

(8) Accessway surfaces shall be paved with all weather hard-surfaced materials and designed to drain stormwater runoff to the side or sides of the accessway. Where pervious pavement is appropriate (e.g. in dense urban areas

where little pervious surface exists, parking lots and where runoff is not highly contaminated), a deviation from this standard may be allowed per City Engineer approval. Paving, storm drainage, shoulder treatment, and landscaping for accessways shall be as approved by the City Engineer and Planning Director. (Amended by Ord. No. 5728/3-07)

(D) Exceptions. An exception may be made where the Planning Commission determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

- (1) That other federal, state or local requirements prevent construction of an accessway.
- (2) That steep slopes, wetlands or other bodies of water, freeways, railroads, or other physical or topographic conditions make an accessway connection impracticable.
- (3) That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district.
- (4) That buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.
- (5) That the accessway would terminate at the urban growth boundary.
- (6) That the accessway would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which precludes a required accessway connection.

(E) Ownership, liability and maintenance of accessways. To avoid non-maintenance of pedestrian/bicycle accessways over time, the Planning Director shall require one of the following:

- (1) That the accessways be dedicated to the public as public right-of-way prior to the final approval of the development; or
- (2) That the developer incorporate the accessway into a recorded easement or tract which specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

(Added by Ord. No. 4466/8-96.)

Section 10. Usable Open Space. Unless an exception is approved under the standards in subsection e below, residential subdivisions in all zones shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:

Project Gross Acreage	Required Usable Open Space
1.01 to 5.00	5.0%
5.01 to 15.00	7.5%
15.01 to 25.0	10.0%
Over 25.01	12.5%

a. Maintenance of common private open space and other facilities such as private streets shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.

b. Usable open space in residential subdivisions shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.

c. Usable open space in residential subdivisions may include passive recreational areas only where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:

- 1) public accessways and covered viewing areas are provided;
- 2) only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.
- 3) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A of the Zoning Ordinance if applicable; and
- 4) the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.

d. Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with

seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

e. The Planning Commission may grant an exception to the Open Space requirements of this Section upon finding that:

1. The subdivision is within ¼ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park; or
2. a minimum of 800 square feet of private open space per lot is provided for at least 65 percent of the lots in the subdivision. To apply toward this exception, such private open space must be configured in contiguous side and/or rear yards with minimum depths or widths of 10 feet. Second story decks or roof gardens may also apply toward the 800 square foot standard, provided that the decks or gardens are at least 120 contiguous square feet in area.

(Added by Ord. No. 5780/8-07.)

Section 11. Limitation of Approval. Approval of a tentative plat shall not constitute approval of the final plat for record. Rather, it shall be a guide for the preparation of the final plat for submission to the Planning Director for approval.

(A) Approval of the tentative plat shall be in effect for two years from the date of approval by the Planning Commission or the Planning Director. The Planning Director may extend the tentative plat approval for one year, upon receipt of a written request from the applicant. Failure of the applicant to prepare and submit a final plat application pursuant to Article III of this Ordinance within the two year period (with the additional one year extension if applicable) shall cause the tentative plat approval to become null and void.

If any phase of a subdivision submitted to the Planning Director for final approval is approved and recorded within the prescribed time periods, the tentative plat approval shall be extended for one additional year on the remaining portion of the subdivision. This extension may be renewable for a period of one year upon receipt of a written request and approval by the Planning Director. (Amended by Ord. No. 5894/12-08.)

(B) Approval of the tentative plat where public facilities, services, and/or utilities essential to development of the site are inadequate does not obligate the City or any other agency to a schedule or financial commitment to provide such services. The applicant is advised to negotiate commitments from the appropriate authorities before proceeding with the final plat. (Amended by Ord. No. 5780/8-07.)

Section 12. Modification of Tentative Plat Approval. Application for modifications in the lotting pattern and/or the conditions of approval of an approved tentative subdivision plat shall be reviewed by the Planning Director pursuant to the procedures specified in Sections 2, 3, and 4 of this Article. In order to defray the costs of processing, applications for modification of an approved tentative subdivision plat shall be accompanied by payment of a fee as established by the City Council under Article XI of this Ordinance. The Director shall approve a proposed modification of an approved tentative plat only upon finding that the proposed modification equally or better complies with the subdivision approval criteria listed in Section 6 (A) of this Article. The Director may impose such approval conditions on the modification as it deems necessary to assure compliance with those standards. The Director may deny the proposed modification if it finds that the modification does not equally or better comply with the standards in Section 6 (A). (Added by Ord. No. 4724/11-98 and Amended by Ord. No. 5314/10-03; 5595/1-06, and 5780/8-07.)

(Article II Amended and Renumbered by Ord. No. 5780/8-07.)

ARTICLE III

Final Plat Procedure

Section 1. Submission of Final Plat. In order to receive consideration for final plat approval, the applicant shall have the subdivision surveyed and a final plat prepared in substantial conformance with the tentative plat as approved. The subdivider shall submit required copies of the final plat and any supplementary information to the Planning Director, including detailed elevations, color palette, and plot plans as required by Article II, Section 1 (E) (8), unless submitted with the preliminary plat. A list of information required on and materials required for the final plat shall be available from the Planning Department. (Amended by Ord. No. 5780/8-07.)

Section 2. Final Plat Check Fee. At the time of submission of a final plat for approval, an application fee as established by the City Council under Article XI of this Ordinance shall be paid to the City in order to defray the costs of processing the application. (Amended by Ord. No. 4724/11-98; 5314/10-03; and 5595/1-06.)

The purpose for said plat check fee is to defray expenses incurred for conducting subdivision plat checks. The final plat check fee in no way assures approval and cannot be refunded once the plat check has been accomplished. (Amended by Ord. No. 2950/11-78.)

Section 3. Review of Final Plat.

(A) Upon receipt of the final plat, accompanying data and appropriate plat check fee, the Planning Director shall examine the documents to determine that the subdivision as shown conforms to the tentative plat as approved, meets the conditions of approval if conditionally approved and meets zoning ordinance requirements. If he determines there has not be full compliance he shall advise the subdivider and his agent of the changes, corrections and/or additions that must be made and shall afford the subdivider or his agent the opportunity to make such changes, corrections or additions. (Amended by Ord. No. 2950/11-78.)

(B) (Repealed by Ord. No. 2960/11-78.)

(C) If the submittal of the detailed elevations, color palette, and plot plans required by Article II, Section 1 (E) (8), was deferred to submittal of the final plat, a notice of final plat application review shall be sent to property owners within 500 feet of the proposed subdivision, as required in Article II, Section 3. (Added by Ord. No. 2950/11-78, and Amended by Ord. No. 5780/8-07.)

(D) The final plat application shall be reviewed under the same standards and regulations in effect when the preliminary plat application was deemed complete, unless the applicant consents in writing to the application of standards adopted after submittal of the preliminary plat. (Added by Ord. No. 2950/11-78, and Amended by Ord. No. 5780/8-07.)

Section 4. Approval of Final Plat.

(A) A determination by the Planning Director that the final plat conforms with the tentative plat as approved or has met applicable conditions if approved conditionally, and the requirements of this Ordinance have been met, shall constitute authorization for the presiding officer of the Planning Commission to sign the final plat. If the final plat is determined not to conform to the tentative plat as approved, or has not met applicable conditions if approved conditionally, the Planning Director shall provide findings of fact stating the basis for disapproval. The subdivider may then either submit a new plat for consideration or appeal the decision as provided in Article VIII of this Ordinance. (Amended by Ord. No. 5780/8-07.)

(B) Following signature by the presiding officer of the Planning Commission, the Planning Director shall notify the subdivider that the final plat has been approved by the City and forwarded to the County Surveyor for purposes of conducting the plat check in conformance with O.R.S. Chapter 92, and subsequent processing by the County to result in recording of the plat. (Amended by Ord. No. 2950/11-78, and 5780/8-07.)

Section 5. Filing of Final Plat. Recordation of Final Plat. The applicant shall cause the final plat to be recorded at Washington County within the effective tentative plat approval period stated in Article II Section 11(A) of this Ordinance (either two years or as applicable three years with an approved extension). (Amended by Ord. No. 5780/8-07 and 5894/12-08.)

ARTICLE IV

Major Partition Procedures

Section 1. Submitting the Major Partition Map. No person shall create a street, road, public or private way in the City of Hillsboro for the purpose of partitioning an area or tract of land without the approval of the Planning Director. A person desiring to so partition land within the City shall file an application with the Planning Director on forms provided by the City Planning Department, together with 12 copies and the fees required by this ordinance. The application shall include the information specified in Article II, Sections (1) (A), (1) (E), (1) (F), and (1) (G). (Amended by Ord. No. 4892/3-00, and 5780/8-07.)

Section 2. Major Partition Map Filing Fee. Applicable for a Major Partition. An application fee as established by the City Council under Article XI of this Ordinance shall be paid to the City of Hillsboro by the applicant at the time of submission of the application for a major partition, in order to defray the costs of processing the application. All recording costs for legal instruments required by the City must also be paid by the applicant. (Amended by Ord. No. 3322/5-82, 5314/10-03, 5595/1-06 and 5780/8-07).

Section 3. Review of Major Partition. Upon receipt of the application for a major partition, the Planning Director shall proceed as follows:

- (a) Check the proposal against the Zoning Ordinance including the minimum and maximum residential densities of the zone if applicable, the requirements of this ordinance and any regulations applicable to the land.
- (b) Distribute one copy of the major partition map to each affected department and ask for comment within 14 days.
- (c) Send written notice by mail, not less than 20 days before the decision, to owners of property situated within a 200 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a major partition preliminary plat.
- (d) Prepare a staff report reviewing the major partition proposal; said staff report shall either approve or conditionally approve the major partition if such partition does not impede the future use of the tract, adversely affect the sale or logical development of any remainder of the tract or any adjoining land or access thereto; and if the proposal conforms to applicable statutes, rules, standards and ordinances. If the Planning Director finds that the major partition proposal does not conform to applicable standards, or if it impedes future use of the tract or adjacent properties, the Director shall deny the major partition, and the staff report shall include findings stating the reasons for denial. (Amended by Ord. Nos. 5314/10-03, 5595/1-06, and 5780/8-07.)

Section 4. Final approval. When the conditions of approval on the tentative plat have been met, and upon payment of a fee as established by the City Council under Article XI of this Ordinance to defray the costs of processing the application, the Planning Director shall sign the final plat and release it for recording with the County.

Approval or conditional approval of a major partition plat shall become null and void if the map is not recorded with the County within 12 months of the date of approval or conditional approval. A single six month extension may be granted by the Planning Director if requested in writing before the expiration of the initial twelve month period. If the major partition map is not recorded within the required time, the major partition may then be resubmitted to the City for consideration, subject to all provisions of this Article. (Amended by Ord. No. 5780/8-07.)

Section 5. Appeal. Any decision of the Director may be appealed pursuant to Article VIII of this ordinance. (Added by Ord. No. 5780/8-07.)

ARTICLE V

Minor Partition

Section 1. Submittal Requirements and Administrative Procedure. Minor partitions shall be reviewed, approved, approved with conditions, or denied by the Planning Director.

(A) An application for a minor partition shall be filed with the City on the form provided by the Planning Department, together with 12 copies and the fees required by Article XI of this Ordinance. The application shall include the information specified in Article II, Sections (1) (A), (1) (E), (1) (F), and (1) (G).

(B) Applications for minor partition approval shall be reviewed for compliance with Zoning Ordinance requirements regarding minimum and maximum densities, lot dimensions, and other applicable Zoning Ordinance provisions, and under administrative rules approved by the Planning Commission.

In addition to these rules, the Planning Director shall require that minor partition applications include geotechnical investigation reports as specified in Article II, Section (1) (E) (6). Unless the Planning Director determines that a geotechnical investigation is warranted due to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement: the construction value of the project is \$150,000 or less; the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; there is no evidence of any previous fill on the site to a depth exceeding one foot; the project does not include proposed fill on the site to a depth exceeding one foot; and no portion of the site has a slope in excess of ten percent (10%). (Amended by Ord. No. 3007/6-79, 3322/5-82, 3978/2-91, 4134/3-93, 4896/3-00, 5314/10-03, 5595/1-06, and 5780/8-07.)

Section 2. Review and Approval. Approval, conditional approval, or denial will be made based on conformance of a preliminary partition plat with applicable standards, statutes, rules and ordinances. Approval of the final partition plat shall be based upon conformance with any applicable conditions, and shall be evidenced by the signature thereon of the Planning Director, with the date of such approval. Any decision of the Planning Director may be appealed according to the provisions of Article VIII of this Ordinance. (Added by Ord. No. 3978/2-91 and amended by Ord. No. 4903/5-00, and 5780/8-07.)

Section 3. Fees. For purposes of defraying the cost incurred by the City in processing preliminary and final plats for minor partition applications, each application by a property owner or the authorized agent of the owner for preliminary or final partition plat approval shall be accompanied by fees as established by the City Council under Article XI of this Ordinance. All recording costs for legal instruments required by the City must also be paid by the applicant. (Added by Ord. No. 5780/8-07.)

Section 4. Lot Size Limitation for Partitions. A parcel of land or the aggregate of contiguous parcel under the same ownership, containing sufficient net buildable area to allow

creation of four or more lots meeting the minimum requirements of Zoning Ordinance No. 1945 as amended, shall be divided only in conformance with the procedures and standards specified in Articles II and III of this Ordinance.

A parcel, partitioned solely for the purpose of segregating one separate smaller parcel for an existing or proposed single family house, shall be exempt from the provisions of Section 4 of Article V. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone. (Amended by Ord. No. 5780/8-07.)

Article VI

Property Line Adjustments

Section 1. Administrative Procedure. Property line adjustments shall be reviewed, approved, approved with conditions, or denied by the Planning Director or the Director's designee. Applications for property line adjustments shall be made on a form prescribed by the Planning Director, and shall be accompanied by payment of a fee as determined by the City Council. Approval, conditional approval, or denial will be made based on the following standards:

- (a) conformance of both properties with the minimum dimensional (lot depth, width, and area) standards of the applicable zone after the proposed adjustment;
- (b) conformance of any structures on either property with the minimum and maximum setback standards of the applicable zone after the proposed adjustment;
- (c) if either or both of the affected properties are eligible for additional development, the proposed adjustment will neither preclude opportunity for such additional development nor reconfigure the properties in a pattern which might obviate public improvements required as condition of such additional development.

(Added by Ord. No. 5780/8-07.)

ARTICLE VII

Development Standards and Design Guidelines

Section 1. Conformance. The design of and improvements in subdivisions or partitions shall conform with the policies of the Comprehensive Plan, the standards of the Zoning Ordinance, and other applicable standards adopted by the Planning Commission or City Council.

Section 2. Standards. The Planning Commission and City Council may adopt development standards and design guidelines for any element of development within a subdivision, including but not limited to the following: lotting patterns; building orientation, design, and placement; circulation and parking design; streets and infrastructure construction; and landscaping and usable open space.

Section 3. Applicability. The Planning Commission, the City Council, and the Planning Director or the Director's designee may apply the development standards and design guidelines adopted for subdivisions to other land use applications reviewed by the City, including planned unit developments and development review, where such standards are clearly applicable.

(Amended by Ord. No. 5780/8-07.)

ARTICLE VIII

Appeal

Section 1. Appeal. An appeal to the City Council or Planning Commission from any final decision of the Planning Commission or Planning Director may be made by filing written notice with the City Recorder within 15 days after such decision is made. A fee must be submitted with the filed notice of appeal, equal to one-half the fee for the original application. If the appeal is of the Planning Director's decision on a tentative subdivision plat application, the amount of the appeal fee shall be one-tenth of the fee for the original application.

(A) Notice shall set forth in detail the nature of the decision and the grounds upon which the appeal is being made.

(B) The City Council or the Planning Commission following the filing of said appeal, shall set a time for a hearing on the appeal to be held within 40 days of receipt by the City Recorder.

(C) Unless specifically excepted by the Council or the Commission, appeals shall be based on the record before the Planning Commission or the Planning Director.

1. The Planning Director's Record of Decision shall consist of the application materials, comments from department heads and affected agencies, public notification affidavits, public testimony, staff reports, conditions of approval, and supporting findings, and the Notice of Decision.
2. The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted order and supporting findings.

(D) Either the City Council or the Planning Commission proceedings, as applicable, shall be conducted in accordance with the rules adopted by that body. Either the Council or the Commission, as applicable, shall make findings based on the Record before it and testimony received by it, and may uphold, modify, or overturn the earlier Decision.

(E) An appeal to the City Council of the Planning Commission's decision, either on a tentative subdivision plat or on appeal of a Planning Director's decision, may be made by filing written notice with the City Recorder within 15 days of the date of the Decision. Any such appeal shall be processed according to the requirements of this Section.

(F) All final orders made pursuant to the procedures set forth in this Article shall be reviewable by the Circuit Court of the State of Oregon.

(Amended by Ord. No. 4134/3-93, 4466/8-96, 5780/8-07, and 5894/12-08.)

ARTICLE IX

Amendments

Section 1. Amendment. Amendment to this ordinance may be initiated by the City Council or the Planning Commission. Before consideration of an amendment by the City Council, the Planning Commission shall hold a public hearing on the proposed amendment. Notice of the hearing shall be by three publications in a newspaper of general circulation in the City, the first to be at least 10 but not more than 20 days prior to the date of hearing, and the last not more than 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Commission shall forward a recommendation regarding the proposed amendment to the City Council. The Council may consider the proposed amendment without public hearing, or may wish to call a hearing on the matter. In the event Council elects to consider the matter at a public hearing, notice of such hearing shall be the same as for hearing before the Planning Commission.

ARTICLE X

Interpretation and Enforcement

Section 1. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, said portion or portions shall be deemed a separate, distinct and independent provision, and such judgment shall not affect the validity of the remaining portions of this ordinance.

Section 2. Repeal. Ordinance Nos. 1707 and 2487, 2661 and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 3. Violations and Penalties. In addition to penalties provided by State law, violation of any of the provisions of this ordinance by an applicant or his agent shall be considered a misdemeanor and shall result, upon conviction thereof, in punishment by a fine of not more than \$300.00, or by imprisonment of not more than 30 days, or both. Violation of this ordinance or any of the provisions thereof shall be deemed a separate misdemeanor for each day that such violation continues to exist. In addition to any fine or imprisonment, the cost of completing or correcting any improvements required by this ordinance and incurred by the City may be assessed to a person convicted of violation of this ordinance.

ARTICLE XI

Fees

Section 1. Fees. The City Council shall hold a public hearing to establish or revise the subdivision or partition fees referenced in this Ordinance. Notice of such hearing shall be published in the local newspaper, and the proposed fee schedule shall be available in the Planning Department and on the City's web site.

Passed by the Council and approved by the Mayor July 5, 1977.