

Ordinance No. 562
SCIO LAND DIVISION ORDINANCE
May 8, 2006

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**LAND DIVISION ORDINANCE
ORDINANCE NO. 562**

Title: An ordinance establishing regulations and provisions for the subdivision and major and minor partition of land within the corporate limits of Scio, Oregon, providing for the administration, enforcement and amendment thereof, providing for a penalty for violation thereof, declaring an emergency.

The City of Scio does ordain as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS.

Section 1.000. Title. This ordinance shall be known as "The Land Division Ordinance of the City of Scio, Oregon".

Section 1.010. Purpose. The purpose of this ordinance is to establish standards and procedures for the subdivision and partitioning of land within the City of Scio. These regulations are necessary in order to provide uniform procedures and standards for the subdivision of land; to coordinate proposed development with the Comprehensive Plan for the City; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation, drainage and water supply; to provide for the protection, conservation and proper use of land; and in general, to protect the public health, safety and welfare. Standards and procedures for the subdivision and partitioning of land are intended to comply with the provisions of ORS Chapter 92.

Section 1.020. Definitions. As used in this ordinance the following words and phrases shall mean:

1. Bikeway. A six-foot portion of a street right of way developed for bicycle traffic.
2. Building line. A line on a plat indicating the limit beyond which buildings or other structures may not be erected.
3. City. The City of Scio, Oregon.
4. City Engineer. A fully qualified professional engineer designated by the City Council to fulfill the responsibilities of a City Engineer as specified by this ordinance.
5. Civil Engineer. A professional engineer registered in the State of Oregon with a specialty in the field of civil works.
6. Commission. The Planning Commission of the City of Scio, Oregon.
7. Common Open Space. An area within a development designed and intended for use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.
8. Comprehensive Plan. A plan developed by the City Planning Commission and

adopted by Ordinance by the City Council as a guide for the development of the city, including modifications or refinements which may be made from time to time.

9. Contour Line. Map line linking all points of equal altitude.
10. Council. The City Council of the City of Scio, Oregon.
11. Develop. A building, drilling or mining operation, making a material change in the use or appearance of a structure of land, dividing land into two or more parcels including partitions and subdivisions, and creating or terminating a right of access.
12. Easement. A grant of the right to use a strip of land for specific purposes.
13. Final Plat. A final subdivision or partition plat.
14. Fire Chief. Head of the Scio Rural Fire District.
15. Grading. Any excavating or filling or combination thereof.
16. Lot. A unit of land that is created by a subdivision of land.
 - a) Corner Lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - b) Flag Lot. A lot which is connected to a street by a narrow strip of land which is used as access to the major portion of the lot.
 - c) Through Lot. A lot having frontage on two parallel streets other than alleys.
17. Parcel. A unit of land that is created by a partitioning of land.
18. Partition. Either an act to divide land into two or three parcels in 12 calendar months or an area or tract of land divided by such an act.
19. Partition, Major. A partition which includes the creation of a street.
20. Partition, Minor. A partition that does not include the creation of a street.
21. Partition Land. To divide an area or tract of land into two or three parcels within twelve consecutive months 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. "Partition Land" does not include divisions of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the city; or a sale or grant by a person to a public body for state

highway, county road, city street or other right-of-way purpose, provided that such road or right-of-way complies with the Scio Comprehensive Plan.

22. Partition Plat. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.
23. Pedestrian Way. A right-of-way for pedestrian and non-motorized traffic.
24. Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
25. Plat. The final subdivision plat or partition plat.
26. Public Utility. Any city-owned or franchised utility.
27. Public Improvements Standards. The "City of Scio, Oregon Standards for Public Improvements" that has been adopted by resolution of the Scio City Council.
28. Right-of-Way. The area between boundary lines of a street or other easement.
29. Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.
30. Sidewalk. A pedestrian way with permanent surfacing.
31. Site. Any lot or parcel of land or contiguous combination thereof under the same ownership.
32. Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land and including the terms "road", "highway, avenue" or other similar designations.
 - a) Alley. A thoroughfare through the middle of a block giving access to the rear of lots or buildings and secondary access to properties.
 - b) Arterial. A road designed for high speeds and large capacity intended to serve travel to and from major traffic generators such as cities, major rural areas, and major residential sections. Arterials shall be wide enough to accommodate two lanes, a center turn lane and two bike lanes.
 - c) Collector. A road designed for moderate speeds and capacities intended to serve travel between areas of interest. Collectors also tie local residential roads to arterials.
 - d) Cul-de-sac. A road or street closed to through traffic at one end with a vehicle turn-around.

- e) Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
 - f) Industrial Street. A road or street used primarily for heavy industrial traffic loading.
 - g) Local residential street. A road designed for low speeds and volume intended for short trips. Connects adjacent lands with collector streets.
 - h) Turn lane. A dedicated traffic lane used at intersections to direct traffic for right and left turns. Center turn lanes separate traffic lanes in opposing directions and are designated for left turns only.
 - i) Turnpike Street. A public street that has been paved for the handling of vehicular traffic but that does not have curbs, sidewalks or storm drain facilities.
33. Subdivide Land. To divide an area or tract of land into four (4) or more lots within 12 consecutive months 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.
34. Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
35. Subdivision Plat. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, as required by ORS 92.100.
36. Surveyor. County. The elected County Surveyor of Linn County, Oregon.
37. Surveyor. Private. A professional land surveyor who is licensed to practice in the State of Oregon.
38. Tentative Plat. A preliminary plan of the subdivision or partition submitted to the City for review and approval that shows the general design of the proposed subdivision or partition and that provides information as outlined by this ordinance for City review of the proposal.
39. Zoning/Building Official. One or more individuals designed by the City Council of the City of Scio, with the duties and authority to enforce the provisions of this Ordinance, the City of Scio Zoning Ordinance, and other ordinances and regulations as specifically determined by the City Council.

ARTICLE 2. ORDINANCE COMPLIANCE

Section 2.010 Scope of Regulations. Subdivision and partition plats shall be approved by the city in accordance with these regulations. A person desiring to subdivide or partition land shall submit tentative plans and final documents for approval as provided for in this ordinance. Subdivisions and partitions shall also conform with the provisions of ORS Chapter 92 and the comprehensive plan for the city, and shall result in lots and parcels complying with the zoning ordinance and other requirements of the city in effect at the time of subdivision or partition.

Section 2.020. Compliance with Ordinance and State Law. No person shall subdivide or partition land except in accordance with this ordinance and its amendments in accordance with the rules and regulations promulgated by the City Council and the Planning Commission in administering this ordinance and with the provisions of ORS 92. No person shall create any landlocked parcel as a result of subdivision or partition.

Section 2.030. Approval Required Before Creating Street to Partition Land. No person shall create a street for the purpose of partitioning an area or tract of land without the approval of the City as provided in this ordinance (ORS 92.014 (1)).

Section 2.040. Sales of Lots Prohibited Until Approval Obtained: Exception.

1. No person shall sell any lot in any subdivision with respect to which approval is required by this ordinance until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved. (ORS 92.016 (1))
2. A person may negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plat is required by this ordinance prior to the approval of the tentative plat for the major and minor partitions; but no person may sell any parcel in a major partition or in a minor partition for which approval of a tentative plat is required by this ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to such approval. (ORS 92.016 (2))

Section 2.050. Prohibition of Sales of Lots Prior to Recording Plat. (ORS 92.035).

1. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county.
2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plat for such subdivision or partition.

ARTICLE 3. PRELIMINARY REVIEW

Section 3.010. Request for Preliminary Review. Prior to filing a tentative plat of a subdivision or partition, the applicant may request in writing that the city review the feasibility of the proposed subdivision or partition.

Section 3.020. Preliminary Review Procedure. The request shall be reviewed at the first convenient time and not more than 30 days from receipt of the request. The City Manager, City Engineer, City Attorney, or Zoning/Building Official, or any combination of these people, may conduct such review. The review date shall be mutually agreed upon by the applicant and the Zoning/Building Official at the time of submission of the request, but shall be during normal working hours. The person(s) designated during such review meeting may give general guidance to the applicant by identifying potential problem areas and outlining procedures for application.

Section 3.030. Limitation on Preliminary Review Action. The person designated shall not accept, deny or otherwise rule or decide upon the proposed plan at the review meeting and no action at said meeting shall constitute or be construed as an acceptance, denial, rule, or decision thereon.

ARTICLE 4. SUBDIVISION PLAT APPROVAL PROCEDURE

Section 4.010. Background Information. The city shall make available to subdividers (or their agents) such background information as may be on file relating to the general area of a proposed plat and to the relationship of the Comprehensive Plan, the Zoning Ordinance, Public Improvements Standards and other City plans, policies or regulations.

Section 4.020. Submission of Tentative Plat for Proposed Subdivision. Subdividers shall prepare a tentative plat of the proposed subdivision and other supplementary material as may be required in Sections 5.010 to 5.050 of these regulations to indicate the general program and objectives of the project. At least 15 copies of the tentative plat shall be submitted to and accepted by the City 45 working days prior to the Planning Commission Hearing at which consideration of the plat is desired. The City shall not accept the tentative plat for review or hearing until it has been determined that all data required under Sections 5.010 to 5.050 has been submitted with the application.

Section 4.030. Filing Fees. At the time of the acceptance of the tentative plat, the Zoning/Building Official shall collect fees for subdivision review and inspection. The fees shall be set in accordance with a fee schedule set by resolution of the City Council, after recommendation by the Planning Commission. All fees which are paid shall be non-refundable.

Section 4.040. Preliminary Review of Proposal. At least 30 working days before the public hearing on the tentative plat, the City shall furnish one (1) copy of the tentative plat to each of the following agencies: Pacific Power and Light Company, Scio Mutual Telephone, Northwest Natural Gas Company, Linn County Surveyor, School District No. 95C, the Oregon Department of State Lands (DSL) if the proposed subdivision may include any wetlands, the Oregon Department of Transportation (ODOT) (if the proposed subdivision is within 200 feet of a state highway or of road or street for which ODOT has maintenance responsibility), the Linn County Roads Department (if the proposed subdivision is within 200 feet of a county road or any road or street for which the County Road Department has maintenance responsibility), the City Engineer, the Scio Rural Fire District, and to all other affected county, state and federal agencies, special districts, and utilities, as determined appropriate by the Zoning/Building Official. Contacted agencies shall be given at least ten (10) working days to review the tentative plat, suggest revisions, and return the recommendations to the city. No response from an agency shall be considered to be approval by the agency.

Section 4.050. Approval of the Tentative Plan for the Proposed Subdivision.

1. Hearing. Before the Planning Commission may take action on a tentative plat, it shall hold a public hearing. Notification of the hearing shall be by posting the property to be developed with at least one notice of the hearing giving the date and place of the hearing; notifying by mail the subdivider and all persons that own property within 1,000 feet of the proposed subdivision and that are listed as owners of record by the County Assessor of Linn County; and publication of notice in a newspaper of general circulation in the city. The newspaper notice shall be published 20-30 days prior to the hearing. Notices shall be posted on the property and mailed 10-14 days prior to the hearing. The subdivider shall provide a list of

owners who are to receive the notice of hearing by mail. Failure of a property owner to receive the notice of the hearing shall not impair the validity of the hearing or of the action taken by the Commission.

2. Within 35 days following the closure of the public hearing, the Planning Commission shall take action on the tentative plat and the reports of appropriate officials and agencies.
3. The Planning Commission may approve the tentative plat as submitted, approve it with conditions or modifications, or deny it. The decision shall be based on findings related to the following criteria:
 - a. The subdivision is consistent with the provisions of this ordinance, the zoning ordinance, other applicable city ordinances, and the comprehensive plan.
 - b. The subdivision is compatible with and will not adversely affect the livability or appropriate development of the surrounding area.
 - c. Vehicular access intended to serve the property from the surrounding area is adequate and vehicular access within the subdivision is adequate to meet the needs of the proposed development.
 - d. All necessary public utilities are adequate to meet the needs of the proposed development without hindering service delivery or capacity in other parts of the City.
 - e. No landlocked parcels will be created. Full and orderly development of the surrounding area can be assured.
 - f. The physical characteristics of the property, such as potential soil erosion or landslides, drainage, flooding, and other potential natural hazards, have been considered and will not be detrimental to the property or to the surrounding area.
4. Approval of the tentative plat shall indicate approval of the final plat if there is no change in the plan of the subdivision as approved by the City and if the subdivider complies with the requirements of this ordinance, the Comprehensive Plan, and of the provisions of ORS 92.010 to 92.160.
5. The action of the City Planning Commission shall be noted on two copies of the tentative plat, including reference to attached documents describing conditions. One copy shall be returned to the subdivider and the other shall be retained by the City.

6. Decisions of the Planning Commission may be appealed to the City Council. An appeal must be submitted within 15 days of the date of the Planning Commission decision.

Section 4.060. Submission of Final Subdivision Plat.

1. Within one year from the date of approval of the tentative plat the subdivider shall prepare a final plat in conformance with the approved tentative plat, the provisions of this ordinance and the provisions of ORS 92.010 to 92.160.
2. The subdivider shall submit the original drawing as required by ORS 92.080 and any supplementary information to the City for review and approval.
3. If the subdivider wishes to proceed with the subdivision after the expiration of the one year period following approval of the tentative plat by the Planning Commission, the tentative plat shall be resubmitted to the Planning Commission. Revisions to the tentative plat may be required in order to meet any changed conditions.

Section 4.070. Review and Approval of Final Subdivision Plat.

1. Upon receipt of the final plat and accompanying data it shall be reviewed by the City Engineer, the Zoning/Building Official and the County Surveyor. The City Engineer and the Zoning/Building Official shall review the plat and documents to determine that it conforms with the approved tentative plat, ORS Chapter 92, the Scio Comprehensive Plan and this ordinance. The County Surveyor shall examine the plat for compliance with requirements for survey accuracy and completeness and shall collect such fees for this purpose as are provided for by state law. The City Engineer and the Zoning/Building Official may make checks in the field to verify that the plat is sufficiently correct on the ground and they may enter the property for this purpose.
2. If it is determined that there has not been full conformity, the Zoning/Building Official shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If it is determined that full conformity has been made, the City Engineer and the Zoning/Building Official shall so certify.
3. If it is determined that the final plat conforms fully with the approved tentative plat and all applicable regulations and standards, the Zoning/Building Official shall advise the chair of the Planning Commission. The City Engineer and the chair of the Planning Commission may then sign the plat.
4. In the absence of the chair, his duties and powers with respect to action on final plats shall be vested in the vice chair.

5. Approval of a final plat shall not constitute or effect an acceptance by the city of the dedication of any street, recreation area, drainage way, area reserved for water and sewer line or other dedications shown on the plat.
6. Prior to recording of the final plat, the subdivider must apply for approval of all public officials, as specified in ORS Chapter 92 as amended. Signatures on the final plat by a majority of the Board of County Commissioners shall constitute approval of the plat by them. The subdivider shall then immediately take the approved final plat to the office of the County Clerk and have it recorded. A copy of the final plat and all documents to be recorded with the final plat shall be filed with the City of Scio within 30 days of recording these documents in the office of the County Clerk. The final plat submitted to the City shall be identified as an exact copy of the final plat as approved and recorded with the County Clerk. The exact copy may be a photocopy or a tracing upon a good quality of mylar or similar drafting material.
7. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of signature by the Planning Commission Chair. However, if the subdivider submits a request for a time extension to the Planning Commission, the Commission may grant such additional time as circumstances warrant.

Section 4.080. Time Limit for Development of a Recorded Final Subdivision Plat.

1. If after a final plat has been recorded, it has not been developed within a five (5) year period from the date of recording, the plat shall be resubmitted to the City for review and approval. Action on the re-submittal shall be in relation to current requirements of the subdivision ordinance, the Comprehensive Plan, other city land development ordinances, and land use patterns in the surrounding area.
2. A reconsidered final plat shall be reviewed by the Planning Commission at a public hearing.
3. The Planning Commission shall either approve the plat as originally platted or it shall require that the plat be revised, and resubmitted as a tentative plat following all ordinance requirements for that purpose.
4. For purposes of this section, a plat is developed only when all required public improvements have been installed.

**ARTICLE 5. INFORMATION ON TENTATIVE PLAT FOR
PROPOSED SUBDIVISION**

Section 5.010. Scale. The tentative plat of the proposed subdivision shall be drawn on a sheet which is a minimum of 18 by 24 inches in size at a scale of one inch equals 100 feet. The scale may be increased or decreased if necessary, but in all cases the scale to be used shall be a multiple of 10 feet. A map of the subdivision shall also be reduced to a size of 8 ½ by 11 inches.

Section 5.020. General Information. The following general information shall be shown on the tentative plat of the proposed subdivision:

1. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the same county and shall be approved by the Planning Commission, the County Surveyor and the County Assessor.
2. Date, northpoint and scale of drawing. If the plat is submitted more than once, the date of the revised tentative plat shall be clearly indicated on the face of the plat.
3. Appropriate identification clearly stating the proposal is a tentative plat.
4. A vicinity map showing the relationship of the proposed subdivision to surrounding development. This map shall include streets within 500 feet of the exterior boundaries of the proposed development.
5. Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 5.030. Existing Conditions. The following existing conditions shall be shown on the tentative plat of the proposed subdivision.

1. The location, widths, and names of both opened and unopened, dedicated or non-dedicated, streets within or adjacent to the tract, together with easements, dedications and other important features, such as section lines, corners, city boundary lines and monuments.
2. Contour lines related to some established benchmark or other datum approved by the City Engineer and having minimum intervals of two (2) feet.
3. The location and direction of drainage channels and the location of areas subject to flooding. The area within the Base Flood Area as defined by the Flood Insurance Rate Map (FIRM) for the City of Scio shall be clearly delineated.
4. Natural features such as marshes, wooded areas, and isolated trees.
5. Existing uses of the property, including location of all structures on the property.
6. Areas that have been determined to be wetlands, or that are likely to be determined as wetlands.

Section 5.040. Proposed Plan of Land to be Subdivided. The following information shall be included on the tentative plat of the proposed subdivision.

1. The location, width, names, approximate grades and radius of curves of the streets. The relationship of streets to any projected streets as shown on any comprehensive plan and as may be suggested by the Planning Commission in order to assure adequate traffic circulation.
2. The location, width and purpose of easements.
3. The location, approximate dimensions and square footage of lots and the proposed lot and block numbers.
4. Sites, if any, allocated for purposes other than single family dwellings.
5. Land to be deeded to the City, school district or other public agency for schools, parks or other public purposes.

Section 5.050. Supplemental Information. The following plans and information shall supplement the tentative plat of the proposed subdivision:

1. If the subdivision pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets and lots in the un-subdivided portion.
2. Proposed deed restrictions, if any, in outline form.
3. The location within the subdivision and in the adjoining streets and property of existing water mains, sewer mains, pump stations, culverts, drain pipes, electric lines and other utility lines.
4. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
5. General utility plans for domestic water supply, sewage disposal, storm water drainage, street lighting, and other utilities, indicating how these utilities shall be provided.
6. Any proposals to phase development of the subdivision.

ARTICLE 6. INFORMATION ON FINAL SUBDIVISION PLAT

Section 6.010. Form and Scale of Final Subdivision Plat. The final subdivision plat shall be submitted in the form and scale required by ORS 92.080.

Section 6.020. General Information on Final Subdivision Plat. In addition to that otherwise specified by law, the following information shall be shown on the final subdivision plat:

1. The date, scale, northpoint, legend, and existing features such as highways, creeks, and railroads.
2. Legal descriptions of the subdivision boundaries.
3. Name of the owner(s), developer, and surveyor.
4. The location by distance and bearings to the following. Distances shall be to the nearest one one-hundredth (0.01) of a foot and bearings shall be to the nearest 30 seconds, with a basis of bearings.
 - a) Monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b) Adjoining corners of adjoining subdivisions for existing surveys.
 - c) City boundary lines when crossing or adjacent to the subdivision.
 - d) All permanent monuments within the subdivision.
5. The exact location and width of streets and easements intersecting the boundary of the subdivision.
6. Subdivision, lot and street right of way boundary lines, with dimensions and tangent bearings. Normal high water lines as identified on flood hazard maps for any creek or other body of water when such information is available. Subdivision boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest one one-hundredth (0.01) of a foot. No ditto marks may be used.
7. The width of the portion of streets being dedicated and the width of any existing right-of-way. For streets on curvature, curve data shall be used on the street center line. In addition to the centerline dimensions, the radius and center angle shall be indicated.

8. Locations and widths of drainage channels, railroad right-of-way, reserve strips at the end of the stub street or along the edge of partial width streets on the boundary of the subdivision.
9. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a written statement of the easement shall be included. The location, dimensions and purpose of all recorded public and private easements along with the County Clerks recording reference, together with sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owners certificates of dedication.
10. Lot numbers beginning with the number "1" and continuing consecutively in each block. The area of each lot shall be shown.
11. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
12. Notations indicating any limitations on right of access to or from streets, lots, or other parcels of land, if any are to be made a part of the subdivision restriction.
13. Building setback lines that are to be made a part of the subdivision restriction.
14. All other requirements of ORS 92.050, 92.060, 92.070, shall be indicated on the final plat and met in preparing the final plat.

Section 6.030. Certificates on Final Plat. The following certificates, acknowledgments and other requirements established by State Law or this ordinance shall appear on the final subdivision plat. Such certificates may be combined where appropriate.

1. A certificate signed and acknowledged by all parties having any recorded title interest in the land subdivided, consenting to the preparation and recording of the plat.
2. A certificate signed and acknowledged as above, dedicating all parcels of land, streets, alleys, pedestrian ways, drainage channels, other dedications, easements and other right-of-way intended for public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors and tenants. An affidavit of the licensed surveyor having surveyed the land represented in the subdivision plat, to the effect that the surveyor has correctly surveyed the property in accordance with ORS 92.060 and 92.070.
3. A certificate from the licensed surveyor who prepared the survey and the final plat.

4. A certificate for execution by the Chair of the Planning Commission on behalf of the Planning Commission.
5. Other certifications required by law.
6. Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract.

Section 6.040. Supplementary Information with Final Subdivision Plat. The following data shall accompany the final subdivision plat:

1. Addresses of the owner(s), subdividers; and surveyor.
2. Survey requirements:
 - a) A complete and accurate survey of the land to be subdivided shall be made by a registered surveyor licensed to practice in the State of Oregon, in accordance with standard practices and principles of land surveying.
 - b) Traverse of the exterior boundaries of the proposed subdivision and of each block and lot shall close within a limit of error as specified by ORS 92.050.
3. A copy of any deed restrictions applicable to the subdivision.
4. Documentation of any dedications as required by the City for any street, recreation area, drainage way, are reserved for water line or sewer line, or other dedication, including easements.
5. Certifications or statements pertaining to the availability of domestic water supply and sewage disposal systems to serve each lot as outlined in ORS 92.090.
6. A certificate by the Zoning/Building Official that the subdivider 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 Commission giving conditional approval of the tentative plat.
 - b) An agreement has been executed as provided in Sections 7.010 and 7.020 to assure completion of required improvements.

ARTICLE 7. IMPROVEMENT PROCEDURES AND REQUIREMENTS

Section 7.010. Agreement for Improvements. Before Planning Commission approval is certified on the final subdivision plat, the land divider shall either install the required improvements or enter into an agreement with the City regarding improvements, as specified in Option B, Section 7.020. Repair of existing streets and other public facilities damaged in the development of the subdivision shall be a part of any improvement agreement. The agreement shall provide for a reasonable amount of time for repair of streets. The two optional procedures are more fully described as follows:

1. The land divider may elect to install the required improvements and make the needed repairs.
2. The land divider may elect to execute and file with the City a bond, contract or other assurance between himself and the City, specifying the period within which the required improvements and repairs shall be completed. The bond, contract or other assurance shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the land divider. A performance guarantee as provided for in Section 7.020 shall be required. The agreement shall provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 7.020. Land Divider's Performance Guarantee. The land divider shall file a performance guarantee with the City to assure his full and faithful performance in completing all of the required improvements. A performance guarantee shall consist of one of the two following options:

1. Option A. An improvements agreement between the land divider and the City that the Final Plat will not be approved or recorded and that no building permits for any structures within the development will be issued until all improvements have been completed by the applicant and accepted by the City. The agreement shall be in a form approved by the City Attorney. A set aside fund shall be paid by the land divider to the City in an amount as determined in the City of Scio Resolution Setting Municipal Fees. The set-aside fund shall be in an amount as determined by the City Engineer and approved by the Planning Commission, based upon estimates for the public works construction costs for roads, bike paths, sidewalks, water supply and distribution facilities, sewage disposal collection and treatment facilities, drainage improvements, road signs, fire hydrants, traffic control signs, and other public improvements that will ultimately be the responsibility of the City of Scio. The agreement shall specify that the land divider shall, upon the completion of work, remove all surplus earth, rubbish or other material, and replace and restore all existing streets, utilities, and other public improvements to a condition, as good as or better than, that existed prior to the work. The agreement shall require the land divider to keep the improvements in good repair at the land divider's own expense during the warranty period. The length of the warranty period shall be as prescribed by the City Council, and shall not be less than one (1) year from date of written acceptance of said work by the City. The funds shall be

used for public improvement inspections, administrative costs, and any other additional costs incurred by the City. Any portion of the set aside fund that is not used shall be returned to the land divider after all inspections have been made and approved by the City Engineer, between 10.5 and 12 months from the date of written acceptance of the improvements by the City. A written report of defects or a certification of approval shall be issued by the City Engineer as the basis for determination of the performance guarantee. This report shall be reviewed and approved by the City Council before going into effect.

2. Option B. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney. The amount of the surety bond shall be as established by the City Engineer, but shall not be less than 150% of the estimated construction cost of required improvements, as verified by the City. The surety bond shall insure the full and faithful performance of all proposed work and shall guarantee that the land divider will conform to all provisions of the improvements agreement, and immediately upon the completion of work, remove all surplus earth, rubbish or other material, replace or restore all existing streets and utilities to a condition as good as or better than existed prior to the work. The surety bond shall require the applicant to keep the improvements in good repair at the applicant's own expense during the warranty period. The length of the warranty period shall be as prescribed by the City Council, and shall not be less than one (1) year from the written acceptance of said work by the City. The City Engineer shall conduct a performance review between 10.5 and 12 months from the time the improvements are accepted. A written report of defects or a certification of approval shall be issued by the City Engineer as the basis of determination of the performance guarantee. The report shall be reviewed and approved by the City Council prior to going into effect.

Section 7.030. Failure to Complete Improvements. If the land divider fails to complete all improvements for which a surety bond or deposit is provided, the City shall estimate the cost of completing any required improvements, call on the bond for the funds necessary to complete the improvements, and complete the improvements to the extent of the funds obtained upon call of the bond. If the amount obtained from the bond or deposit is insufficient to complete the improvements, the land divider shall be liable for the difference. The City may either hold the collected funds until additional funds are authorized for the improvements, or expend the collected funds on revised improvements or on that portion of the improvements as determined reasonable by the City Engineer.

ARTICLE 8. PARTITIONING

Section 8.010. Purpose of Partitioning Review. Sections 8.010 to 8.070 prescribe procedures and standards governing the partitioning of land. Partitioning requirements are established to insure that adequate public access and related utilities and facilities will be provided to parcels created by the division and that the opportunity for the full and orderly development of the surrounding area will be maintained.

Section 8.020. Major Partitioning Procedure.

1. Any major partition of land shall be submitted to the Planning Commission for review and approval. There shall be submitted to the City, an application for approval of a tentative plat for a partition. The application shall include the following:
 - a) A map of the land area from which the parcels are to be partitioned. This shall include the date, northpoint, scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.
 - b) Name and address of the owner or owners of record, and the person who prepared the partition.
 - c) The parcel layout, showing dimensions and size of parcels.
 - d) Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
 - e) Identification of the street area and its relation to existing streets serving the property. Identification shall include location, widths and names of streets.
 - f) Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.
 - g) Vicinity map showing the street and lot pattern in the general vicinity.
2. Seven (7) copies of the tentative plat shall be submitted to and accepted by the City 45 working days prior to the Planning Commission meeting at which the partition request shall be heard. At least 30 days prior to the public hearing, all affected city, county, state, and federal agencies and special districts shall be notified of the application and shall be requested to review the partition proposal and submit their recommendations to the Planning Commission. In all cases the Zoning/Building Official shall notify Pacific Power and Light Company, Scio Mutual Telephone, Northwest Natural Gas Company, Linn County Surveyor, School District 95C, the Scio City Engineer and the Scio Rural Fire District. The Oregon Department of State Lands shall be notified if the proposed partition contains any wetlands. The Oregon Department of Transportation (ODOT) shall be notified if the proposed partition is within 200 feet of a state highway. The Linn County Roads

Department shall be notified if the proposed partition is within 200 feet of a county road or a road or street for which the County Road Department has maintenance responsibility. The affected agencies shall be given at least ten (10) working days to review the tentative plat, suggest revisions, and return the recommendations to the City.

3. At least 10 days prior to the public meeting, owners of all property located within 500 feet of the exterior boundaries of the proposed partition shall be notified of the meeting.
4. Within 35 days following the closure of the public meeting, the Planning Commission shall take action on the tentative plat.
5. The Planning Commission shall either, approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. Any conditions of approval shall be expressed. The decision shall be based on findings related to the following criteria:
 - a) The major partition is consistent with the standards of this ordinance, the Zoning Ordinance, other applicable City Ordinances, and the Scio Comprehensive Plan.
 - b) Vehicular access to the property is adequate.
 - c) All necessary public utilities can be provided to the proposed parcels.
 - d) Full and orderly development of the surrounding area can be maintained.
 - e) Physical characteristics of the property, such as potential soil erosion or landslides, drainage, flooding, and other potential natural hazards have been considered and will not be detrimental to the partition or to the surrounding area.
 - f) The partition is compatible with and will not adversely affect the livability or appropriate development of the surrounding area.
6. Action on a tentative plat for a major partition by the Planning Commission is final, unless within 15 days the decision is appealed to the City Council. The Council shall consider this request at its next regular meeting.
7. The council shall confirm, modify, or deny the Planning Commission decision. If the Council modifies or overrules the Commission decision, it shall express its reasons therefore. Any conditions of approval shall also be expressed. In considering an appeal, the City Council shall follow the same procedural requirements as specified for the Planning Commission by this Ordinance. City Council action shall be within 60 days following appeal to the Council.

Section 8.030. Minor Partitioning Procedure.

1. Any division of land that is within the definition of a minor partition shall be submitted to the Planning Commission for review and approval, in accordance with the provisions of this section. There shall be submitted to the City, an application for approval of a tentative plat for a minor partition. The application shall include the following:
 - a) A map of the land area from which the parcels are to be partitioned. This shall include the date, northpoint, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.
 - b) Name and address of the owner or owners of record, and of the person who prepared the partition.
 - c) The parcel layout, showing dimensions and size of parcels.
 - d) The street and lot pattern in the immediate vicinity.
 - e) Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
2. Seven (7) copies of the tentative plat shall be submitted to and accepted by the City 45 working days prior to the Planning Commission meeting at which the partition request shall be heard.
3. At least 10 days prior to the public meeting, owners of all property located within 200 feet of the exterior boundaries of the proposed partition shall be notified of the meeting.
4. Within 35 days following the initial public meeting, the Planning Commission shall take action on the tentative plat for a minor partition.
5. The Planning Commission shall either, approve the application for a minor partition as submitted, approve it with modifications or conditions, or deny it. Any conditions of approval shall be expressed. The decision shall be based on findings related to the following criteria:
 - a) The minor partition is consistent with the standards of this ordinance the Zoning Ordinance, other applicable city ordinances, and the Scio Comprehensive Plan.
 - b) Vehicular access to the property is adequate.
 - c) All necessary public utilities can be provided to the parcels to be created.
 - d) Full and orderly development of the surrounding area can be maintained.
 - e) Physical characteristics of the property, such as potential drainage, flooding or other natural hazards have been considered and will not be detrimental to the partition or to the surrounding area.

- f) The partition is compatible with and will not adversely affect the livability or appropriate development of the surrounding area.
6. Action on the tentative plat for a minor land partition by the Planning Commission is final, unless within 15 days the decision is appealed to the City Council. The Council shall consider this request at its next regular meeting.
7. The Council shall either, confirm, modify or deny the Planning Commission's decision. In considering an appeal, the City Council shall follow the same procedural requirements as specified for the Planning Commission by this Ordinance.
8. Council action on a minor land partition shall be within 60 days following appeal to the City Council.

Section 8.040. Approval and Recording of the Final Partition Plat.

1. Upon approval of a tentative partition plat, two (2) copies of the plat shall be signed, dated and conditions of approval noted. One plat shall be returned to the applicant and the other copy shall be retained by the City as a part of its permanent record.
2. Partition Plat. The final partition plat shall be the survey map which has been recorded with the Linn County Surveyor in accordance with County and State requirements, and that has been recorded in the office of the Linn County Clerk. Prior to recording of the final partition plat, it shall be submitted to the City for approval. It shall include one (1) exact transparent copy and two (2) prints for filing with the City. The final partition plat shall be prepared to meet the requirements of ORS 92.070, 92.080 and 209.250 and shall include the following:
 - a) The survey map of the parcels being offered for sale prepared by a Registered Land Surveyor. The survey map shall indicate the location of all interior and exterior monuments.
 - b) A legal description of the parcels being offered for sale.
 - c) A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the City related to the parcels.
 - d) A notarized signature of the owner or owners declaring the ownership and consenting to the recording of the partition plat.
 - e) A designated space for approval signatures of the Chair of the Planning Commission, the City Engineer and the County Surveyor.
 - f) The recording numbers of all deeds, dedications, easements and agreements approved as part of the partitioning review.

- g) An affidavit of the licensed surveyor having surveyed the land represented in the partition plat, that the surveyor has correctly surveyed the property in accordance with ORS 92.000 and 92.070.
3. Standards. The design standards for a subdivision in Section 9.010 to 9.070 shall apply to partitions. Applications for variance shall be in accord with the procedures established in Sections 11.010 to 11.030.
 4. Improvements. When a partition is being approved, the City shall determine whether or not any or all of the improvements as specified in Sections 10.010 to 10.020 are needed to serve the property in the partition. If the City finds that any or all of the improvements are needed, the City shall require that the improvements be accomplished according to the standards and procedures of Sections 8.010 to 8.030.
 5. Procedures for Approving Final Partition Plat. The final partition plat shall be filed with the Zoning/Building Official who shall coordinate the process of final plat approval within six (6) months of the date of approval of the tentative partition plat.
 - a) All final partition plats shall include the information and signatures required in this ordinance.
 - b) Prints of the final partition plat for review and approval shall be forwarded to the City Engineer and the County Surveyor. The City Engineer shall review the plat for agreement with the approved tentative partition plat and other City requirements or conditions of approval. The County Surveyor shall review the partition plat for compliance with County and State survey requirements.
 - c) If it is determined that there has not been full conformity with the approved tentative partition plat, the Zoning/Building Official shall advise the applicant of the changes that must be made and afford the applicant an opportunity to make such changes. If it is determined that full conformity has been made, the City Engineer shall so certify.
 - d) If it is determined that the final plat conforms fully with the approved tentative partition plat and all applicable regulations and standards, the Zoning/Building Official shall advise the Chair of the Planning Commission. The Zoning/Building Official and the Chair of the Planning Commission may then sign the plat.
 - e) In the absence of the Chair, all duties and powers with respect to action on final partition plats shall be vested in the Vice Chair.
 - f) Approval of a final partition plat shall not constitute or effect an acceptance by the City of the dedication of any streets, recreation area, drainage way, area reserved for water and sewer line, or other dedication shown on the plat.
 - g) The signed final partition plat and the signed exact copy shall be forwarded to

the County Surveyor for approval and signature.

- h) Within 45 days of the final approval, the final plat shall be recorded with the County Clerk.
- i) Within 30 days of recording the final plat with the County Clerk, the land divider shall provide the City with copies of the final plat as recorded and of all related documents.

ARTICLE 8.5 PROPERTY LINE ADJUSTMENTS

Section 8.510. Statement of Purpose. The purpose of this article is to provide the City of Scio with the authority to review all property line adjustments within the City in order to assure compliance with the comprehensive plan, this ordinance, and all other applicable City ordinances, and to assure that the resulting tax lot records are accurate.

Section 8.520. Application Procedure.

1. A complete application shall be filed with the Zoning/Building Official for all property line adjustment requests. The application shall be accompanied by a filing fee. The filing fee shall be set in accordance with a fee schedule established by resolution of the City Council, after recommendation by the Planning Commission.
2. A site plan shall be submitted with the application. This plan shall show all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.

Section 8.530. Review Procedure.

1. Within 21 days of the receipt of a completed property line adjustment application, the Zoning/Building Official shall determine whether or not the application is in conformance with all of the standards as specified in Section 8.540.
2. A property line adjustment is considered a ministerial act and does not require that notice be provided to any party except the landowners of the properties to be adjusted, and the applicant if different from the landowners.
3. The decision of the Zoning/Building Official on the property line adjustment is subject to Planning Commission review. Within 35 days of the decision, the Planning Commission shall review it. The Planning Commission may affirm, deny, or modify the decision.
4. Notice of the approval or denial shall be provided to the landowners of the affected properties, and to the applicant if different from the landowners. Notice shall be provided within five (5) days of the Planning Commission decision.

Section 8.540. Standards for Evaluating Property Line Adjustments. In reviewing a request for a property line adjustment, the following standards shall be met prior to Zoning/Building Official approval of the property line adjustment. These standards shall also be the basis for Planning Commission review of the request.

1. The lots being modified in size through the property line adjustment shall meet the minimum lot size, lot width, and street access requirements of the zone in which they are located.
2. If, prior to the application, the lot did not meet lot size or width requirements, the property line adjustment shall not result in greater nonconformity with the applicable standards. However, street access requirements shall be met on the resulting parcels.
3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements.
4. The property line adjustment does not create any additional lots.
5. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment.
6. If, in the review of the property line adjustment request, the Zoning/Building Official or Planning Commission determines that the adjustment appears to be a preliminary step toward subsequent partitioning or subdivision of any or all of the affected lots, the applicant(s) shall prepare a preliminary plan showing how the property will subsequently be divided.
7. Verification of ownership for each property must be presented to the Zoning/Building Official.
8. The property owner of each lot affected by the property line adjustment must sign a statement of agreement with the proposed change.

Section 8.550. Final Approval Process.

1. A metes and bounds description shall be prepared for Zoning/Building Official review which describes the area to be added to or reduced from each parcel. If the final property line adjustment is different from what was approved by the City, an amended site plan shall be submitted for City review.
2. Compliance with any conditions of approval must be demonstrated by the applicant.
3. The Zoning/Building Official shall render a decision within 30 days of receiving the final property line adjustment plan.

Section 8.560. Verification of Final Decision.

1. Within 60 days of approval of the property line adjustment by the Planning Commission, the applicant shall provide evidence to the City that the boundaries have been modified in accordance with City approval.
2. As required by ORS 92.060(7), an adjusted property line created by the location of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey shall be filed with the County Surveyor. Evidence of approval shall be verification from the County Clerk and from the County Assessor that the property has been transferred from one party to the other, and that the land to be added to a parcel has been consolidated with that parcel. Evidence of approval shall also be a copy of the survey as filed with the County Surveyor.
3. It is the responsibility of the applicant to record the approved Property Line Adjustment with the County. The applicant shall provide a verified approval from the City to the County at the time of recording the Property Line Adjustment.
4. A copy of the recorded Property Line Adjustment shall be submitted to the City within 30 days of its recording.

ARTICLE 9. DESIGN STANDARDS

Section 9.010. Principles of Acceptability. Subdivisions and partitions shall conform with the Comprehensive Plan, the Zoning Ordinance, applicable provisions of other city ordinances, the City of Scio Public Improvement Standards, state law and the standards established by this ordinance. Location and standards related to transportation and community facilities shall be based on the provisions of the adopted Comprehensive Plan.

Section 9.020. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical and drainage conditions, public convenience and safety, solar energy orientation, the proposed use of land to be served by the streets, and full land utilization which will not result in tracts of inaccessible land. Where location is not shown on the Comprehensive Plan or the Street Plan, streets should be generally aligned to provide for the continuation of existing streets in surrounding areas. Streets should also be oriented to minimize construction costs and drainage problems.
2. Minimum Street Right-of-Way and Roadway Widths.
 - a) Street right-of-way and pavement widths shall be adequate to fulfill City specifications as provided for in the Standards for Public Improvements.
 - b) Where existing conditions such as the size or shape of land parcels make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 feet. Any modifications to street design standards shall be based on recommendations made by the City Engineer taking into consideration the impracticalities of standard street design.
 - c) Additional side slope easements may be required for cuts and fills in areas with rough terrain.
3. Reserve Strips. Reserve strips or street plugs controlling access to streets shall be required when necessary to insure street extensions and the widening of half streets. The reserve strip shall normally be one foot in width and under the ownership of the City.
4. Future Extensions of Streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs are required to preserve the objectives of street extensions.

5. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
6. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs are required to preserve the objectives of half streets.
7. Street names. Except for the extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform with the Street Naming Ordinance, No. 350, and shall be subject to the approval of the Planning Commission.
8. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.
9. Access. Whenever the proposed subdivision or partition abuts Stayton-Scio Road, Highway 226, or Jefferson-Scio Road, access for each individual lot shall conform to the Scio Zoning Ordinance and be approved by the Planning Commission.

Section 9.030 Blocks.

1. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width.
2. Size. No block shall be more than 1000 feet in length between the street corner lines unless it is adjacent to an arterial street or unless drainage or the location of adjoining streets justifies an exception. A block shall have sufficient width to provide for two tiers of building sites unless drainage or the location of adjoining streets justifies an exception.

Section 9.040. Easements.

- a) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. Easement widths shall be consistent with the Public Improvements Standards.

- b) Water Course. If a subdivision or partition is traversed by a water course, such as a drainage way, channel, or stream there shall be provided a storm water easement or dedicated drainage right-of-way. Easement widths shall be consistent with the Public Improvements Standards. The drainage easement or dedication shall conform substantially with the lines of the water course, with such additional width as is necessary to assure ease of channel maintenance, to provide for any possible flooding, to assure that the channel will not be encroached upon by fences and other improvements, and where feasible, to encourage multiple use of the drainage channel and related area for purposes such as utility strips, transportation corridors for bicycles or pedestrian use, or as natural greenways.
- c) Pedestrian or bicycle ways. A pedestrian or bicycle way may be required for public convenience to connect to a cul-de-sac, to pass through usually long or oddly shaped blocks, or to improve traffic circulation to schools, parks, shopping areas or other community facilities. In any block over 750 feet in length, a pedestrian way shall be provided through the middle of the block. If unusual conditions require blocks longer than 1,000 feet, two (2) pedestrian ways shall be provided. Pedestrian or bicycle ways shall be consistent with the Public Improvements Standards. Long blocks parallel to arterial streets may be approved without pedestrian ways in the interests of traffic safety.

Section 9.050. Lots.

1. Size and Shape.

- a) Lot size, width, shape and orientation shall take into consideration the location of the subdivision and the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot sizes and dimensions shall be consistent with the lot size and width standards of the zoning ordinance. Lot depth shall not exceed two and one-half (2 1/2) times the average width.
- b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. 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.

2. Access. Each lot shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet.

3. Through Lots. Through lots shall be avoided except where they are essential for the separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

4. Flag Lots. Flag lots shall be prohibited unless there is no other way of providing access to the property. The thin strip of land which provides access to the major portion of the lot from the street shall be at least 25 feet in width and shall not be used in determining lot size, lot width or yard requirements. No more than two (2) access strips to flag lots shall abut each other.
5. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 9.060. Building Lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision or partition plat, or if temporary in nature, they shall be included in the deed restriction.

Section 9.070. Large Lot Subdivision. When large properties are being subdivided or partitioned into lots that may be re-divided in the future, the Planning Commission shall require building site restrictions which will provide for future streets and smaller lots.

Section 9.080. Land for Public Uses and Public Open Spaces.

1. Where a proposed park, school, public utility facility, buffer, or other public use shown in the Comprehensive Plan is located in whole or in part within a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision.
2. The provision of public open spaces for schools, parks, and playgrounds is essential for the sound development of residential areas. The Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, public utility facilities, or other public purposes. Dedication may be either by exchange of ownership or through conservation easement or similar device. Areas along Thomas Creek may be more suitably handled through conservation easement whereby areas along the stream can be set aside as open space to maintain riparian areas as habitat and where streamside pathway development may be provided.
3. No subdivider shall be required to dedicate, or make payments in lieu thereof, more than forty percent (40%) of the land for all public purposes including streets, but not including utility easements or drainage ways. If greater land areas are required for public use, the Planning Commission may require the reservation of such areas for a period of two (2) years during which time the appropriate agency may acquire such land at such prices as is established prior to final approval of the plat.

ARTICLE 10. IMPROVEMENT PROCEDURES AND STANDARDS

Section 10.010. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and to the City of Scio Public Improvement Standards. They shall be installed in accordance with the following procedure.

1. Improvement work shall not be commenced until plans have been reviewed for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the final plat or partition plan. All plans shall be prepared on materials in accordance with requirements of the City.
2. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason it shall not be resumed until after the City is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
4. Underground utilities and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
5. A map showing improvements as built shall be filed with the City upon completion of the improvements.

Section 10.020. Specifications for Improvements. The improvements shall be designed and constructed in accordance with the City of Scio Public Improvement Standards.

Section 10.030. Improvements in Subdivisions or Partitions. The following improvements shall be installed at the expense of the principal behind the proposal:

1. Water Supply System. Water lines and fire hydrants serving each lot and connecting them to mains shall be installed. The design and construction shall conform with the Public Improvement Standards and shall take into account provisions for extensions beyond the development that are in conformance with the Comprehensive Plan, provisions to adequately grid the water system, and sufficient stubs to provide for future division of lots.

2. Sewer Supply System. Sewer lines serving each lot and connecting them to mains shall be installed. The design and construction shall conform with the Public Improvement Standards, and shall take into account provisions for extensions beyond the developer and that are in conformance with the Comprehensive Plan, will adequately serve the City and will provide sufficient stubs for future division of lots.
3. Surface Drainage and Storm Drain Facilities. A workable drainage plan shall be made for all proposed streets, parking areas, and hard-surfaced pedestrian-bikeways. Grading shall be performed and drainage facilities shall be provided within the development and to connect the area drainage to drainage ways or storm sewers outside. Design and construction of drainage facilities shall conform with the Public Improvement Standards, shall be approved by the City, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the development and to allow extension of the system to serve such areas. If necessary, provision shall be made for retention storage areas designed and constructed to standards as provided by the City Engineer. Whenever possible natural features shall be utilized to improve drainage and minimize cost. New development shall not cause or augment ponding or increase damage due to flooding.
4. Streets. Public streets, including alleys, within the development, and public streets adjacent but only partially within the development shall be improved. Improvements shall be made to the paving line of existing streets which intersect with streets in the subdivision. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments on all property corners shall be established or reestablished by the subdivider. Bench marks shall be installed at each street intersection. Street center lines, crosswalks, bikeways, and other traffic control symbols shall be marked. Street design and construction shall conform with the Public Improvement Standards.
5. Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way, except the Planning Commission may approve a development without sidewalks if alternative pedestrian routes are available. Sidewalk design and construction shall conform with the Public Improvement Standards.
6. Street Name Signs. Traffic control devices and street name signs, designed to City specifications, shall be installed at all street intersections and elsewhere as required by the City.

7. Electrical and other Wires. Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation is impractical as the immediate surrounding area or neighborhood is served by overhead electric power lines. This circumstance would apply primarily to partitions in the older developed areas of the City.

ARTICLE 11. VARIANCES

Section 11.010. Variance Application. When necessary, the Planning Commission may authorize variances to the requirements of this ordinance. Application for a variance shall be made by petition of the land divider, stating fully the grounds for the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative subdivision or partition plat and shall be considered by the Planning Commission along with the tentative plat. Variances to the provisions of ORS 92 and ORS 209.250 are not permitted.

Section 11.020. Conditions for Granting a Variance. Before a variance may be granted, the Planning Commission shall first determine that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from parcel size and shape, topography or other circumstances over which the owners of the property since enactment of this ordinance have had no control. Project costs shall not be considered as an exceptional or extraordinary circumstance.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
3. The variance will not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located.
4. The variance requested is the minimum variance which will alleviate the hardship.
5. The variance is consistent with the policies of the comprehensive plan and with the provisions of this ordinance and the zoning ordinance.

Section 11.030. Planning Commission Action on Variances. In acting to grant, modify, or deny a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the written record of the case on file as a matter of public record. Within five (5) days of the date of action on the variance by the Planning Commission, the Zoning/Building Official shall transmit a copy of the action on the variance to the land divider.

ARTICLE 12. GENERAL PROVISIONS

Section 12.010. Appeal.

1. A person may appeal a decision or requirement made by the Planning Commission to the City Council. Written notice of the appeal must be filed with the City within 10 days from the date the Planning Commission made its decision. The notice of appeal shall be accompanied by a filing fee in accordance with a fee schedule adopted by Resolution of the City Council. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal. The hearing notice shall be mailed to all parties having received notice of the tentative plat of the subdivision or partition.
2. A hearing on the appeal will be held within 35 days from the time the appeal is filed. The City Council may continue the hearing for good cause. Following the hearing, the City Council may affirm, overrule or modify the decision or requirement made by the Planning Commission if the decision of the Council complies with the criteria and standards of this ordinance. The disposition of an appeal to the City Council shall be final.
3. Stay of Proceedings. When an appeal is filed it shall stay all proceedings by all parties in connection with the matter from which appeal is taken until the determination of such appeal by the Council.

Section 12.020. Amendment. The provisions of this ordinance may be amended after public hearings by the Planning Commission and the City Council. The Planning Commission shall first hold a hearing and shall transmit its recommendations and findings to the City Council. The City Council shall hold the final hearing and shall consider the recommendations of the Planning Commission in making its decision. All amendments to this ordinance shall comply with the provisions of ORS 92.048 (5)

Section 12.030. Severability. It is hereby declared to be the intent of the City Council that:

1. If a court of competent jurisdiction declares any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.
2. In a court of competent jurisdiction finds the application of any provision or provisions of this ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situations. This ordinance shall not be affected.

Section 12.040. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provision which is more restrictive shall govern.

Section 12.050. Penalty. In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this ordinance shall upon conviction thereof, be punished by a fine in accordance with the provisions as determined by the Scio Municipal Court. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Section 12.060. Repeal. Ordinance #467 "Subdivision Ordinance of the City of Scio, Oregon" is hereby repealed and replaced by this ordinance.

Section 12.070. Emergency. Whereas, the City Council of the City of Scio considers it necessary that the foregoing ordinance be enacted for the protection of the peace, health and safety of the residents of the City of Scio, Oregon, as emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

Passed by the Council May 8, 2006

Approved by the Mayor May 18, 2006

/S/ Dean Ferguson
(Mayor)

Attest: Joyce M. Morse
(Recorder)