

**A Planning Handbook  
for the  
City of Paisley**

- **Subdivision Ordinance**
- **Zoning Ordinance**
- **Plan and Guidelines**
- **Background Information**

**January 1980**

REVISED - NOVEMBER, 1988

**Prepared by LYNN D. STEIGER and ASSOCIATES, INC.**

1988 - Revised and Codified by A.R. "Dick" BROWN PLANNING CONSULTANT and Lake County Planning Office.

This report was financed in part by a Planning Assistance Grant from the Oregon Department of Land Conservation and Development.

# SUBDIVISION ORDINANCE



CITY ORDINANCE NO. 135

AN ORDINANCE PROVIDING SUBDIVISION AND PARTITIONING REGULATIONS FOR THE CITY OF PAISLEY, OREGON, AND REPEALING ORDINANCE NO. 122.

THE CITY OF PAISLEY ORDAINS AS FOLLOWS:

ARTICLE 1. GENERAL REQUIREMENTS

SECTION 1.010. PURPOSE.

The purpose of this Ordinance is to allow for the orderly and economic development of land under the jurisdiction of the City of Paisley. The Ordinance provides rules, regulations, and standards governing the approval of subdivisions and partitionings. The Ordinance is intended to insure adequate provisions for traffic movement, water supply, sewage disposal, drainage, and community facilities, and in general to protect and promote the public health, safety and general welfare.

SECTION 1.020. APPLICABILITY.

All subdivisions, partitionings and streets created for the purpose of land division or land development shall be approved by the City Council in accordance with this Ordinance and ORS Chapter 92.

SECTION 1.030. DEFINITIONS.

- (1) Access. The right to cross between private property and a public road to allow pedestrians and vehicles to enter and leave property.
- (2) Comprehensive Plan. The Plan adopted by the City Council as a guide to the growth and improvement of the City, including amendments thereto.
- (3) Contiguous. Parcels of land which abut each other.
- (4) Developer. Any person, corporation, partnership, or other legal entity that creates or proposes to create a land development.
- (5) Easement. A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.
- (6) Interest. Includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy land overnight, and lessee's interest in land for more than three years. Does not include any interest in a condominium or any security interest under a land sales contract, trust deed or mortgage, and does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

- (7) Land Development. Any subdivision or partitioning of land. The division of land into two or more lots or parcels for the purpose of disposition whether immediate or future.
- (8) Lot. A unit of land that is created by a subdivision.
- (9) Parcel. A unit of land that is created by a partitioning.
- (10) Partition, Partitioning or 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 the same ownership at the beginning of the year, but does not include:
- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.
  - (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the area requirements of the applicable Zone.
  - (c) The sale of a lot in a recorded subdivision or an approved partition even though the seller may have owned other contiguous lots or parcels prior to the sale.
- (11) Partition, Major. A partition which includes the creation of a street, road or other access.
- (12) Partition, Minor. A partition that does not include the creation of a street, road or other access.
- (13) Plat. A final map, diagram, drawing and accompanying written materials containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (14) Subdivided Land and Subdivision. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created, immediate or future, into 11 or more undivided interests or four or more lots, parcels or other interests 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. Does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller may have owned other contiguous lots prior to the sale; said lots however must be sold as platted and recorded.

## ARTICLE 2. SUBDIVISIONS

### SECTION 2.010. TENTATIVE PLAN REQUIRED.

Any person proposing a subdivision shall submit a Tentative Plan, together with the required application, accompanying information and supporting data, and required filing fee, prepared and submitted in accordance with the provisions of this Section. The Tentative Plan shall be filed with the City Recorder at least 21 days prior to the City Council meeting at which consideration is desired.

### SECTION 2.020. TENTATIVE PLAN REQUIREMENTS.

No Tentative Plan submittal shall be considered complete unless all the information and requirements set forth by the application form and attachments thereto are in completed form. At a minimum, the Tentative Plan shall show all existing conditions, the proposed development in sufficient detail to determine compliance with Zoning, this Ordinance and ORS Chapter 92, including provisions for streets, sewage disposal, water supply, fire protection, sidewalks, bicycle paths, electric and telephone facilities, open space, public areas and facilities, and other relevant information. Required supplemental information shall include the names and addresses of all persons or parties having or proposing to have an interest in the subject land and the proposed development, proposed deed restrictions or protective covenants, and reasons and justifications for any variances or exceptions to applicable regulations.

### SECTION 2.030. NOTICE AND PROCEDURES.

- (1) Upon receipt of a completed Tentative Plan, the City Recorder shall notify each City Council member that a Tentative Plan has been filed and provide each member an opportunity to review the Plan. In addition, the recorder shall provide similar notice to the City Public Works Supervisor, the City Fire Chief, the affected School District, and any affected special districts, public agencies and utilities.
- (2) Within 45 days from the date of the receipt of a completed Tentative Plan submittal by the City Recorder, the City Council shall advertise and conduct a public hearing on the subject proposal. Notice of such hearing shall be provided not less than 10 days prior to such hearing to the subdivider, the land owner, all property owners within 250 feet of the subject property, and to those persons, districts, agencies, utilities and others requesting notice as a result of the notification provided previously by the City Recorder. Following the public hearing, the Council shall within 10 days approve, conditionally approve, approve with modifications, or disapprove the Tentative Plan.

- (3) Approval of the Tentative Plan shall not constitute final acceptance of the plat for the proposed subdivision, however, approval of the Tentative Plan shall be binding upon the City for the purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the Tentative Plan for the proposed subdivision.

SECTION 2.040. CRITERIA FOR APPROVAL.

The City shall consider the following criteria in reviewing the Tentative Plan:

- (1) That streets and roads are laid out so as to conform to the development of adjoining property as to width, general direction, and in all other aspects, including the extension of street rights-of-way to property lines of property that will likely need access and/or have a need to be tied into the street system.
- (2) That the Tentative Plan conforms to the Comprehensive Plan and applicable Zoning for the area.
- (3) Possible or potential adverse effects on the development by natural hazards such as flooding, slides, soil erosion, high ground water table, etc.
- (4) Adequacy of existing or proposed water supply and sewage disposal system to support the projected population.
- (5) Adequacy of public services to serve the increase in population likely to be created by the development; including, but not limited to, schools, police and fire protection, health facilities, parks, etc.
- (6) Location of the development in relation to industrial or commercial zones, uses or designated areas for such development.
- (7) Possible adverse effects on or by neighboring property of uses thereon.
- (8) Protective covenants or deed restrictions if proposed.
- (9) Marketable title or other interest contracted.
- (10) Any unusual conditions, such as high water table or other soil, topographical or geological conditions.
- (11) Adequate financial capability for improvements.
- (12) Provisions for the protection or preservation of any significant scenic, natural or historic resources.
- (13) Provisions of the proposed development to provide for a range of housing needs, particularly those types identified as being in need.
- (14) Adequate mitigation measures for any identified adverse impacts on neighboring property, the surrounding area, or on the City as a whole.
- (15) Any other conditions pertinent to the public interest.

SECTION 2.050. FINAL PLAT.

Within one year after the date of approval of the Tentative Plan, the subdivider shall prepare and submit the Final Plat that is in conformance with the Tentative Plan as approved, with all conditions applicable thereto, and in compliance with the applicable provisions of ORS Chapter 92, particularly those requirements relative to survey, monumentation, form of final plat, survey and plat requirements, information required on final plat, and certificates required.

- (1) Supplemental Information Required. The following data, in addition to any other data required as a part of the Tentative Plan approval or by ORS Chapter 92, shall be submitted with the Final Plat:
  - (a) Title Report.
  - (b) Deed Restrictions or Protective Covenants.
  - (c) Any public dedications.
  - (d) As-Built drawings of any improvements; and/or
  - (e) Plans and Profiles of any improvements proposed to be completed following final plat approval with the accompanying "assurances" for such construction as required and approved by the City.
- (2) Technical Review of Final Plat. Within 10 working days of the receipt of the Final Plat submittal, the City Recorder shall provide for the initiation of a Technical Review thereof to determine compliance with the Tentative Plan approval, all conditions set forth thereby, compliance with ORS Chapter 92, and compliance with other agency/district/utility reviews. As a part of such review, the City Recorder shall notify the City Public Works Supervisor, the City Fire Chief, other City officials, and representatives of special districts, agencies, and utilities participating in the Tentative Plan review. Such persons shall be provided a minimum of five (5) working days to review and respond to the submitted Final Plat.
- (3) Council Review of Final Plat. Within 45 days of the receipt of the Final Plat by the City Recorder, the Council shall review and take action on the Final Plat submittal.
- (4) Final Plat Approval Requirements. No Final Plat for a proposed subdivision shall be given final approval by the City Council unless it is found to comply with the following minimum standards:
  - (a) It is found to be in strict compliance with the Tentative Plan approval and all applicable provisions of ORS Chapter 92.
  - (b) Streets and roads for public use are properly identified and dedicated without reservation or restriction.
  - (c) Streets and roads for to private use are clearly identified and have been approved as such by the City.

- (d) The plat contains a donation to the public of all common improvements and public uses proposed or required.
  - (e) All proposed or required improvements have either been completed and approved by the City, or that a bond, contract or other assurance therefore has been provided for and approved by the City.
  - (f) As an accompanying document, there is a statement of water rights and a copy of the acknowledgement from the State Department of Water Resources pursuant to ORS Chapter 92.122.
- (5) Recording of Final Plat. The subdivider shall, within 45 days of the Council's approval, submit the Final Plat for the approval and signatures of other public officials required by law. After obtaining all required approvals and signatures, said Plat shall be recorded in the County Clerk's office in accordance with the provisions of ORS Chapter 92. Not less than five (5) copies of the recorded plat shall be provided to the City at the developer's expense.

### ARTICLE 3. PARTITIONS

#### SECTION 3.010. APPROVAL REQUIRED.

All land partitionings within the City shall be approved by the City Council.

#### SECTION 3.020. APPLICATION.

Prior to a partitioning, an application for partitioning shall be filed with the City Recorder at least 21 days prior to the Council meeting at which consideration is desired. The application for partitioning shall include a map of the proposed division(s) and of the surrounding area, and shall be accompanied by the required filing fee.

#### SECTION 3.030. CRITERIA FOR APPROVAL.

The following criteria shall be considered in review and approval of the application:

- (1) Compliance with the Comprehensive Plan.
- (2) Compliance with the applicable Zoning.
- (3) Access to each parcel is assured.
- (4) Each parcel is suited for the use intended.
- (5) The streets and roads are laid out so as to conform to the existing or potential adjoining development, and that if needed, additional right-of-way be provided or extended to property lines of abutting properties that will likely need access and/or have a need to be tied into the street system.



- (6) Placement, availability and adequacy of utilities, including water, sewer, electricity, telephone, etc., and that all such services and facilities are proposed to be provided by the partitioner.
- (7) Safety from fire, flood or other natural hazards.
- (8) Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities, or on any significant resources.
- (9) An approved water rights plan as applicable.

SECTION 3.040. PROCEDURES.

Within 45 calendar days from the first regular Council meeting following submission of an application for partitioning, the City Council shall review the plan submitted and either approve, approve with modifications or conditions, or deny the application.

SECTION 3.050. SURVEY AND IMPROVEMENT REQUIREMENTS.

In the approval of any land partitioning, the need for a survey, and the need for street and other public service or facility improvements shall be considered, and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including completion thereof prior to final approval or the provision of bonding or other assurance therefore.

ARTICLE 4. DESIGN STANDARDS

SECTION 4.010. MINIMUM STANDARDS REQUIRED.

All subdivisions and partitionings shall be subject to the following minimum design and improvement standards:

- (1) It shall be the responsibility of the land developer/partitioner to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains and electric and telephone lines necessary for the development in accordance with specifications prescribed by the City.
- (2) No building or occupancy permits shall be issued for construction in any development until all improvements have been constructed or until a time schedule for such construction has been approved by the City Council. The Council may require an improvements agreement with a cash or performance bond if it determines that such is necessary.
- (3) Specifications for construction of streets, curbs, and sidewalks shall be as set forth by the City Council.

- (4) Water system and sanitary sewer facilities connecting with the existing City water and sewer systems shall be installed to serve each lot upon which buildings are to be constructed. No septic tanks or cesspools will be permitted. Water systems and sanitary sewers shall be constructed to State and local standards.
- (5) Storm sewers shall be installed as required by the City and shall be constructed according to the specifications established by the City Council.
- (6) Except as approved otherwise by the City, all electrical, telephone or other utility lines shall be placed underground.
- (7) The size, width, shape and orientation of lots shall be appropriate for the type of development proposed or intended, consistent with the applicable Zoning and topographical conditions.
- (8) Each lot or parcel shall abut upon a public street other than an alley for a width of at least 25 feet except as otherwise approved by the City.
- (9) The lines of lots and parcels, as far as is practical, shall run at right angles to the street upon which they front, except that on curved streets they shall be radial to the curve.
- (10) No lot or parcel shall be divided by the boundary line of the City or other taxing or service district boundary, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services.

SECTION 4.020. IMPROVEMENT PROCEDURES.

Improvements to be installed by the land developer/partitioner, either as a requirement of this Ordinance, conditions of approval, or at the developer's option as proposed as a part of the development proposal, shall be provided in conformance with the following requirements:

- (1) Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. Such review and approval shall be at the expense of the developer.
- (2) Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer.
- (3) "As Built Plans" for all public improvements shall be completed and filed with the City upon completion thereof. Such plans shall be duly filed with the City within 30 days of the completion of such improvements.
- (4) All costs for engineering, inspection, review and evaluation of a proposed development relative to impacts and carrying capacities of existing and proposed facilities, and for improvement specifications that are incurred by the City

shall be borne by the developer. An estimate of such costs shall be provided to the developer prior to approval of the subject development proposal and prior to the City incurring such costs.

ARTICLE 5. ADMINISTRATIVE PROVISIONS

SECTION 5.010. ALTERATIONS.

The City Council may alter any of the conditions or specifications of this Ordinance if it finds that special or unusual circumstances warrant such. Any alteration shall be in written form and identify the circumstances which warrant the alteration.

SECTION 5.020. DECISION REQUIREMENTS.

- (1) Approval or denial of an application for a land development shall be in writing and shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision and explains the justification for the decision based on the criteria, standards, and the facts set forth.
- (3) Except as otherwise provided in ORS 227.178, the City shall take final action on an application submitted under this Ordinance, including resolution of appeals, within 120 days after the application is deemed complete. The 120 day period may be extended for a reasonable period of time at the request of the applicant.

SECTION 5.030. PLANNING RESPONSIBILITY.

Until such time as the City Council establishes a Planning Commission, the City Council shall perform all planning duties prescribed by this Ordinance or by State law regarding subdivisions and partitionings.

SECTION 5.040. PENALTIES.

The penalty for violation of any requirement of this Ordinance shall be as prescribed by State law or City ordinance.

SECTION 5.050. ENACTMENT.

This Ordinance shall be and is hereby declared to be in full force and effect on and after 30 days from the date of approval by the City Council and the Mayor.

APPROVED BY THE CITY COUNCIL ON THE 6th DAY OF DECEMBER, 1988.

APPROVED BY THE MAYOR ON THE 6th DAY OF DECEMBER, 1988.

C.E. YOUNG /s/  
MAYOR

ATTEST: Theresa Vickerman  
CITY RECORDER  
December 6, 1988