

**CITY OF COBURG PLANNING  
PO BOX 8316 Coburg, OR 97408**

**STAFF REPORT  
Subdivision  
SUB-01-20**

Report Date: June 10, 2020

**I. BASIC DATA**

Property Owners: Bruce Wiechert Custom Homes, Inc.  
3073 Skyview Lane  
Eugene, OR 97405

Applicant Consultant/Surveyor: The Favreau Group  
Eugene, OR 97405

Assessors' Map Lot#: 16-03-28-00 Tax Lot 00501

Comprehensive Plan  
Designation: Traditional Residential (TR)

Current Zoning: Traditional Residential (TR)

**II. REQUEST**

The applicant has requested a subdivision of one (1) legal lot into 50 legal lots of Assessors Map 16-03-28-00 Tax Lot 00501. The resulting subdivision would create 46 lots for single family dwellings, and set aside four lots for open space.

**III. BACKGROUND**

Assessors Map 16-03-28-00 Tax Lot 00501 is vacant and partially within the City limits. The applicant applied to Lane County to partition the lot at the City limits, making the resulting lot entirely within the City limits.

Tax Lot 00501



The parcel is zoned Traditional Residential, with a very small portion Traditional Medium Residential, and abuts other Traditional Residential properties in the west, south, and east. To the north property is zoned by Lane County Exclusive Farm Use 40 acre minimum (EFU 40).

**Issues**

Street Connections

The proposed subdivision requires the extension of two streets, N Skinner and N Coleman. N Skinner in particular is not constructed to a level that would accommodate two-way traffic or function well with more traffic. As part of the public improvement plan review and construction process, the applicant will make off-site improvements to the adjacent street(s).

Sight Lines

Per the City engineer’s review of the Traffic Impact Analysis, there are a couple line of sight considerations that potentially affect two lots. Condition 3 in the Final Order explains how the applicant can solve this issue.

**IV. APPROVAL CRITERIA AND ANALYSIS**

*Article X.II.C*

*2.c. Subdivisions (non-phased)*

*(1) General Approval Criteria. The City may approve, approve with conditions or deny a preliminary subdivision plan based on the following approval criteria:*

- (1) *The proposed tentative subdivision plan complies with the applicable zoning code provisions and all other applicable ordinances and regulations, including but not limited to lot standards, street standards (ARTICLE VIII.E), required public improvements (ARTICLE VIII.F) and any special development standards.*
- (2) *The proposed subdivision will not cause any existing improvements on existing or proposed lots to be inconsistent with applicable standards in this code.*
- (3) *Subdivisions abutting streets under control of an agency that is not the City shall comply with access management guidelines of the agency having jurisdiction over the street.*
- (4) *Development within the tentative subdivision plan can be adequately served by City infrastructure.*
- (5) *Proposal contributes to the orderly development of the City's area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the subdivision.*
- (6) *All applicable engineering design standards for streets, utilities, surface water management, and easements have been satisfied.*
- (7) *If the proposal involves the creation of a public street, all of the following criteria also apply:*
  - (aa) *The proposal will not impede the future use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.*
  - (bb) *The proposed partition will:*
    1. *Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;*
    2. *Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;*
    3. *Not hamper the adequate provision of publicly owned open space for recreation needs.*
    4. *The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and*

uses within 2 miles that can be reasonably expected to be used by bicyclists.

## **V. STAFF RECOMMENDATION**

**The request for the subdivision is approved subject to the following conditions:**

**CONDITION 1:** Prior to final plat approval the applicant shall obtain partition approval at the City boundary from Lane County.

**CONDITION 2:** The design of the public streets and city utility infrastructure will be reviewed separately under a public improvement review process (PEPI) and is subject to modifications as determined through that process. Connection points, design details, and other detailed criteria will be subject to public standards and applicable codes.

**CONDITION 3:** The proposed site plan shall be adjusted to accommodate line of sight for stopping sight distance within the proposed public right of way by increasing the length of the two curves, or permanent no-build easements shall be placed on the final plat to prohibit building within the sight distance areas.

**CONDITION 4:** As part of the public improvements process, the applicant shall improve the offsite roadway access points to a minimum of two vehicle access lanes, or at least to fire access lane standards and requirements. Improvements shall include but not be limited to pavement widening pavement on-street parking restrictions.

### **FROM COBURG RURAL FIRE:**

**CONDITION 5:** Any street improvements as part of the new subdivision or adjacent street connection improvements shall be a minimum of 20ft unobstructed width, 16ft travel surface and 13ft 6 inch vertical clearance.

### ***Final Plat Submission Requirements, Article XII.D.2***

#### ***Submittal Requirements.***

*Applications for approval of a final partition or subdivision plat shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type I process, in accordance with ARTICLE X.B, and the following additional items:*

- a. A final plat, including the information required by the City's Final Subdivision or Partition Plat application form, including all contiguous property under the same ownership as the subject property.*

*b. Approval Criteria. A final plat shall be approved if the following criteria are met:*

*(1) The final plat substantially conforms with the approved tentative plan.*

*(2) Conditions of approval imposed on the tentative plan have been met.*

*(3) The final plat dedicates to the City, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by a condition of approval.*

*(4) Public improvements required by this code or by a condition of approval have been completed or the applicant has provided a performance guarantee pursuant to ARTICLE XII.E.*

*(5) The City surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.*

**ATTACHMENTS:**

**A.** Final order

**B.** Application materials (submitted 2/25/20, amended 5/22/20, 6/9/20, & 6/10/20)

**C.** Agency comment – City contract engineer

**D.** Agency comment – Lane County

**E.** Public comment – Parker (received 4/2/20)

**F.** Public comment – Weissbarth, Fuentes (received 4/2/20)

**G.** Public comment – Engebretson, Rux, Others (received 4/3/20)

**H.** Public comment – Wells (received 4/6/20)

**I.** Public comment – Engebretson, Rux, Coelho (received 4/6/20)

**J.** Public comment – Marr (received 4/20/20)

**K.** Public comment – McDonald (received 6/9/20)

**ATTACHMENT A**  
**FINAL ORDER**  
**of the**  
**COBURG PLANNING COMMISSION**  
**SUB-01-20 Wiechert Subdivision**

**A. The Coburg Planning Commission finds the following:**

1. The Coburg Planning Commission has reviewed all material relevant to the Wiechert Subdivision that has been submitted by the applicant and staff regarding this matter for Assessors Map 16-03-28-00 Tax Lot 00501, including the criteria, findings, and conclusions within the proposed final order and attached staff report.
2. On June 17, 2020 the Coburg Planning Commission reviewed the SUB-01-20 after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-200-I, Article X.C.
3. On June 17, 2020 Planning Commission approved the Subdivision proposal SUB-01-20 after giving the required notice as per O.R.S. 197.195(3) and Coburg Zoning Ordinance No. A-200-I, Article X.C and acknowledging a 15 day appeal period. **The appeal period ends July 2, 2020.**

**ARTICLE VII. DISTRICT REGULATIONS**

*District regulations are set forth in the following Schedule of District Regulations:*

**A. Traditional Residential District (TR)**

1. **Purpose:** *The Traditional Residential District is intended to provide a livable neighborhood environment, preserve the small town and historic character of the traditional core of Coburg, ensure architectural compatibility, and provide for a variety of residential housing choices and other associated uses as determined to be desirable and/or necessary.*
2. **Uses and Structures**
  - a. Permitted Principal Uses and Structures
    - 1) *Residential*
      - (i) *Single-family detached dwellings*
      - (ii) *Duplexes located on a corner parcel with each primary entry oriented to a different street*

- (iii) *Group home, not to exceed five unrelated individuals*
  - (iv) *Manufactured homes on individual lots*
  - (v) *Residential Homes as defined by ORS 197.660-670*
  - (vi) *Residential Facilities, as defined by ORS 197.660-670, subject to locational standards in Section 11(b).*
  - (vii) *Cottage housing, subject to the standards in ARTICLE VIII.J.*
- (2) *Home Occupations as provided in Article VIII.O*
  - (3) *Public and Institutional*
    - (i) *Places of Worship subject to the locational standards in Section 11*
    - (ii) *Public and private schools subject to the locational standards in Section 11*
  - (4) *Bed and Breakfast Inns, subject to the locational standards in Section 11*
  - (5) *Child care center providing care to six or fewer children. Child care centers with 7-12 children are permitted subject to the locational standards in Section 11.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. The proposal meets this criterion.

**b. Permitted Accessory Uses and Structures**

- (1) *Accessory buildings and uses, such as garages, carports, or sheds, are permitted.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. No accessory uses or structures are proposed. These criteria are not applicable.

- (2) *One accessory dwelling unit as provided in ARTICLE VIII.K.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. No accessory dwellings are existing or proposed. This criterion is not applicable.

**c. Conditional Uses. The following uses require a conditional use permit under the procedure, criteria, and standards of Article XIII.**

- (1) *Boarding, lodging or rooming house*
- (2) *Child care center-providing care to thirteen or more children*
- (3) *Nursing homes*
- (4) *Public parks, playgrounds and community centers*
- (5) *Public and semi-public buildings*
- (6) *Public, private and parochial schools that do not meet the locational standards in Section 11*
- (7) *Places of worship that do not meet the locational standards in Section 11*
- (8) *Agricultural uses and crop cultivation subject to Nuisance Ordinance criteria and Section 10 requirements*
- (9) *Gardens and greenhouses for commercial purposes*
- (10) *Mixed-use development (a residential use with another permitted use or commercial use), subject to locational and design standards in Article VIII, Section M.*

d. Prohibited Uses

- (1) All uses not listed as permitted, accessory or conditional.

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. These criteria are not applicable.

**3. Driveway Limitations in the Traditional Residential District**

- a. *In the Traditional Residential District, driveways shall be limited to a maximum of one (1) per dwelling. One driveway shall be allowed for each unit of a duplex. A single driveway cannot be used by more than one dwelling.*

*Exception: A single driveway can serve one dwelling in addition to an approved accessory dwelling unit.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. These criteria are met.

**4. Minimum Lot Requirements**

- a. ~~For properties not served by sanitary sewers, the minimum lot requirements shall be as follows:~~

<del>Number of</del>	<del>Sq. Ft./lot</del>	<del>Min. Width</del>	<del>Max. Lot</del>
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<b>Units</b>			<b>Coverage.</b>
Single Family	10,000	50 ft. 55 ft. for corner lots	30%

b. For properties served by sanitary sewers, the minimum lot requirements shall be listed below:

<b>Number of Units</b>	<b>Min. Sq. Ft./lot<sup>1</sup></b>	<b>Min. Width</b>	<b>Max. Lot. Coverage</b>
Single Family detached and Manufactured home on a lot	6,000	50 ft., 55 ft. for corner lots.	40%
Duplex			

c. The approval body may grant a 15% modification to the lot area and/or lot dimension standards, provided that:

- (1) The modification is necessary to address physical constraints, such as topography, existing development, significant trees, and other natural and built features; and
- (2) The overall density requirements of the subdivision are satisfied; and
- (3) Where the proposed subdivision abuts an existing subdivision with standard or larger than standard sized lots, the proposed lots abutting the lots in the existing subdivision shall be at least the minimum lot size for the proposed subdivision.

Where substandard lots abut standard or larger sized lots, the approval body may require screening or other transitions to provide a buffer between uses.

**FINDING:** The proposed subdivision meets the lot dimensions. The newly created lots are well over 6,000 square feet, and 50 feet in width. The proposal meets these criteria.

## 5. Residential Density Standards

The following density standards apply to all new development where sanitary sewer is available. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing.

- a. The maximum density permitted on any parcel in the Traditional Residential District shall be 7.5 dwelling units per acre. The maximum density limitation does not apply to accessory dwelling units, cottage housing, or residential uses as part of a mixed-use development.
- b. When lots are created through a land division, or site development is proposed for four or more dwelling units, a minimum density of 60 percent of

*the maximum density (or 5.4 dwelling units per acre) is required. (Minimum density calculations are based on net density. See density calculations definition.) This standard does not apply to the following developments:*

- (1) *Partitions;*
  - (2) *Subdivisions of parcels totaling 20,000 square feet or less;*
  - (3) *Lot line adjustments;*
  - (4) *Bed and Breakfast inns; and*
  - (5) *Development on physically constrained sites, where lot configuration, access limitations, topography, significant trees, wetlands or other natural features prevent development at the minimum density.*
- c. *The density standards may be averaged over more than one development phase (i.e., as in a master planned development).*
- d. *Duplexes used to comply with the density standard shall be so designated on the final subdivision plat.*

**A minority portion of the existing lot is zoned Traditional Medium Residential (TMR). The rough area zoned TMR is equal to .59 acres.**

**FINDING:** The proposal is for 46 lots. The area of the existing parcel after partition at the City limits is 10.83 acres, of which 0.59 acres is zoned Traditional Medium Residential (TMR). The remaining 10.24 acres is zoned Traditional Residential (TR).

**FINDING:** Minimum density is measured using Net Area. Per the definition of Net Area, the only portion of the parcel that shall not count towards the total density calculation is the land set aside for open space. Minimum density for TR is 4.5 units per acre, and TMR is 10.4 units per acre.

**FINDING:** The total Net Area after subtracting the proposed open space is 9.88 acres or roughly 91 percent of the total parcel.

**FINDING:** The total number of lots required to meet the combined minimum density for this subdivided parcel is 46 lots (Five (5) lots in TMR and 41 lots in TR). The proposal meets these criteria.

## **6. Minimum Yard Requirements.**

### **a. Front yards**

- (1) *Setbacks shall be a minimum of 15 feet, with the following exceptions:*
  - (i) *Garages, carports, and sheds shall be set back a minimum of 20 feet from the front property line and shall be set back a minimum of 5*

*feet from the longest wall of the front façade of the house.*

- (2) Steps are permitted within the front yard setback.*
- (3) In any required front yard, no fence or wall shall be permitted that materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted that materially impedes vision across such yard between the heights of 30 inches and 10 feet.*
- (4) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Planning Official may waive the requirement for the normal front yard and substitute, therefore, a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.*
- (5) In the case of corner lots that do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.*
- (6) In the case of the reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.*
- (7) In the case of corner lots with more than two frontages, the Planning Official shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lots shall have less than half the full depth required generally.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. The proposal meets these criteria.

- b. Side yard. Setbacks shall be seven feet from any property line, except:
  - (1) Corner lots shall have a side yard next to the street of 10 feet.**
- c. Rear yard. Primary structures shall be set back not less than 10-feet from the rear property line. Accessory structures that require a building permit shall be set back not less than five feet from the rear property line.*
- d. Schools. Schools shall provide and maintain setbacks of 50 feet from side and rear property lines, except on the street side of a corner lot where a setback of at least 25 feet shall be required. Alleys contiguous to or within the property being used for school purposes may be included in the required setback. This provision does not apply to residences used for home schooling.*

- e. *All structures, including but not limited to buildings, fences, decks, and stairway, shall be a minimum of one foot from the Coburg Loop Path right-of-way.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. The proposal meets these criteria.

**7. Maximum Height Standards**

- a. *Residential Buildings. The maximum height shall be 35 feet.*
- b. *Accessory Buildings, including accessory dwellings. The maximum structural height shall be 15 feet. The maximum height may be 25 feet if a living unit is provided on the second floor.*
- c. *Garages. Garages shall not exceed the maximum height of the primary structure. Where an ADU is located above a garage, the maximum height may be 35 feet.*
- d. *All other buildings shall not exceed 35-feet.*
- e. *Mixed Use. The maximum height shall be 45 feet.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. The proposal meets these criteria.

**8. Parking and Access Requirements**

*See ARTICLE VIII for parking and access requirements.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. These criteria are not applicable.

**9. Sign standards**

*See Sign Ordinance (A-155-A) and ARTICLE VIII for requirements.*

**FINDING:** No signs are proposed. These criteria are not applicable.

**10. Standards for Agriculture and Livestock Uses**

- a. *The total maximum number of animals permitted on a lot shall be as follows. (Area computation may be utilized one time only for allowable animal count):*

<b>Type of Animals Allowed</b>	<b>Minimum Square Feet Required</b>	<b>Square Feet per Animal Required</b>
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<i>Honey Bee Colonies (per hive)</i>	<i>10,000</i>	<i>10,000</i>
<i>Fowl (not including roosters), Rabbits</i>	<i>4,000</i>	<i>2,000; (maximum of 10 on 40,000 square feet)</i>

**FINDING:** No agricultural and livestock uses are proposed. These criteria are not applicable.

**11. Transition Use Locational Standards**

- d. Applicability. This section applies to uses referenced in Section A (2) above.*
- e. Locational standards. All buildings and uses subject to this section shall meet all of the following standards:*
  - (1) Adjacent to the Central Business District or Highway Commercial District or Light Industrial, either by sharing a property line or across a street or alley;*
  - (2) On at least one (1) collector or arterial street.*

**FINDING:** These criteria are not applicable.

**12. Compliance with Design Standards and Guidelines**

- a. All uses, structures and development in this district are subject to the applicable design and development standards in Article VIII.*

**FINDING:** The proposed subdivision supports future single-family dwellings on the newly created lots. The proposal meets these criteria.

**ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS**

***Subsections A-D Not Applicable***

***E. Streets, Alleys and Other Public Way Standards***

- 1. Improvements to City Streets shall conform to the standards as set forth in this section.*
  - a. Dedication of Street Right-of-Way. City may require dedication of additional public right-of-way in order to meet street standards.*
  - b. Street Design Standards for public streets and the current and future functional classification plan for all streets within Coburg, including those owned by Lane County.*
    - (i) Street Design Standards Table VIII(E)(1)(b)(i)*

**FINDING:** City of Coburg Ordinance A-200-I contains Street Design Standards. Proposal includes appropriate dedication and draft design standards. Design requirements shall be part of the next step: Privately Engineered Public Improvements (PEPI). Proposals meets these

criteria.

**CONDITION 2:** The design of the public streets and city utility infrastructure will be reviewed separately under a public improvement review process (PEPI) and is subject to modifications as determined through that process. Connection points, design details, and other detailed criteria will be subject to public standards and applicable codes.

*d. Landscaping. See ARTICLE VIII.H & I for standards.*

*e. Access and Spacing Requirements.*

*(1) When new approach roads are planned or constructed near the interchange, unless no alternative exists, the nearest intersection on a crossroad shall be no closer than 1,320 feet from the I-5 interchange. Measurement is taken from the ramp intersection or the end of a free flow ramp terminal merge lane taper.*

**FINDING:** The proposal is not near the interchange. These criteria are not applicable.

*f. Street Connectivity.*

*(1) No dead-end streets will be permitted, unless topographic or environmental constraints require a dead-end. If a street deadends, pedestrian and cyclist accessways must be provided. The dead-end must be a “hammer head” or equivalent design for emergency vehicle access and turn-around, and must be built to fire code.*

**FINDING:** All street designs are approved by Coburg Rural Fire Chief. Future street connections are proposed should the property to the north develop at a later date. The street sections are minimal in length and do not support current development. Proposal meets these criteria.

*(2) Streets that are planned to connect through when adjacent developments are constructed may temporarily dead-end, provided a “hammer head” or equivalent turn-around, built to fire code, is provided in the interim period.*

**FINDING:** All street designs are approved by Coburg Rural Fire Chief. Future street connections are proposed should the property to the north develop at a later date. The street sections are minimal in length and do not support current development. Proposals meets these criteria.

*(3) The City may require additional pedestrian and bike connections adjacent to new residential development.*

**FINDING:** No additional pedestrian or bike connections are required. This criterion is not applicable.

*2. Street trees shall be provided along streets according to the following standards and in compliance with City of Coburg Public Works Department recommended list of street trees.*

*a. Street trees are required for all new development, and shall be maintained by the adjacent property owner.*

*b. Tree wells at a minimum of five feet in width shall be installed next to the curb or edge of pavement.*

c. *The minimum caliper or diameter breast height at planting shall be 2 inches, based on the American Association of Nurserymen Standards.*

d. *Trees shall be planted no more than 25 feet apart, except where this spacing would conflict with existing trees, retaining walls, curb cuts, utilities, or similar permanent physical barriers.*

e. *Plant species must be native or not require irrigation once established. Underground irrigation shall be provided for trees that are not drought-tolerant. If the plantings fail to survive or are otherwise not maintained in good condition, the property owner shall replace them with an equivalent species and size within 180 days.*

f. *The use of large canopy trees is encouraged.*

g. *Nothing contained herein shall be deemed to impose any liability upon the City, its officers, or employees, nor to relieve the owner of any private property from the duty to keep any tree or shrub upon his or her property or under his or her control from constituting a hazard or public nuisance.*

**FINDING:** Proposal addresses all street tree standards. Details shall be approved during PEPI process. Proposals meets these criteria.

### 3. *Additional Street Standards*

a. *Street and sidewalk design must be in compliance with American Association of State Highway and Transportation Officials (AASHTO) standards, National Association of City Transportation Officials (NACTO) standards, Manual on Uniform Traffic Control Devices (MUTCD), Oregon standard drawings and specifications, and City of Coburg standards.*

b. *Grades and curves.*

*(1) Grades shall not exceed five percent on minor arterials, 10 percent on collector streets or 12 percent on other streets. Center line radii of curves shall not be less than 200 feet on minor arterials and collectors streets 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Official may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least one percent.*

*(2) A minimum required 100 foot tangent section at all intersections shall be required.*

**FINDING:** Proposed grades and curves have some site distance issues. The curves may need to be adjusted. Proposal does not meet these criteria.

**FINDING:** Figures 9 & 10 illustrate safe stopping sight distance requirements for the proposed public streets. Both figures show utilizing private property for sight distance. The TIA also recommends prohibiting on-street parking in certain areas to accommodate sight distance.

**CONDITION 3:** The proposed site plan shall be adjusted to accommodate line of sight for stopping sight distance within the proposed public right of way by increasing the length of the

two curves, or permanent no-build easements shall be placed on the final plat to prohibit building within the sight distance areas.

*c. Blocks.*

*(1) General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.*

*(2) Size. Minimum block length for new local streets is 400 feet and maximum block length is 600 feet, unless topographic or environmental constraints are present.*

*(3) Easements.*

*(i) Utility lines – Easements for water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 10 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width.*

*(ii) Water courses – if a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.*

**FINDING:** The proposal includes appropriate block lengths. All stormwater details shall be completed in the PEPI stage. Proposal meets these criteria.

*d. Intersections of Streets, Alleys, and Paths.*

*(1) Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. A minor arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include a minor arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, intersection of more than two streets at any one point will not be approved.*

**FINDING:** Proposed curves and angles have some site distance issues. The curves may need to be adjusted. See **CONDITION 3**. Proposal does not meet these criteria.

*e. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the*

*land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Official.*

**FINDING:** The proposal does not include reserve strips. Reserve strips are not necessary. These criteria are not applicable.

*f. Public access ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other public areas, of such design, width and location as reasonably required to facilitate public use.*

**FINDING:** The proposal does not include any public access ways, and the layout does not make public access way necessary. These criteria are not applicable.

*g. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Official. All street signs and street lights shall be installed by the City and the cost of such installation and materials shall be assessed to the developer of the land division or partition.*

**FINDING:** The proposal includes the extension of some street and new sections of existing street names. The applicant meets these criteria.

*h. Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof, staggered street alignment resulting in "T" intersections shall, whenever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 125 feet.*

**FINDING:** Proposed street extensions are aligned as far as practical. The property presents some design issues because of its location. The proposal meets these criteria.

*i. 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 the land division.*

**FINDING:** No additional right of way is necessary. However, the adjacent pavement of north Skinner Street is inadequate. These criteria shall be met in the PEPI process.

**CONDITION 4:** As part of the public improvements process, the applicant shall improve the offsite roadway access points to a minimum of two vehicle access lanes, or at least to fire access lane standards and requirements. Improvements shall include but not be limited to pavement widening pavement on-street parking restrictions.

*j. Half Streets. Half streets, while generally not acceptable, may be approved where*

*essential to the reasonable development of the subdivision of partition when in conformity with the other requirements of these regulations and when the Planning Official 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 divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.*

**FINDING:** The proposal does not include any half streets. These criteria are not applicable.

*k. Streets Adjacent to Railroad Right-of-way. Wherever the proposed land division contains or is adjacent to a rail road right -of-way, provision may be required for a street approximately parallel to and on each side of such right-of -way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

**FINDING:** There is no railroad right of way adjacent to this development. These criteria are not applicable.

*l. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Official may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

**FINDING:** The development does not abut or contain and existing or proposed arterial street. These criteria are not applicable.

*m. 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 Official. The corners of alley inter sections shall have a radius of not less than 12 feet*

**FINDING:** The proposal does not contain alleys and there are none necessary. These criteria are not applicable.

#### ***F. Other Public Improvements***

*1. Applicability. The following requirements apply to all new construction or as specified otherwise. All public improvements must conform to city ordinances and policies, specifications, or standards.*

*2. Procedures. Public improvements installed by any person or entity that is not the City shall comply with the following procedures:*

*a. Improvement work shall not be commenced until plans have been checked 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 tentative plan of a subdivision or partition.*

*b. 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.*

*c. 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.*

*d. Underground utilities installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.*

*e. A map showing improvements as built shall be filed with the City upon completion of the improvements.*

*3. Specifications for Improvements. Public improvements and private streets shall also be consistent with public works design standards and standard specifications as adopted by the Public Works Director.*

*4. Dedications. As a condition of any development, the City may require dedication and improvement of public ways for automobile, bicycle and pedestrian use; easements for water, wastewater, and stormwater infrastructure; easements for utilities; dedication of open space; and dedication for other public purposes.*

*5. Sewage. All buildings within the city limits must connect to the city sewer system.*

*6. Water Supply. All lots and parcels in any land division shall be served by the Coburg water system.*

*Water lines and fire hydrants serving each building site in a subdivision and connecting the subdivision to city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and adequately grid the city system.*

*If water mains are required to directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten years from the time of installation of the mains. The actual amount shall be determined by the city at the time of approval of the plat, considering current construction costs.*

*7. Surface Drainage. Drainage facilities shall be provided within any new subdivision and connect the subdivision drainage to drainageways outside the subdivision. Design of the drainage system within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.*

*8. Streets. Public streets, including alleys, within a subdivision and public streets adjacent but only partially within a subdivision shall be improved to City street standards in ARTICLE VIII. Catch basins shall be installed and connected to drainage tile leading to drainage ways. Upon completion of the street improvement, monuments shall be re-established and*

*protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their centerlines.*

**FINDING:** Applicant agrees to all improvement standards. Public improvement specifics shall be designed to City of Coburg standards and are part of the next phase, the PEPI process. See **CONDITIONS 2 & 4**. These criteria shall be met.

*9. Sidewalks. Where required, sidewalks shall have a minimum paving width of five feet.*

*10. Bicycle routes. If appropriate to the extension of an existing or planned system of bicycle routes, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

*11. Improvements in Partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the City finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the City shall except those improvements.*

*12. Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street light and cable television, shall be placed underground.*

**FINDING:** Applicant agrees to all improvement standards. Public improvement specifics shall be designed to City of Coburg standards and are part of the next phase, the PEPI process. See **CONDITIONS 2 & 4**. These criteria shall be met.

### ***Subsections G-Q Not Applicable***

## **ARTICLE XII. LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS**

### **A. Purpose and Applicability**

*The purpose of this chapter is to:*

- 1. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.*
- 2. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.*
- 3. Encourage efficient use of land resources, full utilization of urban services, and transportation options.*
- 4. Promote the public health, safety and general welfare through orderly and efficient urbanization.*
- 5. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.*

6. *Encourage the conservation of energy resources.*
7. *Encourage multi-modal options and secure safety from fire, flood, pollution, and other hazards.*

**FINDING:** The proposed subdivision creates **46** newly defined lots for single family dwellings, and separate lots used for open space. The proposal is being processed as a Subdivision. The proposal meets the purpose of this section.

**B. General Requirements**

1. ***Subdivision and Partition Approval Through Two-step Process.***  
*Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:*
  - a. *The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
  - b. *The final plat must include all conditions of approval of the preliminary plat.*

**FINDING:** The proposed subdivision creates **46** newly defined lots for single family dwellings. The proposal is being processed as a Subdivision. The proposal meets the general requirements of this section.

2. ***Compliance With ORS Chapter 92.*** *All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.*

**FINDING:** Coburg Zoning Ordinance is in compliance with *Chapter 92, Subdivisions and Partitions*. The proposal meets these criteria.

3. ***Future Re-division Plan.*** *When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:*
  - a. *Potential future lot division(s), consistent with the density and lot size standards of Article VII;*
  - b. *Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;*
  - c. *A disclaimer that the plan is a conceptual plan intended to show potential*

*future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.*

**FINDING:** Applicant's proposal includes lots with various sizes between 5,000 square feet and 11,719 square feet. These criteria are not applicable.

4. ***Flexible Lot Size.*** *Lot size requirements may be modified pursuant to Article VII.A.4.c, Article VII.B.3.c, or through approval of a Master Planned Development under Article XIV.*

**FINDING:** The proposal does not require lot size averaging. These criteria are not applicable.

5. ***Temporary Sales Office.*** *A temporary sales office in conjunction with a subdivision may be approved as set forth in Article XVIII.A, Temporary Uses.*

**FINDING:** The proposal does not include a sales office. These criteria are not applicable.

6. ***Flood Control and Drainage.*** *All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and the City of Coburg. See Coburg Floodplain Ordinance No A-195-A.*

*Where a development site consists of one (1) or more acres or 25 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation prepared by a qualified professional as part of the land division application. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.*

**FINDING:** The proposal does not include any necessary flood control steps. Any future development proposal shall address drainage requirements. Infrastructure details are part of the PEPI process following land use approval. These criteria are not applicable.

7. ***Need for Adequate Utilities.*** *All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.*

**FINDING:** Applicant agrees to all improvement standards. Public improvement specifics shall be designed to City of Coburg standards and are part of the next phase, the PEPI process. See **CONDITIONS 2 & 4**. These criteria shall be met.

8. ***Floodplain, Park, and Open Space Dedications.*** *Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or stormwater management requirements, consistent with and assist in obtaining any floodplain permit that may be required.*

**FINDING:** The proposal does not include any necessary floodplain development, parks, or open space. See subsection **19** below for Open Space dedication requirements. These criteria are not applicable.

9. ***Reserve Strips.*** *The City may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.*

**FINDING:** The proposal does not include any necessary reserve strip. These criteria are not applicable.

10. ***Driveway and lane width.*** *The minimum width of all shared drives and lances shall be eight feet; the maximum width is 12 feet, except as required by the Uniform Fire Code.*

**FINDING:** The proposal does not include any proposed shared driveways or lanes. These criteria are not applicable.

11. ***Easement and improvement of drive lane.*** *The property owner shall record a 20 foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all-weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.*

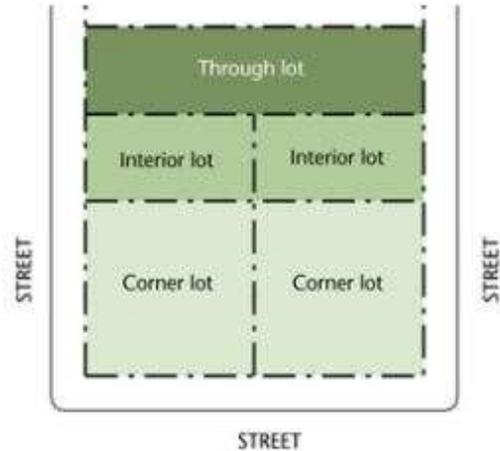
**FINDING:** The proposal does not include any drive lanes. These criteria are not applicable.

12. ***Maximum drive lane length.*** *The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear drive.*

**FINDING:** The proposal does not include any drive lanes. These criteria are not applicable.

**13. Through Lots and Parcels.**

- a. *Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatibles use. See graphic.*



**FINDING:** The proposal includes one through lot. No screening is necessary as the adjacent uses are compatible. These criteria are met.

**14. Lot and Parcel Sidelines.**

- a. *The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.*

**FINDING:** The proposal includes new lot lines that run at right angles to the street as far as is practicable. Only lot lines at the curved corners are slightly different. These criteria are met.

**15. Drainage.**

- a. *Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements adequate for the draining needs of the area. Said easements shall be approved by the Planning Commission.*

**FINDING:** The proposal does not include any land subject to accumulations of surface water. These criteria are not applicable.

**16. Grading of Building Sites.** *Grading of building sites shall conform to the following standards unless adjusted through the variance procedure in ARTICLE XIX:*

- a. *Cut slopes shall not exceed one and one-half feet horizontally to one*

*foot vertically.*

- b. Fill slopes shall not exceed two feet horizontally to one foot vertically.*
- c. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.*

**FINDING:** The proposal includes a grading plan which conforms slopes and soils outlined. These criteria are met.

**17. Building Lines.**

- a. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat.*

**FINDING:** The proposal does not include any necessary building setback lines. These criteria are not applicable.

**18. Land for Public Use.**

- a. If the City has an interest in acquiring a portion of proposed subdivision for a public purpose, or if the City has been advised of such an interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to the subdivision.*

**FINDING:** The proposal does not require any portion of the subdivision beyond the open space requirements in subsection 19 below. These criteria are not applicable.

**19. Park/Park Recreation Acquisitions.**

- a. Within or adjacent to a subdivision of land into 10 or more lots, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation use. In the event no such area is suitable for park and recreation purposes, or for a subdivision of land into less than 10 lots, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to one percent of the gross sale price of each lot in the subdivision, which sum of money shall be paid at the time each lot is developed or sold, whichever occurs first.*

**FINDING:** The proposal includes setting aside four (4) separate parcels as open space. The total amount of the proposed open space is 41,345 sq ft, which exceeds the required amount. These criteria are met.

**C. Tentative Approval**

**1. Partitions**

- a. *Process. Applications for tentative partition plan review shall be processed as Type II applications in accordance with ARTICLE X.C.*

**FINDING:** The application is not a partition. This criterion is not applicable.

b. *Submittal Requirements.*

- (1) *Applications for approval of a tentative partition plan shall be signed by the owner of the property, prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type II process, in accordance with ARTICLE X.C.2, and the following additional items:*
- (i) *A tentative plan map, including the information required by the City's Tentative Partition Plan application form, including all contiguous property under the same ownership as the subject property.*
  - (ii) *A current (no older than six months prior to application submittal) preliminary title report.*

**FINDING:** The application is not a partition. This criterion is not applicable.

c. *Approval Criteria.*

- (1) *General Approval Criteria. The City may approve, approve with conditions or deny a tentative partition plan based on the following approval criteria:*
- (i) *The proposed tentative partition plan complies with the applicable zoning code provisions and all other applicable ordinances and regulations, including but not limited to lot standards, street standards (ARTICLE VIII.E), required public improvements (ARTICLE VIII.F) and any special development standards.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (ii) *The proposed partition will not cause any existing improvements on existing or proposed parcels to be inconsistent with applicable standards in this code.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (iii) *Partitions abutting streets under control of an agency that is not the city shall comply with access management guidelines of the agency having jurisdiction over the street.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (iv) *Development within the tentative partition plan can be adequately served by City infrastructure.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (v) *Proposal contributes to the orderly development of the City's area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the partition.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (vi) *All applicable engineering design standards for streets, utilities, surface water management, and easements have been satisfied.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- (vii) *If the proposal involves the creation of a public street, all of the following criteria also apply:*
  - (aa) *The proposal will not impede the future use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.*
  - (bb) *The proposed partition will:*
    1. *Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;*
    2. *Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;*
    3. *Not hamper the adequate provision of publicly owned open space for recreation needs.*
    4. *The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.*

**FINDING:** The application is not a partition. This criterion is not applicable.

- d. *Expiration. Tentative partition plan approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the one-year period, unless an extension, subject to the following criteria, is granted:*
- (1) *The applicant has submitted written intent to file a final plat within the one-year extension period;*
  - (2) *An extension of time will not prevent the lawful development of abutting properties;*
  - (3) *There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and*
  - (4) *The extension request is made before expiration of the original approved plan.*
  - (5) *The applicant has not obtained a previous extension for the subject approval.*

**FINDING:** The application is not a partition. This criterion is not applicable.

## **2. Subdivisions (non-phased)**

- a. *Process. Applications for tentative partition plan review shall be processed as Type III applications in accordance with ARTICLE X.D.*

**FINDING:** The applicant utilized the proper application process. This criterion is met.

- b. *Submittal Requirements.*

- (1) *Applications for approval of a tentative subdivision plan shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type III process, in accordance with ARTICLE X.D.2, and the following additional items:*
  - (i) *A tentative plan map, including the information required by the City's Tentative Subdivision Plan application form, including all contiguous property under the same ownership as the subject property.*
  - (ii) *A current (no older than six months prior to application submittal) preliminary title report.*

**FINDING:** The applicant met the submittal requirements. This criterion is met.

- c. *Approval Criteria. (1) General Approval Criteria. The City may approve, approve with conditions or deny a tentative subdivision plan based on the following approval criteria:*

- (1) *The proposed tentative subdivision plan complies with the applicable*

*zoning code provisions and all other applicable ordinances and regulations, including but not limited to lot standards, street standards (ARTICLE VIII.E), required public improvements (ARTICLE VIII.F) and any special development standards.*

- (2) The proposed subdivision will not cause any existing improvements on existing or proposed lots to be inconsistent with applicable standards in this code.*
- (3) Subdivisions abutting streets under control of an agency that is not the City shall comply with access management guidelines of the agency having jurisdiction over the street.*
- (4) Development within the tentative subdivision plan can be adequately served by City infrastructure.*
- (5) Proposal contributes to the orderly development of the City's area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the subdivision.*
- (6) All applicable engineering design standards for streets, utilities, surface water management, and easements have been satisfied.*
- (7) If the proposal involves the creation of a public street, all of the following criteria also apply:*
  - (aa) The proposal will not impede the future use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.*
  - (bb) The proposed partition will:*
    - 1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;*
    - 2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;*
    - 3. Not hamper the adequate provision of publicly owned open space for recreation needs.*
    - 4. The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the City makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.*

**FINDING:** The applicant agrees with and addresses approval criteria and agrees to City infrastructure standards. These criteria are met.

- d. *Expiration. Tentative subdivision plan approval shall be effective for a period of one year from the date of approval. The preliminary plan shall lapse if a final plat has not been submitted within the one-year period, unless an extension, subject to the following criteria, is granted:*
  - (1) *The applicant has submitted written intent to file a final plat within the one-year extension period;*
  - (2) *An extension of time will not prevent the lawful development of abutting properties;*
  - (3) *There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and*
  - (4) *The extension request is made before expiration of the original approved plan.*
  - (5) *The applicant has not obtained a previous extension for the subject approval.*

**FINDING:** The applicant is aware of the expiration timeframe. These criteria are met.

### **3. Subdivisions (phased)**

- a. *Process. Applications for phased tentative subdivision plan review shall be processed as Type III applications in accordance with ARTICLE X.D. One tentative phased subdivision plan must be approved, with each individual phase receiving separate final plat approval.*
- b. *Submittal Requirements. Applications for approval of a phased tentative subdivision plan shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type III process, in accordance with ARTICLE X.D.2, and the following additional items:*
  - (1) *The information required under ARTICLE X.II.C.1b.*
  - (2) *Overall tentative subdivision plan shall include phase and unit sequence and a schedule for initiation of improvements and projected completion date.*
  - (3) *An overall facility development phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan (including proposed time schedule) for the construction of all required City infrastructure in each phase, including transportation and utility facilities plans that specify the traffic pattern plan for motor vehicles, bicycles, and pedestrians, water system plans, sewer system plans and utility plans.*
- c. *Approval Criteria*

- (1) *The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in ARTICLE XII.C.2.c.*
  - (2) *Connectivity for streets and City utilities between each phase ensure the orderly and efficient construction of required public improvements among all phases.*
  - (3) *Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.*
  - (4) *Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.*
- d. *Expiration. The tentative phased subdivision plan approval shall lapse if a final plat for the first phase has not been submitted within one year of tentative plan approval, unless an extension, subject to the following criteria, is granted:*
- (1) *The applicant has submitted written intent to file a final plat within the one-year extension period;*
  - (2) *An extension of time will not prevent the lawful development of abutting properties;*
  - (3) *There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and*
  - (4) *The extension request is made before expiration of the original approved plan.*
  - (5) *The applicant has not obtained a previous extension for the subject approval.*

*Tentative approval for all remaining phases shall lapse if the final plat for each remaining phase has not been submitted within ten years of original tentative phased subdivision plan approval. No extension may be granted for phases after the first phase.*

**FINDING:** The proposal is not for a phased subdivision. These criteria are not applicable.

**D. Final Plat Approval (Partition and Subdivision)**

1. **Process.** *Applications for final partition and subdivision review shall be processed as Type I applications in accordance with ARTICLE X.B.*

**FINDING:** The process shall be applied in the correct way. This criterion is met.

2. **Submittal Requirements.** *Applications for approval of a final partition or subdivision plat shall be prepared by a professional land surveyor, registered professional engineer, or a registered landscape architect, and shall contain all of the information required for a Type I process, in accordance with ARTICLE X.B, and the following additional items:*

- a. *A final plat, including the information required by the City's Final Subdivision or Partition Plat application form, including all contiguous property under the same ownership as the subject property.*

**FINDING:** The applicant is aware of these requirements. These criteria are met.

- b. *Approval Criteria. A final plat shall be approved if the following criteria are met:*
  - (1) *The final plat substantially conforms with the approved tentative plan.*
  - (2) *Conditions of approval imposed on the tentative plan have been met.*
  - (3) *The final plat dedicates to the City, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by a condition of approval.*
  - (4) *Public improvements required by this code or by a condition of approval have been completed or the applicant has provided a performance guarantee pursuant to ARTICLE XII.E.*
  - (5) *The City surveyor has approved the final plat for compliance with applicable platting requirements in accordance with state law.*

**FINDING:** The applicant agrees with final plat approval criteria. These criteria are met.

**E. Performance Guarantee**

1. ***Performance Guarantee Required.*** *When a performance guarantee is required under ARTICLE XII.E, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:*
  - a. *An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;*
  - b. *A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or*
  - c. *Cash.*
2. ***Determination of Sum.*** *The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.*
3. ***Itemized Improvement Estimate.*** *The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.*
4. ***Agreement.*** *An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall*

contain all of the following:

- a. *The period within which all required improvements and repairs shall be completed;*
  - b. *A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;*
  - c. *The improvement fees and deposits that are required;*
  - d. *An optional provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.*
5. **When Subdivider Fails to Perform.** *In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.*
6. **Termination of Performance Guarantee.** *The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.*

**FINDING:** The proposal includes public infrastructure improvements which require performance guarantees. The applicant shall meet these requirements during the PEPI phase. See **CONDITION 2.** These criteria shall be met.

**F. Filing and Recording**

1. **Filing Plat with County.** *Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Lane County for signatures of County officials as required by ORS Chapter 92.*
2. **Proof of Recording.** *Upon final recording with the County, the applicant shall submit to the City two paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.*
3. **Prerequisites to Recording the Plat.**
  - a. *No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;*
  - b. *No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.*

**FINDING:** The applicant is aware of recording requirements. These criteria are met.

**G. Re-platting and Vacation of Plats.**

1. **Re-platting and Vacations.** Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
2. **Procedure.** All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat), and ARTICLE XII.G The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See ARTICLE X - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and plat vacations. See also ARTICLE XXIII Vacations.
3. **Basis for Denial.** A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria. See ARTICLE XXIV.A.2.
4. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with ARTICLE XXIII, and the following procedures:
  - a. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
  - b. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.
5. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
6. **Street Requirement.** Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), as a condition of plat vacation or re-plat approval, the City may require dedication of access ways, paths or trails in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

**FINDING:** The proposal is not for a vacation or re-plat. These criteria are not applicable.

**H. Property Line Adjustments**

1. **Process.** Applications for property line adjustments shall be processed as

*Type I applications in accordance with ARTICLE X.B.*

**2. Submittal Requirements.** *All applications for Property Line Adjustments shall be made on forms provided by the City and shall include information required for a Type I application, ARTICLE X.B. , and the following additional items:*

- a. A preliminary property line map drawn to scale identifying 1) all existing and proposed property lines and dimensions, 2) footprints and dimensions of existing structures (including accessory structures) 3) location and dimensions of driveways and public and private streets within or abutting the existing properties; 4) the location of sensitive lands and significant vegetation; 5) existing fences and walls.*
- b. A current (issued within one year of the date of the application) preliminary title report.*
- c. Legal descriptions for each proposed parcel of land.*
- d. Proposed property line adjustment deed(s).*

**3. Approval Criteria.** *The City Planning Official shall approve or deny a request for a property line adjustment based on the following criteria:*

- a. Parcel Creation. No additional lot or parcel is created by the property line adjustment.*
- b. Lot Standards. All lots or parcels created by the property line adjustment conform to the applicable lot standards of the land use districting, including but not limited to, lot area, dimensions, setbacks, and coverage*
- c. No resulting lot or parcel falls completely within a flood hazard area or jurisdictional wetland.*
- d. Access and Road authority Standards. All lots and parcels shall conform to applicable access requirements, including ARTICLE VIII.A.2, and all applicable road authority requirements. If a lot is nonconforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment.*

**4. Recording Property Line Adjustments.**

- a. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Lane County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.*
- b. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and*

*prior to the issuance of any building permits on the re-configured lots.*

- 5. Extension.** *The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:*
- a. No changes are made to the original property line adjustment as approved by the City;*
  - b. The applicant can show intent of recording the approved plan within the six month extension period;*
  - c. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and*
  - d. The extension request is made before expiration of the original approved plan.*

**FINDING:** The proposal is not for a property line adjustment. These criteria are not applicable.

- **This approval by Planning Commission shall become final on the date this decision and supporting findings of fact are signed by the Chair, below. An appeal to Planning Commission’s decision must be submitted to City Council within 15 days of the Planning Commission’s decision becoming final.**
- **Within one year after approval of the tentative plan, the applicant shall cause the partition or the subdivision or any part thereof to be surveyed and a plat prepare in conformance with the tentative plan as approved. The applicant shall submit the original drawing, 3 prints and any supplementary information to the City Recorder. If the applicant wishes to proceed with the major partition or subdivision after the expiration of the one-year period following the approval of the tentative plan, the applicant must submit a new tentative plan and make any revision necessary to meet changed conditions.**

**Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2020**

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**Chair, Coburg Planning Commission**