

Chapter 16.03- Subdivisions – Process and Standards

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16.03.010 Purpose and general provisions.

A. Applicability. This chapter controls the process and approval standards applicable to subdivisions and partitions that involve the creation of an accessway. These applications shall follow a Type III process. Where the applicant opts to process either application as an expedited land division, the city will follow the decision making process set forth in state law and apply the applicable approval standards set forth in this code and elsewhere. Application for condominium projects, though not subject to subdivision platting procedures, is subject to all applicable development standards through the Site Plan Review process in MMC Chapter 15.06.

B. Purpose. The purpose of this chapter is to provide a quick review and decision making process, applying relatively clear and objective criteria with little discretion, but with little opportunity to deviate from the city's dimensional standards. For example, any deviation from the dimensional standards that apply requires a variance and a more elaborate decision making process that involves a mandatory hearing. Also, subdivision applications are not eligible for any density transfer or credit for undevelopable portions of the property, such as for wetlands or unbuildable steep slopes. If an applicant wishes greater flexibility in lotting pattern or lay-out, or relief from dimensional or public improvement standards the appropriate procedure would be an application for a variance under MMC Chapter 15.04.

C. Process Overview. Subdivisions require a 2-step process: preliminary and final subdivision plats. The preliminary plat, reviewed through a Type III process, provides all of the essential information about the proposal, including lay-out, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other information about the proposed development. The final plat is a formal

reproduction of the approved preliminary plat, including all conditions imposed by the decision maker, submitted in a recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the city's review of the final plat is conducted as a Type I process.

16.03.020 Preapplication conference required. Before the city will accept a subdivision application, the applicant must attend a preapplication conference under MMC Section 15.07.030.

16.03.030 Preliminary subdivision plat application. At any time following a preapplication conference, an applicant may apply for Preliminary Subdivision Plat approval. The applicant's submission must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submission requirements for a Preliminary Subdivision Plat, which include plan drawings, a narrative statement and certain tabular information.

Once staff determines the application is complete enough to process, notice of the application and an invitation to comment will be provided in accordance with MMC Chapter 15.07, the city planner will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision also in accordance with MMC Chapter 15.07. The city planner's decision may be appealed to the city council as provided in MMC Section 15.07.015. Any decision by the city council is the city's final decision.

16.03.040 Preliminary Subdivision Plat - required plans. The Preliminary Subdivision Plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to 50 feet.

A. Site Plan: A detailed site development plan showing the location and dimensions of lots, streets, walkways, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm water and water facilities, and an indication of existing and proposed land uses for the site.

B. Traffic/Transportation Plan: The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan, and (2) A traffic impact study prepared by a qualified Professional Engineer, certified in Traffic Engineering, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development.

C. Natural Features Plan: The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and within 250 feet of the property's boundary. Features that must be illustrated shall include the following: Proposed and existing street right of ways and all other transportation facilities, all proposed lots and tracts, all trees with a width 6 inches or greater measured 4 feet from the ground, all jurisdictional wetlands (according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition), all known geologic hazards, landslides or faults, areas with a water table within 1 foot of the surface, the location of any state or federal threatened or endangered species, all historic areas or cultural features acknowledged as such on any federal, state or city inventory, all wildlife habitat or other natural features listed on any of the city's official inventories.

D. Topography, Preliminary Grading and Drainage Plan: The applicant shall submit a plan illustrating the topography and grade of the site before and after development. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and calculated volume of all cuts and fills, and all storm water management features. This plan shall identify the location of drainage patterns and courses on the site and within 100 feet of the property boundaries.

E. Erosion Control Plan: The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to Control erosion and sedimentation. This plan shall include appropriate measures such as those provided in the Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual (2000 edition or as subsequently amended), use best management practices and be reviewed and approved by the city engineer prior to beginning work.

16.03.050 Preliminary Subdivision Plat - narrative statement. In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. Subdivision Description: A detailed description of the proposed development, including a description of any phasing, proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any home owner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.

B. Timely Provision of Public Services and Facilities: The applicant shall explain in detail how and when each of the following public services or facilities will be adequate to serve the proposed development by the time construction begins:

1. Water
2. Sanitary Sewer
3. Storm Sewer and Storm Water Drainage
4. Parks and recreation
5. Traffic and transportation

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and construction before the issuance of occupancy permits.

C. Approval criteria and justification for variances: The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.02 and any other applicable approval standard identified by city planner. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the variance approval criteria in MMC Chapter 15.04.

D. Geologic Hazards: For property subject to known geologic hazards, the applicant shall submit a report prepared by a qualified Professional Engineer, certified in geology or geotechnical engineering, describing how the proposed subdivision is feasible and protects public health safety and welfare.

E. Water Resources: For property known to have wetlands or other surface water features, the applicant shall submit a report prepared by a qualified professional which shall explain in detail how the proposed subdivision is feasible without posing a threat to known water resources.

F. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, property owners association agreements, dedications, deeds, easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision.

16.03.060 Preliminary Subdivision Plat - tabular information. In addition to the plans required in the previous section, the applicant shall also prepare and submit one or several tables that sets forth the following information in an understandable format, including explanations where needed:

A. Total number of acres, acreage distribution by use, percentage of acreage designated for each dwelling type and for nonresidential uses such as streets, off-street parking, parks, open space and playgrounds.

B. A description of any proposed phasing, including for each phase the timing, acreage, number of residential units, amount of area for non-residential use, open space, development of utilities and public facilities.

C. Overall density of the subdivision and the density by dwelling type for each.

16.03.070 Notice and Invitation to Comment. Upon the city's determination that an application for a preliminary submission plat is complete, pursuant to MMC Section 15.07.070,

the city shall provide notice of the application in accordance with the requirements of MMC Chapter 15.07 applicable to Type III decisions.

16.03.080 Preliminary Subdivision Plat - approval standards. The minimum approval standards that must be met by all preliminary subdivision plats are set forth in this Title, and in the dimensional and use requirements set forth in the section of MMC Chapter 15.02 that corresponds to the underlying zone. The city planner shall evaluate the application and make a recommendation as to whether the proposal meets, or through the imposition of conditions of approval can meet, these approval standards. The city planner's recommendation shall be issued as a staff report to the city council and made public at least 7 days prior to the scheduled public hearing.

16.03.090 Hearing, Decision and Appeal. The city council hearing on the proposed subdivision plat shall follow the Type III process set forth in MMC Chapter 15.07, after which the city council shall issue a written decision. Any appeal of the city council's decision shall be to the Land Use Board of Appeals pursuant to state law.

16.03.100 Final subdivision plat - application requirements and approval standards. The applicant must apply for Final Subdivision Plat approval within 12 months following approval of a Preliminary Subdivision Plat. The Final Subdivision Plat is processed as a Type I decision by the city planner so long as the Final Subdivision Plat does not deviate from the approved Preliminary Subdivision Plat as conditioned by the decision maker.

A. If the city planner determines that the Final Subdivision Plat submitted by the applicant deviates from the approved Preliminary Subdivision Plat, the modified subdivision shall be subject to the same Type III process and review standards as were applicable to the Preliminary Subdivision Plat. However, if such a review is necessary, the review shall be limited only to those aspects of the Final Subdivision Plat that deviate from the approved Preliminary Subdivision Plat. The decision maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

B. The city planner shall approve a Final Subdivision Plat that is consistent with the approved Preliminary Subdivision Plat, including any conditions attached thereto.

16.03.110 Filing and recording of Final Subdivision Plat. Following approval of the Final Subdivision Plat the applicant shall file with the county recorder the confirmed and approved copy of the Final Subdivision Plat together with all pertinent documents approved as to form by the city attorney.

16.03.120 Post-approval modifications to approved plat. All modifications to a subdivision that has received Final Plat approval shall be applied for and processed in the same manner as was the original Preliminary Subdivision Plat and subject to the same approval standards. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify.