

CHAPTER 154: SUBDIVISIONS AND PARTITIONS

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GENERAL PROVISIONS

§ 154.001 TITLE

This chapter shall be known as the “subdivision and partition chapter” of the city.
(Ord. 229, passed 7-10-1979)

§ 154.002 PURPOSE

The purpose of this chapter is to allow for the orderly and economic development of land under the jurisdiction of the city. The chapter provides rules and regulations, and standards to govern the approval of subdivision and partitions. The chapter is intended to ensure adequate provision for traffic movement, light and air, water supply, sewage disposal, drainage, and community facilities, and in general to protect the public health, safety, and welfare, and to implement the city’s Comprehensive Plan.
(Ord. 229, passed 7-10-1979)

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§ 154.003 APPROVAL OF SUBDIVISIONS AND PARTITIONS REQUIRED.

All subdivisions, partitions, and streets or ways created for the purpose of portioning land shall be in accord with the City Charter and Comprehensive Plan and shall be approved by the city in accordance with these regulations. A person desiring to subdivide land, partition land, or create a street or way for the purpose of partitioning shall submit tentative plans and final documents for approval as provided in this chapter and in the state law.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

§ 154.004 APPLICATION.

The provisions of this chapter shall apply to all land area inside the incorporated boundaries of the city, excepting properties of the U.S. The provisions of this chapter may apply to lands outside the incorporated boundary, but inside the urban growth boundary of the city, when the city and county have jointly executed a lawful agreement delegating subdivision authority over those lands to the city.

(Ord. 229, passed 7-10-1979)

§ 154.005 SCOPE OF REGULATIONS.

(A) Major and minor portioning, subdivision plats, and streets or ways created for the purpose of portioning land shall be approved by the city in accordance with these regulations.

(B) No person shall sell any lot in any subdivision with respect to which approval is required by this chapter, until that approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

(C) A person may negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plan is required by this chapter, prior to the approval of the tentative plan for major or minor partition; but no person may sell any parcel in a major partition or in a minor partition for which approval of a tentative plan is required by this chapter, prior to that approval.

(D) No lot or parcel created by subdividing or by major or minor partitioning shall be submitted for recording nor have any validity unless it has been approved and recorded as required by this chapter.

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(E) No building permit or permit for the connection to a water or sewage disposal system, shall be issued for any structure on a parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in a manner prescribed herein.

(F) The city will withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein.

(G) All subdivisions or partitions shall be in accord with the city's Comprehensive Plan and O.R.S. Chapters 92, 197, and 227.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.99

§ 154.006 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicated or requires different meaning.

CITY. The City Council or the Planning Commission or the person authorized to act on behalf of the city.

COMPREHENSIVE PLAN. Any plan or plans adopted by the city for the guidance of growth and improvements of the city. The plan(s) may include land use, transportation, public facilities and services, and similar elements, any of which may be adjusted from time to time to meet changing conditions or unanticipated problems.

CONTIGUOUS LAND or **CONTIGUOUS UNITS OF LAND.** Areas, tracts, or units of land under single ownership having one or more boundary lines wholly or partially in common, except that the areas, tracts, or units are not CONTIGUOUS:

(1) When joined by point contact only;

(2) When separated into portions by a city street, county road, state highway, or trans-county railroad; or

(3) When separated into portions by a lawfully dedicated public road.

DEVELOPER. A sub-divider or partitioner or one who is creating a road for the purpose of subdividing or partitioning.

EASEMENT. A grant of the right to use a strip of land for specific purposes.

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LOT. A unit of land that is created by a subdivision of land.

(1) **CORNER LOT.** A lot, at least two adjacent sides of which abut streets other than alleys. Provided the angle of the intersection of the adjacent streets does not exceed 135 degrees.

(2) **REVERSE CORNER LOT.** A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

(3) **THROUGH LOT.** A lot having frontage on two parallel or approximately parallel streets other than alleys.

MAJOR PARTITION. A partition of land which includes creation of a road, street, or access easement.

MAP. A final diagram, drawing, or other writing concerning a major partition.

MINOR PARTITION. A partition that is subject to the provisions of this chapter and does not include the creation of a road, street, or access easement.

PARCEL. A unit of land that is created by a partitioning of land.

PARTITION. Either an act of partitioning land, or an area or tract of land partitioned as defined in this section.

PARTITION LAND. To divide an area or tract of land into two or three parcels within a calendar year when that area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year. **PARTITION LAND** does not include divisions of land resulting from the creation of cemetery lots; and **PARTITION LAND** does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance. **PARTITION LAND** does not include the sale of a lot in recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

PARTITIONER. Any person commencing proceedings under this chapter to affect a partition of land hereunder for him- or herself or for another.

PLANNING OFFICIAL. The Council or the official designated by the City Council to administer this chapter.

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PLAT. A final map, diagram, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

SINGLE OWNERSHIP: Ownership by a person as defined herein, tenancy in common, joint tenancy, or tenancy by the entirety.

STREET or ROAD. A public or private way which is used or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to that land in conjunction with forestry, mining, or agricultural uses.

(1) **ALLEY.** A narrow street through a block primarily for vehicular services access to the back or side of properties otherwise abutting on another street.

(2) **ARTERIAL STREET.** A street which is used primarily for through traffic or which, by its location, will likely be needed for that use in the normal growth of the area.

(3) **COLLECTOR STREET.** A street supplementary to the arterial street system and primarily for through traffic, although to some degree, for access to abutting properties.

(4) **LOCAL STREET.** A street subordinate to the arterial/collector/secondary street system and primarily providing access to abutting lots.

(5) **PRIVATE ROAD.** A private way, right-of-way, or traveled way, in whole or in part, that is subject to the control of one or more private persons.

(6) **SECONDARY STREET.** A street supplementary to the arterial and collector street system and use for both local and through traffic and for access to abutting lots.

SUBDIVIDE LAND. To divide an area or tract of land into four lots within a calendar year when that area or tract or land exists as a unit or contiguous units of land under a single ownership at the beginning of the year.

SUBDIVIDER. Any person commencing proceedings under this chapter to affect a subdivision of land hereunder for him- or herself or for another.

SUBDIVISION. Either an act of subdividing land, or a tract of land subdivided as defined in this chapter.

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TENTATIVE PLAN. The drawing and related material submitted as a preliminary by a sub-divider.

(Ord. 229, passed 7-10-1979)

SUBDIVIAION PROCEDURES; TENTATIVE PLAN

§ 154.020 SUBMISSION.

(A) A sub-divider shall prepare a tentative plan together with the improvements plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit eight copies of the tentative plan to the City Recorder's office at least 15 days prior to the Planning Commission meeting at which presentation of the plan is desired. Request forms for subdivision consideration may be obtained from the City Recorder.

(B) Upon receipt of the tentative plan, copies will be made available to the Planning Commission, the City Council, the City Engineer, the County Planning Commission, and any other local, state, or federal agency having interest or responsibility in the proposed subdivision. Additional copies may be required to be submitted if determined by the City Recorder to be needed.

(Ord. 299, passed 7-10-1979) Penalty, see § 154.999

§ 154.021 STANDARDS AND REQUIREMENTS.

The tentative plan shall include the following items.

(A) Vicinity map. A vicinity map shall be provided showing:

(1) All existing parcel and lot lines and street right-of-way immediately adjoining the proposed sub-division and the location of the nearest existing public road(s).

(2) The manner in which streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring property to produce the most advantageous development of the entire area;

(3) The date, north point, and scale of the drawing;

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(4) The location of the proposed development by section, township, and range, and legal description sufficient to define the location and boundaries of the proposed subdivision.

(5) The names and addresses of the owner, sub-divider, engineer, surveyor, and the land planner as applicable.

(6) The acreage of the proposed development;

(7) Identification clearly stating the map is a tentative plan and;

(8) The following conditions:

(a) The location, widths, and names of all existing streets or other public ways, pathways, or bike trails within or adjacent to the proposed development; railroad rights-of-way and other features such as section lines and corners; and political subdivisions or corporate lines;

(b) The approximate location of areas subject to inundation or storm water overflow and elevation of the highest flood of record;

(c) Location, type, and direction of flow of all drainage ways or water courses;

(d) Natural features, such a rock outcropping, marshes, wooded areas, and historic or other unique features;

(e) Contour lines at the following intervals and related to a benchmark approved by the City Engineer: two-foot contours from ground slopes up to 10% and five-foot contours for ground slopes over 10%.

(f) Existing use or uses of the property and adjacent property, including the approximate location of all existing structures and;

(g) The land use plan and zoning classifications of the land within and adjacent to the tract.

(B) *Proposed plan of development.* The following information shall be included on the tentative plan:

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(1) All streets, showing the locations, widths, names, classifications, approximate grades, and approximate radii of curves and the relationship of all streets to any planned or projected streets;

(2) The location and width of all existing and proposed easements, including the purpose of the easement;

(3) The lot layout, showing approximate dimensions, minimum lot size, and proposed lot and block numbers; and

(4) All land proposed to be reserved by the sub-divider for public purposes, showing the location, size, and proposed uses thereof.

(C) *Explanatory information.* The following information shall be included as part of the tentative plan, but may be submitted in the form of statement in lieu of being drawn or included as part of the map;

(1) Proposed Deed restrictions in outline form;

(2) Proposed source of domestic water supply; and

(3) Provision to be made for sewage disposal, drainage, flood control, and other proposed improvements, and the schedule for making these improvements.

(D) Property Owners and Lienholders. The subdivision shall submit the names and address of all property owners and lienholders within 300 ft of the proposed partition and subdivision. The City Recorder will notify all these property owners of the request, and the meeting time and place when and where the proposal will be considered, in order that they have an opportunity to review and comment on the proposal. Failure of a person to receive the notice specified in this division shall not invalidate any proceedings in connection with the application for subdivision approval.

(Ord. 229, passed 7-10-1979) Penalty see, § 154.99

Cross-reference:

Variances, see § 154.095

§ 154.002 CONSIDERATION.

(A) Within 40 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan

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and the reports of appropriate officials and agencies. The meeting shall be conducted by the Planning Commission and shall be held jointly with the Council. Both the Planning Commission and Council are required to approve the tentative plan as submitted or as it may be modified, or if the Planning Commission or Council does not approve the plan, it shall express its disapproval and its reason therefor.

(B) Approval of the tentative plan shall constitute approval of the final plat if there is no change in the design of the subdivision and if the sub-divider complies with the requirements of this chapter, and conditions of tentative plan approval.

(C) The action of the Planning Commission and Council shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the sub-divider and the other shall be recorder by the city recorder.

§ 154.023 FINDINGS FOR APPROVAL.

In approving a tentative plan, the Planning Commission and Council shall make findings as below, and make a written record of the findings that:

(A) All requirements of this chapter have been or can be met, or variances of this chapter requirements are requested and approved. Consideration of the variance request shall be made prior to considering the tentative plan approval;

(B) The proposed subdivision is in accord with the Comprehensive Plan and zoning for the area;

(C) The capacity of city and other related public facilities and services is able or planned to accommodate anticipated demands resulting from development of a subdivision, or the sub-divider will finance required service and facility improvements necessary to meet those demands, or that other sources of financing can be arranged to make needed improvements;

(D) Streets and roads proposed within the subdivision are designed to tie into existing rights-of-way and to extend access to abutting undeveloped property as needed to provide a safe and convenient future street system; and access to the site is adequate to meet anticipated traffic needs;

(E) Streets and roads intended for public use are dedicated without reservation or restriction, and streets proposed as private streets will meet the standards required by this chapter; and

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(F) Streets and utility improvements will be made prior to final plat approval, or financial assurances therefor will be submitted to the city. (*Ord. 229, passed 7-10-1979*)

SUBDIVISION PROCEDURES; FINAL PLAT

§ 153.035 SUBMISSION.

Within one year after approval of the tentative plan, the sub-divider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. Upon payment of all taxes and assessments on the land and completion of all improvements or bonding therefor, the sub-divider shall submit the original tracing, along with eight prints thereof (or more if determined necessary by the City Recorder), and any supplementary information to the City Recorder. If the sub-divider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must submit a new tentative plan and make any revision necessary to meet changed conditions.

(*Ord. 229, passed 7-10-1979*) Penalty, see §154.999

§ 154.036 REQUIREMENTS.

(A) The final plan for subdividing shall be prepared as follows.

(B) The final plat shall be submitted on plat board on the form required by the laws of the state and by this chapter; shall be prepared by a licensed land surveyor of this state; and shall contain the following information.

(1) The name of subdivision and tract number (assigned by County Surveyor);

(2) The name of the owner(s) and surveyor;

(3) The primary control points as required by state law, and distances and bearings to the control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

(4) The scale, north arrow, date, and basis of hearing;

(5) Tract boundary lines, right-of-way lines of streets and other easements, and property lines of all lots with accurate dimensions, bearings, and radii, points of curvature, and tangent bearings, and area of lots exceeding one acre in size. Computation sheets and traverse data shall be submitted to the City Engineer or County Surveyor for review;

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(6) The location and description of all monuments of the type prescribed and installed in accordance with O.R.S. Chapter 92;

(7) The dimensions and purposes of all easements, pathways, and trails;

(8) All lot lines with dimensions in feet to hundredths, and bearings to seconds;

(9) All lot numbers and block letters or numbers;

(10) Minimum building setback lines where not otherwise fixed by zoning regulations;

(11) The locations and purposes for which sites other than residential lots are dedicated or reserved.

(12) Legal descriptions of the subdivision boundaries;

(13) A notarized statement or certification by the owner(s), consenting to the preparation and recordation of the plat, and dedicating streets and other easements and any other area for public use;

(14) Certification by a land surveyor registered in this state that the survey of the subdivision was done in accordance with O.R.S. Chapter 92, and that the tracing is a true and exact copy of the final plat;

(15) Certification by the Engineer as to the satisfaction of improvement requirements;

(16) Certification by the assessor that all taxes and assessments have been paid to date on the property;

(17) A copy of any deed restrictions, except that the deed restrictions may be prepared to record with the plat instead of appearing on the plat; and

(18) A title report if needed by the city to determine land or adjacent property. (Ord. 299, passed 7-10-1979) Penalty, see § 154.999

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§ 154.037 CONSIDERATION.

(A) Upon receipt by the city, the plat and other data shall be reviewed by the Planning Commission, and the City Engineer or the County Surveyor, who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the

approved tentative plan and that there has been compliance with conditions of approval of the tentative plan and provisions of the state law and of this chapter.

(B) The City Engineer or County Surveyor may make checks in the field as are desirable to verify that the map is sufficiently correct on the ground and his or her representatives may enter the property for this purpose.

(C) IF the City Engineer, County Surveyor and/or planning Commission determine that full conformity has not been made, they shall advise the sub-divider and the City Council of the changes or additions that must be made and shall afford the sub-divider an opportunity to make the changes or additions.

(D) The sub-divider shall be responsible for all costs and fees incurred by the City Engineer or County Surveyor for the technical plat review. The fee and review requirements are established in O.R.S. Chapter 92.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

§ 154.038 APPROVAL.

Upon receipt of the plat with the approval of the City engineer or County Surveyor and Planning Commission, signified by the signatures of each, the Council shall review the plat to determine whether it conforms with the approved tentative plan and with these regulations. If the Council does not approve the plat, it shall advise the sub-divider of the changes or additions that must be made and shall afford him or her an opportunity to make corrections. If the council determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfied. Approval shall be indicated by the signature of the Mayor and shall constitute and effect an acceptance by the public of the dedication of any public streets or easement shown on the plat.

(Ord. 299, passed 7-10-1979)

Cross-reference:

Agreement for improvements, see § 154.080

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§ 154.050 FILING.

The sub-divider shall, without delay submit the final plat for signatures of other public official required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained, or within 90 days after Council approval.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

PARTITION PROCEDURES

§ 154.050 PROPOSAL REVIEW.

Prior to creating any new parcel by portioning, the developer shall complete the following requirements:

(A) The developer shall contact the Planning Commission to:

(1) Review procedures for portioning;

(2) Determine whether the proposal affects any area in which road improvements are desired and

(3) Establish whether related planning and zoning requirements can be met.

(B) If creation of a street is involved, procedures outlined in § 154.053 of this code shall be completed prior to portioning. If creation of a street is not involved, or upon completion of requirements for the creation of a street or way, portioning can be completed by satisfaction of the provision in § 154.051 below.

(Ord. 299 passed 7-10-1979) Penalty, see § 154.99

§ 154.051 PARTITIONING PROCEDURES.

(A) The developer shall submit a request to initiate portioning, along with eight copies of the tentative plan (or more if determined necessary by the City Recorder) of the proposal. If the Planning Commission finds the request to be in accord with this chapter, and other related requirements, preliminary approval shall be given and noted on two copies of the tentative plan along with any conditions of approval. One copy shall be returned to the developer and the other filed with the City Recorder.

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(B) The developer may complete portioning requirements upon receipt of authorization signed by the City Council. The same water, drainage, sewerage, and other improvements are required for parcels created by portioning as for lots created by subdividing.

(C) Upon completion of all the conditions of approval, the partitioner shall submit a copy of the survey or property description to the city. The survey shall also be recorded with the County Surveyor, and if the partition is a major partition, a copy thereof must also be filed with the County Clerk. Upon determining all improvements have been completed as required, the City Council shall so notify the partitioner, completing the process.

(ord. 299, passed 7-10-1979) Penalty, see § 154.999

§ 154.520 REQUIRED INFORMATION.

A request for approval of a partition authorized shall be submitted with the following information:

(A) An Assessor's map showing all properties abutting the proposed partition; and

(B) A tentative plan 8.5 by 11 inches, or 18 by 24 inches in size with the following information:

(1) The date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location:

(2) The name and address of the record owner and of the person who prepared the tentative plan;

(3) The approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;

(4) The locations and names of existing streets or easements, and location and size of sewer and water lines and drainage ways for both land adjacent to and within the tract to be partitioned:

(5) The type and approximate location of existing buildings to remain in place;

(6) The parcel layout, showing size and relationship to existing or proposed streets and utility easements; and

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(7) Additional information as may be required by the Planning Commission or Council.

(Ord. 299, passed 7-10-1979) Penalty, see § 154.999

§ 154.053 CREATION OF STREETS AND WAYS.

(A) The Creation of all streets within a subdivision shall meet the standards for streets within a subdivision Creation of these streets may be initiated by the Council by resolution or by property owner by request.

(B) Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry, or mining shall make written application for consideration by the Planning Commission.

(C) A private easement-of-way may be approved by the city if it is the only reasonable method by which a parcel or parcels may be provided with access. The document and that information as may be submitted shall be processed according to the same procedures for creating a street, and if assurances of adequate utility access as well as vehicular access are provided, the request may be approved.

(D) Application for street or road approval shall comply with applicable subdivision procedures and standards for a tentative plan and final plat and standards as provided in this chapter.

(E) One road improvement is completed, or a performance agreements and bond and cash guarantee have been approved therefor a right-of-way survey, the conveyance, and a description of the proposed right-of-way shall be submitted to the Council. The conveyance shall have the signatures of affected owners of property.

(F) Upon final approval by the Council, and recording of the survey and the conveyance, portioning procedures can be initiated as per § 154.051 of this code. The materials shall be filed with both the County Clerk and County Surveyor.

(G) Expiration times for approval to create roads shall be the same as for tentative plans and final plats.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.99

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DESIGN STANDARDS

§ 154.065 APPLICATION.

Subdivisions and partitions shall conform to the design standards of this chapter.
(Ord. 299, passed 7-10-1979) Penalty see § 154.99

§ 154.066 STREETS AND ALLEYS.

(A) *General.* The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Street rights-of-way and levels of improvement shall.

(1) Provide for the continuation or appropriate projection of existing or anticipated streets in surrounding areas; or

(2) Conform to a street plan adopted by the city.

(B) *Rights-of-way and improvements.* Unless otherwise indicated on the street plan, the street rights-of-way and roadway widths shall not be less than the minimum width in feet shown in the street width table in division (B)(8) below. Streets shall be improved as follows.

(1) Subgrade shall be prepared suitable for base material.

(2) Base material shall be compacted as per state standards to a minimum of eight inches deep.

(3) Leveling coarse material shall be compacted as per state standards to a minimum of four inches deep.

(4) Overlay material shall be a minimum of two inches deep.

(5) All materials shall be approved by the City Engineer prior to construction. Minimum material depth requirements may be increased by the City Engineer, if needed for anticipated loads or ground conditions.

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(6) Shoulders shall be comprised of the same base and leveling coarse materials and shall be a minimum of six feet in width.

(7) Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, rights-of-way narrower than in division (B)(8) below may be accepted. If necessary, slope easements may be required.

(8) The streets width table is as follows:

<i>Type of Street</i>	<i>Minimum Right-of-way Width</i>	<i>Minimum Roadway Width</i>
Alleys	16 feet	16 feet
Arterial street or road	80 feet	52 feet
Collector street	60 feet	48 feet
Local street	50 feet	28 feet
Private Road	10% of length (minimum 30 feet and max. 50 feet)	50 % of right-of-way width
Radius for turn-around at end of cul-del-sacs	50 feet	40 feet
Secondary Street	60 feet	36 feet

(C) *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 compromising these strips shall be placed within the jurisdiction of the city under conditions approved by the council.

(D) *Alignment.* As far as is practical, streets other than private streets shall be alignment with existing or anticipated future streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever 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 100 feet.

(E) *Extensions.* Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without being improved, and without a turn-around. Land for such street areas may be deeded to the city for future

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streets purposes, or reserve strips and streets plugs may be required to preserve the objectives of streets extensions.

(F) *Public right-of-way improvements.* As a condition of approving major partitions and subdivisions, the city may require that the developer improve existing public roads or street rights-of-way to the above levels, if those rights-of-way are needed primarily to provide access to the developer's property.

(G) *Additional rights-of-way.* Whenever existing street rights-of-way adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

(H) *Intersection 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. An arterial, collector, or secondary 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 an 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. The intersection of more than two streets at any one point will not be approved.

(I) *Half streets.* Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission and Council find 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 that tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(J) *Cul-de-sac.* A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around.

(K) *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 Commission and Council.

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(L) *Grades and curves.* Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on collector or secondary streets, or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance will be made for finished street grades having a minimum slope, preferably, of at least 0.5%.

(M) *Streets adjacent to railroad right-of-way.* Whenever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of that 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.

(N) *Marginal access streets.* Where a land division abuts and contains an existing or proposed arterial street, the Planning Commission 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 adjacent properties and to afford separation of through and local traffic.

(O) *Alleys.* Alleys may be required in subdivisions. The corners of alley intersections shall have a radius of not less than 12 feet.

§ 154.067 BLOCKS, LOTS, AND EASEMENTS.

(A) *Block Size.* Blocks shall have a minimum length of 250 feet and a maximum length of 1320 feet.

(B) *Easements.*

(1) *Utility lines.* Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall generally be at least 16 feet wide and centered on rear or side of lot lines.

(2) *Water courses.* If a subdivision 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 lines of the water course, and such further width as

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will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(3) *Pedestrian ways.* When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly shaped blocks. It shall be the responsibility of the developer to install four-foot minimum sidewalks where pedestrian ways are required.

(4) *Emergency vehicle success.* When necessary or desirable for public safety, emergency vehicle ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

(C) *Lot size and shape.* The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated and shall be consistent with the residential lot size provisions of the zoning chapter, except where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission and Council. Depth and widths of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(D) *Lot access.* Each lot shall abut upon a street other than an alley for a minimum width of at least 20 feet.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

§ 154.068 GRADING

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

(A) Cut slopes shall not exceed two feet horizontally to one foot vertically.

(B) Fill slope shall not exceed two and one-half 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.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

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§ 154.069 PUBLIC USE.

If the city has an interest in acquiring a portion of a 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 city may require that final plat work and improvements not be made on those portions of the subdivision and that this area be reserved for public acquisition, for a period not to exceed one year, and made available at fair market value.

(Ord. 229, passed 7-10-1979)

IMPROVEMENTS

§ 154.080 AGREEMENT FOR IMPROVEMENTS

(A) Before City Council approval is given on the final plat, the sub-divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision, or post a bond or cash and execute and file with the City Recorder an agreement between him or herself and the city, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense from the sub-divider. The maximum time to complete improvements shall be one year. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city, which shall not exceed 1% of the cost of the improvements to be installed, if improvements are to be phased, minimum units will be one block of street frontage.

(B) (1) The sub-divider shall file with the agreement, to assure his or her full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in this state, in a form approved by the City Attorney;

(b) An agreement, duly signed and executed by the sub-divider, assigning his or her account in a legal savings institution in this state to the city; or

(c) Cash.

(2) The assurance of full and faithful performance shall be for a sum determined by the city as at least 25% greater than the estimate to cover the actual cost of the improvements and repairs, including related engineering and incidental expenses, and to

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cover the cost of city inspection. The performance bond shall guarantee the improvement to be free of defects for one year after written acceptance by the city. Release of the bond shall not be made until one year following completion of the improvements.

(3) If the sub-divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from that failure, the city shall call the bond or cash deposit by the city, the sub-divider shall be liable to the city for the difference. If the amount of the bond or cash deposit is more than the cost and expense incurred by the city, the difference shall be refunded to the sub-divider.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

Cross-reference: *Subdivision Procedures; final plat, see § 154.035 et. Seq.*

§ 154.081 PROCEDURES

(A) In addition to other requirements, improvements installed by a developer either as a requirement of these regulations or at his or her own option shall conform to the requirements of this chapter and improvements standards and specifications approved by the city.

(B) Improvements as mentioned above shall be installed in accordance with the following procedure.

(1) 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.

(2) Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified. Notification shall be given at least two days prior to initiating or resuming work.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the city, the city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to the length necessary to avoid disturbing the street improvements when service connections are made.

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(5) A map showing public improvements as built shall be filed with the city upon completion of the improvements.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

§ 154.082 SPECIFICATIONS.

The City Engineer shall prepare or review improvement specifications for all improvements to supplement the standards of this chapter, based upon engineering standards appropriate for the improvements concerned. These specifications shall be prepared for the design and construction of required streets, services, and other facilities as a developer may be required to elect to install. Costs for all work by the City Engineer shall be paid by the developer.

(Ord. 299, passed 7-10-1979) Penalty, see § 154.999

§ 154.083 REQUIRED IMPROVEMENTS.

(A) Requirements. The following improvements shall be installed at the expense of the land developer at the time of subdivision.

(1) *Streets.* Streets, including alleys, within the subdivision and streets adjacent but only partially within the subdivisions shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes as determined necessary by the city.

(2) *Surface drainage and storm sewer system.* Surface drainage and storm sewer improvements shall be installed. Design of drainage 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 extensions of the system to serve the surrounding affected areas.

(3) *Sanitary sewers.* Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

(4) *Water System.* Water lines and fire hydrants serving each lot in the subdivision and connecting the subdivision to the city mains shall be installed. Design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system.

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(5) *Street name signs.* Street name signs shall be installed at all street intersections.

(6) *Streetlights.* Streetlights shall be installed at least every intersection.

(7) *Other utilities and the like.* The developer shall make necessary arrangements with utility companies or other persons affected for the installation of lines and facilities.

(8) *Curbs and sidewalks.* Curbs and sidewalks may be required on one or both sides of all streets that the city determines will be significant pedestrian routes between vicinity residences and schools, shopping, or employment areas.

(B) *Occupancy.* No structure shall be occupied until all of the above improvements have been installed and for those sections of the street right-of-way which the lot fronts upon and which provide access to the lot and the city has approved the installations.

(Ord. 299, passed 7-10-1979) Penalty, see § 154.99

ADMINISTRATION AND ENFORCEMENT

§ 154.095 VARIANCES; REQUEST AND CONSIDERATION

(A) Concurrently with submitting a tentative plan, a sub-divider may submit a request for variance of particular chapter requirements. This request shall identify each provision for which the request is being made and the justification for each request. Request forms for variance consideration may be obtained from the City Recorder.

(B) In order to grant a variance approval, the Planning Commission shall make the following findings regarding each request:

(1) Exceptional or extraordinary circumstances apply to the property to which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control;

(2) The requirement, if strictly applied, would cause unique or unnecessary hardship to the sub-divider;

(3) The best interests of the public will not be compromised by approval of the variance request, and that the variance is the minimum necessary to alleviate the hardship;

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(4) The requirements is not essential to determine suitability of the proposed subdivision.

(5) The approval of the variance request would not be contrary to the purpose of this chapter, nor the Comprehensive Plan or Zoning chapter; and

(6) Failure to require satisfaction of the requirement would not set a trend, nor encourage lack of compliance of the chapter provisions in the future.

(Ord. 299, passed 7-10-1979)

Cross-reference:

Sub-division Procedures; tentative plan, see §§ 154.020 et seq.

§ 154.096 UNIT OWNERSHIP AND PLANNED DEVELOPMENTS.

(A) Under O.R.S. Chapter 100, provisions are made for the creation of unit or condominium ownerships. Zoning provisions include similar procedures for developing planned developments, whereby design flexibility may allow smaller lots but similar densities, resulting from common ownership of portions of a development.

(B) The following provisions shall apply to any proposed land sales resulting from unit ownership or planned developments:

(1) No person shall sell any land until the city has approved the creation thereof, according to applicable subdivision procedures; and

(2) In the event that a street or way is created in conjunction with unit ownership or planned developments, the street or way shall comply with all provisions of the ordinance related to that creation.

(Ord. 229, passed 7-10-1979) Penalty, see § 154.999

§ 154.097 APPEALS

(A) A person may appeal to the City Council a decision or requirement made by the Planning Commission or the City Engineer. Written notice of the appeal must be filed with the city within ten days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(B) The City Council shall hold a hearing on the appeal within 45 days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing, the Council may overrule or modify the decision or requirement made by the Planning

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Commission or City Engineer, if the decision of the Council complies with the spirit and intention of the chapter.

(C) An appeal of a Council decision may be made through the state Land Conservation and Development Commission or through appropriate courts as provided by state laws.
(Ord. 299, passed 7-10-1979)

§ 154.098 ENFORCEMENT AUTHORITY

The City Council shall have authority to administer and enforce the provisions of this chapter.
(Ord. 299, passed 7-10-1979)

§ 154.099 AMENDMENTS.

An amendment to the text of this chapter may be initiated by the Council, or by application of a property owner or his or her authorized agent.
(Ord. 299, passed 7-10-1979)

§ 154.100 INTERPRETATION.

The Council shall be responsible for interpreting the provisions of this chapter.
(Ord. 299, passed 7-10-1979)

§ 154.101 HEARINGS

(A) Any hearing to consider a variance, amendment, or appeal request shall be held only after posting public notice of the hearing at least once weekly for two successive weeks prior to the hearing in a newspaper of general circulation published in the area in which land affected is situated. Each property owner of record within 300 feet of the property affected by the hearing shall be mailed a notice of the public hearing.

(B) The notice shall indicate the time, place, and purpose of the hearing, and a description of the land to be affected thereby.

(C) A hearing may be recessed, provided the time and place to reconvene are indicated prior to the recess.
(Ord. 299, passed 7-10-1979)

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§ 154.102 FEES

The City Recorder shall have the authority to collect nonrefundable, administrative fees as follows, to cover the costs incurred in processing particular requests:

Fee Schedule for:

Table 154.102-Fees

Type 1a (Administrative)

Change in Occupancy (change one type of land use to a different type of land use)	\$50.00
Single Family Dwelling (construction)	\$50.00
Single duplex or two townhouses not requiring a land division	\$50.00
Building additions & minor modifications	\$50.00
Any proposed development that has a valid CUP	\$50.00
Home Occupations and Temporary Uses (requiring a permit)	\$50.00
Accessory Structures (sheds, utility structures and accessory parking)	\$50.00 (No Fee for Fences but it is required to fill out a Building Application)
Development and Land Uses (that already have an approved Design Review or CUP)	\$50.00
Property Line Adjustments and Lot Consolidations	\$50.00
Sign Permit	\$50.00
Subdivision Final Plat	\$25.00 per lot
Temporary Use Permit	\$50.00
Non-Conforming Use	\$50.00

Type 1b (Administrative)

Code Interpretation	\$250.00 + consulting
Modification to Approval (Minor)	50% of original permit fees plus actual consulting fees
Land Partition (3 or Less Parcels)	\$250.00 plus consulting fees

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Type II (Quasi-Judicial)

Conditional Use Permit	\$1,000.00 plus actual consulting fees
Major Home Occupation	\$50.00
Modification to Approval (Major)	50% of original permit fees plus actual consulting Fees
Land Use District Map Change (No plan amendment required)	\$1,000.00 plus actual consulting fees
Subdivision Preliminary Plan (4 or More Lots)	\$1,000.00 plus actual consulting fees
Site Design Review	\$1,000.00 plus actual consulting fees
Annexation Application	\$1,000.00 plus actual consulting fees

Type III (Legislative)

Comprehensive Plan Amendment	\$1,000.00 plus actual consulting fees
Land Use District Map Change Including Zone Change (Plan Amendment Required)	\$1,000.00 plus actual consulting fees
Variance	\$1,000.00 plus actual consulting fees

(Am. Ord. 299, passed 7-10-1979; Ord. 229 A passed 9-8-2015; Am. Ord. 2055, passed 11-9-2022)

(B) An inspection fee in the amount of 1% of anticipated improvement costs shall be submitted to the city prior to initiating construction of roads, water or sewer lines, or other improvements requiring city inspection. At least ten days prior to initiating construction, estimated costs shall be submitted to the City Engineer, who will review the figures and establish the amount of inspection fee to be collected; and

(C) Statutory fees as required in O.R.S. 92.100 and referred in § 154.037(D) of this code may also be collected by the city to pay for the plat review services of the County Surveyor or City Engineer. Penalty, see § 154.999

(Am. Ord. 299, passed 7-10-1979; Ord. 229 A passed 9-8-2015; Am. Ord. 2055, passed 11-9-2022)

All Ordinances or parts in conflict herewith are hereby repealed. Upon the effective date hereof, but not otherwise, Ordinance No. 229A of the City of Merrill is hereby repealed. (Ord. 2055, passed 11-9-2022)

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§ 154.999 PENALTY

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction, be subject to penalties as set forth in § 10.99 of this code.

(B) In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$500. A violation of this chapter shall be considered a separate offense for each day the violation continues.

(Ord. 229, passed 7-10-1979)