EXHIBIT A

Proposed Hermiston Municipal Code Chapter 154 Subdivisions Text Amendments

Proposed or moved text is shown in red, proposed text removal is shown in ~~strikethrough~~.

CHAPTER 154 ~~-~~ – ~~Subdivisions~~Land Divisions

GENERAL PROVISIONS

154.01 PURPOSE.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. These regulations are to provide for the harmonious development of the city and its environs; for the coordination of streets within ~~sub~~land divisions with other existing or planned streets or with other features of the city for adequate open spaces for traffic, recreation, light and air and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or property.

(Ord. 858, passed 4-14-75)

154.02 PRELIMINARY ACTIONS.

Each land ~~sub~~divider ~~of land~~ shall confer with the city staff before preparing a preliminary subdivision or partition plat or map in order to become thoroughly familiar with the ~~subdivision~~ land division requirements and with the proposals of the Comprehensive Plan affecting the territory in which the proposed ~~subdivision~~ land division lies.

(Ord. 858, passed 4-14-75)

154.03 DEFINITIONS.

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

EXPEDITED LAND DIVISION. A division of land that includes land that is zoned for residential uses, is solely for the purpose of residential use, including recreational or open space uses accessory to residential use, and meeting all requirements of ORS 197A.142.

FLAG LOT. A lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg of land.

LOT. A unit of land that is created by a subdivision of land. A lot line or boundary line adjustment is a minor modification to a boundary line between two individual lots or parcels of land. No new lots or parcels are created in a boundary line adjustment. The revised lots or parcels meet the requirements of the city zoning code. The procedure for a lot line or boundary line adjustment is an administrative one through the city staff.

LOT LINE. The exterior boundary of a lot or parcel. For contiguous lots or parcels held in common ownership and combined for development purposes, the property line for purposes of setbacks shall be the exterior boundary of the combined lots or parcels. Unless otherwise specified, setbacks set forth in this code shall be measured to the property line.

LOT LINE, FRONT. In the case of an interior lot, the lot line separating the lot from the street, private road, or access drive, other than an alley. In the case of a corner or through lot, the shortest lot line along a street, private road, or access drive, other than an alley, or the property line toward which an existing building's entrance is oriented or over which the primary vehicular access to the property is gained. In the case of a corner lot with equal width and depth, either may be established as the front property line. In the case of a through lot, each street has a front property line.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line. Where a rear lot line cannot be determined, such as in the case of an irregularly shaped lot, it shall be developed by striking a chord ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

~~MAJOR PARTITION. A partition which includes the creation of a road or street.~~

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

MIDDLE HOUSING. Housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses. For Hermiston, only duplexes are required middle housing.

MIDDLE HOUSING LAND DIVISION. A partition or subdivision of a lot or parcel on which the development of State-required middle housing is proposed, including bonus units under §157.155.

(1) PARENT LOT. In relation to a Middle Housing Land Division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.

~~(1)~~(2) CHILD LOT. In relation to a Middle Housing Land Division means the unit(s) of land created from a parent lot as the result of a Middle Housing Land Division. A "child lot" may also be referred to as a "middle housing lot."

~~MINOR PARTITION. A partition that does not include the creation of a road or street but is subject to approval by the city.~~

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.

(1) MAJOR PARTITION. A partition which includes the creation of a road or street.
(2) MINOR PARTITION. A partition that does not include the creation of a road or street but is subject to approval by the city.

PARTITION LAND. To divide land into two or three parcels of land within a calendar year. Within the same calendar year as an original partition that was not a middle housing land division, one or more resulting vacant parcels may be further partitioned into not more than three parcels through a middle housing land division. Partitions do ~~but does~~ not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning provision; or
(3) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the Comprehensive Plan and ORS 215.213 (2)(q) through (s).

PARTITION PLAT. A final map, other writing containing all descriptions, locations, specifications, revisions, and information concerning a major or minor partition.

PLAT. A final subdivision plat, replat or partition plat.

QUALIFIED PROFESSIONAL. Any person licensed in Oregon as a professional architect, engineer (civil, geotechnical, structural, or traffic—depending on the sealed product), geologist, hydrogeologist, or landscape architect.

REPLAT. A final map of reconfiguration of lots and easements of a recorded subdivision or recorded plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a recorded subdivision or plat.

STREET or ALLEY. A public way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

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

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

SUBDIVISION PLAT. A final map and other writings containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

ZERO LOT LINE LOT. A lot lacking the requisite minimum size and/or width for the underlying zone which is intended for common wall or zero lot line attached housing.

(Ord. 858, passed 4-14-75; Am. Ord. 1769, passed 9-28-92; Am. Ord. 2180, passed 7-25-11)

154.04 JURISDICTION AND PROCEDURE.

(A) It shall be unlawful for any person being the owner, agent or person having control of any land within the city to divide land by a subdivision or major or minor partition not in accordance with the laws of the state and the regulations contained herein. The proposed subdivision or partition shall first be submitted to the ~~Planning Commission~~City for approval or disapproval of the preliminary plat in accordance with the procedures in §157.229.

(B) After report and approval of City staff ~~the Planning Commission~~ is made and filed, all minor partitions shall be permitted.~~, but~~

~~(A)~~(C) A~~a~~ll major partitions and subdivisions shall be submitted to the City Council for ~~its~~ final plat approval or disapproval. No plat or map shall be recorded and no lots shall be sold from a plat or map until approved by the City Council and recorded with the county.

(D) The design and layout of all partitions and subdivisions shall conform with the requirements of §§ 154.15 through 154.21. The ~~subdivider~~ land divider shall submit a preliminary plat or map in accordance with the specifications of § 154.35 hereof. The final plat or map shall be submitted in accordance with the provisions of §§ 154.45 and 154.46 hereof.

(E) A replat as defined in §154.03 and ORS 92.010(13) shall follow the procedures for a limited land use decision as defined in ORS 197.015(12) and §157.229. The approval process shall be as provided in ORS 197.195.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

DESIGN STANDARDS

154.15 RELATION TO ADJOINING STREET SYSTEM.

(A) The function, location, width, and grade of streets shall be ~~considered in relation to~~ aligned with existing and planned streets~~, to~~ and ~~topographical conditions~~grades~~, to public convenience and safety, and to the proposed use of land to be served by the streets.~~. The proposed classification shall be in accordance with the Transportation System Plan (TSP). Where new streets are not identified within the adopted TSP, said new streets shall be classified as local streets.

(B) Proposed traffic circulation systems will be designed to the adopted Hermiston Public Works Standards and the TSP including ~~The street system shall assure an adequate and safe traffic circulation system with~~ intersection angles, grades, tangents, and curves, in accordance with the street classification ~~appropriated for the traffic to be carried.~~, ~~considering the terrain.~~

(C) Off-set streets ~~should be avoided~~are prohibited.

(D) The angle of intersection between minor streets and major streets ~~should~~ shall not vary by more than 10 degrees from a right angle ~~unless special intersection design is provided~~.

(E) Streets ~~obviously~~ in alignment with existing streets shall bear the names of the existing streets. All proposed street names should be checked to avoid duplication of other street names.

(F) If the subdivision or partition abuts a present or proposed major arterial street, marginal interceptor streets running parallel to the arterial street ~~may~~ will be required at the minimum intersection spacing as specified in the adopted Public Works Standards and Transportation System Plan.

(G) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sac streets shall not be allowed, unless ~~only when~~ one or more of the following conditions ~~exist~~:

(1) Physical or topographic conditions prevent ~~make~~ a street connection ~~impracticable~~. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not ~~reasonably~~ be provided.

(2) Buildings or other existing development on adjacent lands physically preclude~~s~~ a connection now or in the future, considering the potential for redevelopment.

(3) Where street connection would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the TSP which preclude a required street connection.

(4) Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided ~~if feasible~~.

(5) Cul-de-sac streets shall ~~be as short as possible and should~~ not exceed a length of ~~400 150~~200 feet. A cul-de-sac shall terminate with a turn-around per adopted Public Works Standards. ~~.~~ A cul-de-sac may extend to 350 feet where a paved pedestrian connection is provided connecting the cul-de-sac bulb to an adjacent street.

(H) The City may approve deviations from the standards of this section when designed by a qualified professional.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99)

154.16 STREET AND ALLEY WIDTH.

~~(A)~~ The width of streets and alleys shall be adequate to fulfill city standards as provided for in the ~~Transportation System Plan (~~TSP~~)~~ and adopted Public Works Standards. ~~The standard cross-sections provide some flexibility in the right-of-way and paved width, depending on factors such as whether on-street parking and bike lanes are provided. Standards for streets and alleys are adopted in the TSP and incorporated into this section by reference:~~

~~(B) Table 1: Urban Arterial Cross Sections~~

~~(C) Table 2: Urban Collector Cross Sections~~

~~(D) Table 3: Urban Local Street Cross Sections~~

~~(E) Table 4: Rural Arterial/Collector/Local Road Cross Sections~~

~~(F)~~(A) Where alleys are provided in residential blocks, a minimum width of 20 feet shall be required. Alleys are required in the rear of all business lots and shall be at least 25 feet wide. A five-foot cutoff shall be made at all acute angle alley intersections.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99) Penalty, see § 154.99

154.17 EASEMENTS.

(A) Width requirements. Easements of at least six feet in width shall be provided on ~~each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other mains~~all front lot lines. Easements of greater width may be ~~required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement~~in accordance with the adopted Public Works Standards.

(B) Along streams. Whenever any stream or important surface drainage course is located in an area which is being ~~sub~~divided, the land ~~sub~~divider shall provide an ~~adequate~~ easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use in accordance with the adopted Public Works Standards.

(C) For irrigation. Whenever any irrigation system is located and/or proposed to be created in an area which is being ~~sub~~divided, the land ~~sub~~divider shall provide an ~~adequate~~ easement in accordance with the adopted Public Works Standards~~as approved by the Planning Commission and the Hermiston Irrigation District~~.

(D) The City may approve deviations from the standards of this section when designed by a qualified professional.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.18 BLOCKS.

(A) In residential zones, block lengths shall not exceed ~~600~~350 feet in length between intersecting through streets. ~~, except where topography or existing development creates conditions requiring longer blocks.~~

(B) Where block lengths exceed ~~600 400~~350 feet, ~~the Planning Commission may require~~ a six- to ten-foot-wide paved bicycle/pedestrian access way through the block to enhance bicycle and pedestrian circulation by providing short, direct connections between destinations is required.

~~(B)~~(C) The City may approve deviations from the standards of this section when designed by a qualified professional.

(Ord. 858, passed 4-14-75; Am. Ord. 2004, passed 12-13-99) Penalty, see § 154.99

154.19 LOTS.

~~(A) The lot arrangement and design shall be such that all lots will be properly related to topography and existing development patterns.~~

~~(B)~~(A) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines. Lots with double frontage shall be prohibited. Alternative designs by a qualified professional, including double frontage lots, may be approved where ~~, unless prevented~~ the lot layout is limited by environmental or topographical constraints, existing development patterns, or to comply with other standards in this code. ~~Lots with double frontage shall be avoided.~~

~~(C)~~(B) ~~The minimum width of residential lots shall be 60 feet at the building lines. No lot shall have a depth in excess of three times its width.~~ Minimum lot sizes, depths, and widths ~~of lots~~ shall conform to the standards established by the zoning code of the city for the zone in which the lots are located. No lot shall have a depth in excess of three times its width. ~~Where zero lot line lots are proposed, the minimum lot width shall be a minimum of 60 feet for the aggregate of all attached housing with a minimum of 2,000 square feet for each individual lot.~~

~~(D)~~(C) Where corner lots rear upon lots facing the side street, the corner lots shall ~~have~~ have ~~extra width sufficient~~a minimum lot width equal to the minimum lot depth based on the underlying zone to permit the establishment of front building lines on both the front and side of the lots adjoining the streets.

~~(E) Corner lots at street intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have the corner of the lot cut off either by a chord or circular arc sufficient to allow a minimum of six feet between the curb line and the lot corner when and if the streets are curbed with the curb installed on a radius of 20 feet.~~

~~(F)~~(D) Where a flag lot is proposed, the following design standards shall apply:

(1) The access portion shall be at least 25 feet wide.

(2) Where two flag lots are proposed, the 25-foot access lane may be shared between the two lots, with each lot having 12.5 feet of access.

    (a) When two lots share a 25-foot access the city will require access easements to be prepared granting each parcel full access to the entire 25-foot access for ingress and egress.

    (b) No fencing shall be installed in a shared access which inhibits the right of access for either parcel.

(3) The access portion of an access lane shall be paved to a width of at least 20 feet.

(4) The access shall include ~~sufficient~~ easements and paved improvements to allow adequate maneuvering space for fire and emergency vehicles in accordance with adopted Public Works Standards, including the Fire Apparatus Turnaround Standard Drawing, and the Oregon Fire Code.

(5) The minimum parcel size, setback and lot coverage requirements of the underlying zone will apply to all flag lots.

    (a) When determining minimum parcel size, the access lane shall not be included in the calculation of lot size or lot coverage.

    (b) When determining setback requirements, the front lot line shall be established by projecting an extension of the access lane through the property.

    (c) The minimum lot width shall be the same as that established in the underlying zone and shall be parallel to the extension of the access lane through the property.

    (d) The minimum lot depth shall be the same as that established in the underlying zone and shall be perpendicular to the extension of the access lane through the property.

(6) No more than two parcels shall be created utilizing a single access flag. When more than two parcels are proposed, a new public street ~~must~~ shall be created.

(Ord. 858, passed 4-14-75; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2322, passed 6-14-21) Penalty, see § 154.99

154.20 MAINTENANCE EASEMENT REQUIREMENT~~CHARACTER OF DEVELOPMENT~~.

(A) Where the subdivision or partition contains sewer, water, stormwater, transportation, or park facilities ~~s, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable~~ as required by adopted Public Works Standards and City Master Plans or otherwise electively offered, that ~~for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency~~ are located on private property and not proposed for public dedication, an easement shall be granted for the appropriate public agency ~~provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities,~~ for the ~~proper and continuous~~ maintenance and supervision of the facilities including access. The adopted Public Works Standards specify easement widths and locations for water, storm, and sanitary sewer lines.

(Ord. 858, passed 4-14-75; Am. Ord. 2322, passed 6-14-21)

154.21 PARKS, SCHOOL SITES AND THE LIKE.

In ~~sub~~dividing property, ~~consideration shall be given to suitable~~ sites for schools, parks, playgrounds, and other common areas for public use shall be provided~~so as~~ to conform to any recommendation of the adopted City Comprehensive Plan or Parks Master Plan. Any provision for schools, parks and playgrounds ~~should~~ shall be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by the appropriate taxing agency.

(Ord. 858, passed 4-14-75)

154.22 ACCESS MANAGEMENT.

Access spacing policies set forth in the City Transportation System Plan, adopted Public Works Standards, and the Oregon Highway Plan will apply to ~~an~~ proposals for new access or change of existing access.

(Ord. 2004, passed 12-13-99)

SUBDIVISION~~S~~ AND PARTITION PRELIMINARY PLAT

154.35 PRELIMINARY PLAT REQUIREMENTS.

(A) Whenever any person desires to ~~sub~~divide land into building lots and to dedicate streets, alleys or land for public use, the person shall submit ~~four copies of the~~ a preliminary ~~sketch~~ plat conforming to the requirements of §§154.15 through 154.22 and §§154.60 through 154.66~~1~~ to the ~~Planning Commission~~City ~~-~~before submission of the final plat.

~~(B)~~

~~(C) The preliminary plat must be filed with the City Planner at least 30 days prior to the meeting of the Planning Commission.~~ Minor partitions containing three lots or less may be exempted from the provisions of this section.

~~(D)~~(B)

~~(E)~~(C) The preliminary plat shall show:

(1) The location of present property lines, section lines and the lines of incorporated areas, streets, buildings, water courses, tree masses and other existing features within the area to be ~~sub~~divided and similar information regarding existing conditions on land immediately adjacent thereto;

(2) The proposed location and width of streets, alleys, lots, building and setback lines and easements;

(3) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat;

(4) The title under which the proposed subdivision or partition is to be recorded and the name of the land ~~sub~~divider platting the tract;

(5) The names and adjoining boundaries of all adjoining subdivisions or partitions and the names of recorded owners of adjoining parcels of un~~sub~~divided land;

(6) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be ~~sub~~divided, but in no case shall the intervals be more than one foot;
(7) North point, scale and date;
(8) Grades and profiles of streets and plans or written and signed statements regarding the grades of proposed streets; and the width and type of pavement, location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage and other proposed improvements such as sidewalks, planting and parks, and any grading of individual lots; and
(9) All the above information unless waived by the reviewing City staff.~~the Planning Commission.~~

~~(F)~~(D) ~~After the~~The preliminary plat ~~has been submitted to the Planning Commission in accordance with these regulations, a final plat, together with copies of any deed restrictions,~~ shall be ~~prepared and submitted to the City Planner~~reviewed as a limited land use decision in accordance with ORS 197.195 and §157.229. After approval of the preliminary plat, a final plat shall be prepared and reviewed in accordance with §§154.45 and 154.46.~~The plat shall be filed in the office of the City Planner at least 14 days prior to the meeting of the Planning Commission at which approval thereof is asked. This final plat shall be submitted and prepared in accordance with the provisions of 154.45 through 154.46 hereof~~.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

SUBDIVISION~~S~~ AND MAJOR PARTITION FINAL PLAT

154.45 SUBMISSION TO CITY COUNCIL.

The final plat shall be submitted to the City Council in a form as prescribed by the statutes of the state and as acceptable to the city. In addition to the requirements of the law, the land ~~sub~~divider shall provide the city with a copy of the final plat~~three prints on transparencies acceptable to the City Planner, and three prints thereof~~, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the

plat; provided, however, that these ~~transparencies~~ need not be submitted until the final plat has been approved by the City Council.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.46 FINAL PLAT REQUIREMENTS.

The final plat shall show:

(A) The boundary lines of the area being ~~sub~~divided, with accurate distances and bearings;

(B) The lines of all proposed streets and alleys with their width and names;

(C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. At the time of filing final plat, the following shall be offered for dedication:~~;~~

(1) All lots or parcels of land shown on the final plat that are designated for public use, except those lots or parcels which are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees;

(2) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights-of-way shown on the final plat intended for public use; and

(3) All rights of access to and from streets, and any other lot or parcel of land shown on the final plat intended to be offered for dedication.

~~(C)~~(D) The accurate outline of any private easements on the property;

~~(D)~~(E) The line of departure of one street from another;

~~(E)~~(F) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;

~~(F)~~(G) All lot lines together with an identification system for all lots and blocks;

~~(G)~~(H) The location of all building lines and easements provided for public use, services or utilities;

~~(H)~~(I) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision or partition, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;

~~(I)~~(J) All necessary curve data;

~~(J)~~(K) The location of all survey monuments and bench marks together with their descriptions;

~~(K)~~(L) The name of the subdivision or partition, the scale of the plat, points of the compass, and the name of owners or land ~~sub~~divider;

~~(L)~~(M) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

~~(M)~~(N) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;

~~(N)~~(O) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

~~(O)~~(P) Certificates of approval for endorsement by the City Council ~~and certificate indicating its submission to the Planning Commission~~, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

REQUIRED MINIMUM IMPROVEMENTS

154.60 PERMANENT MARKERS.

All subdivisions, major partitions, and minor partitions are required to be surveyed in accordance with ORS 92.050 through 92.080.

(Ord. 858, passed 4-14-75; Am. Ord. 1769, passed 9-28-92) Penalty, see § 154.99

154.61 GENERAL IMPROVEMENTS.

(A) As a condition to the approval of the final plat, the city shall require installation of ~~certain~~ grading, drainage, curb and gutter, sidewalk and street paving and all service utilities. A developer's agreement shall be drafted guaranteeing installation of said improvements to standard city specifications.

(B) In lieu of completion of the work, the city may accept a bond, a letter of credit or other securities in an amount and under conditions to be specified. In case of forfeiture of securities, the city will do the work and will be reimbursed in the amount of the securities.

(Ord. 858, passed 4-14-75; Am. Ord. 1041, passed 3-14-77) Penalty, see § 154.99

154.62 WATER LINES.

Where the city public water supply is or becomes available within 300 feet of property lines~~reasonably accessible or procurable~~, each lot within the ~~sub~~divided area shall be planned for connection to the water supply, unless existing water supply is via an Exempt Use Well. In all other areas, a private water supply shall be provided in accordance with regulations and recommendations of the State Department of Environmental Quality and under the supervision of and approval by same. Fire hydrants shall also be installed in all ~~subdivisions~~ land divisions within the city, unless otherwise approved by the Fire Marshal.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.63 SANITARY SEWERS.

~~Within the city limits, and in all areas beyond the city limits, but lying within the potential sewerage limits as shown by the Comprehensive Plan, t~~The preliminary plat shall show the sanitary sewer layout for the area being ~~sub~~divided. This layout shall comply with regulations of the State Department of Environmental Quality and shall be approved by the City ~~Engineer~~.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.64 DRAINAGE.

(A) Compliance with all requirements of the adopted Public Works Standards regarding stormwater, groundwater, and surface water shall be demonstrated.~~All necessary facilities shall be installed sufficient to prevent the collection of surface water in any low spot and to maintain any natural water course.~~

(B) All major and minor partitions of land shall meet the requirements of the National Flood Insurance Act of 1968 and as amended, as applied to lands within the city.

(Ord. 858, passed 4-14-75) Penalty, see § 154.99

154.65 SIDEWALKS.

(A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single~~-family~~ unit and ~~two-family homes~~ duplex dwellings if there is an existing sidewalk within 500 feet on the same side of the street.

(B) In the case of arterial or collector streets, sidewalks shall be built during their construction and considered during their reconstruction.

(C) If an interim street standard is being constructed which does not include bike lanes or sidewalks, a paved shoulder at least six feet wide shall be provided as an interim walkway.

(D) The provisions of sidewalks may be waived where the street serves fewer than 50 trips per day (based on ITE standards) and cannot be continued or extended to other properties.

(E) Standards for the design, width, and location of sidewalks are set forth in the Transportation System Plan and Public Works Standards, which are adopted by reference.

(Ord. 2004, passed 12-13-99; Am. Ord. 2322, passed 6-14-21) Penalty, see § 154.99

154.66 BIKEWAYS.

(A) The city□s adopted Bicycle Plan is included in the Transportation System Plan, and adopted as part of the Comprehensive Plan by reference.

(B) In the case of arterial or collector streets, bike lanes shall be built during their construction, and considered during their reconstruction.

(C) Standards for the design, width, and location of bike lanes are set forth in the Transportation System Plan and Public Works Standards, which ~~and~~ are adopted by reference.

(Ord. 2004, passed 12-13-99) Penalty, see § 154.99

ADMINISTRATION AND ENFORCEMENT

[NEW] 154.73 EXPEDITED LAND DIVISIONS.

(A) The expedited land division procedure provides an alternative to the standard procedures for land divisions. The applicant may choose to use the process if the land division request meets all of the elements specified in ORS 197A.142.

(B) An expedited land division process may be used for residential minor and major partitions, residential subdivisions, and residential subdivision replat applications.

(C) The submittal for an expedited land division application shall be congruent with the submittal requirements for a partition or subdivision (§§154.35 and 154.46). On receipt of a complete application, the City shall review, decide, and notice the expedited land division within 63 days in accordance with the requirements of ORS 197A.140 and 197A.142.

1) There shall be no public hearing on the application.

2) The Planning Official's decision shall be based on applicable elements of the Hermiston Municipal Code.

3) The Planning Official's decision may be appealed only by the applicant within 21 days of the mailing of the decision notice to the Land Use Board of Appeals.

[NEW] 154.74 MIDDLE HOUSING LAND DIVISIONS.

(A) The City shall approve a tentative plan for a middle housing land division (MHLD) if the application includes:

1) A proposal for development of State-required middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel and which may consist of:

(a) State-required middle housing;

(b) Additional units as allowed by §157.155; and

(c) Retained or rehabilitated existing units including one single-unit dwelling; one single-unit dwelling plus one accessory dwelling unit; or one duplex.

2) Separate utilities for each dwelling unit;

3) Proposed easements necessary for each dwelling unit on the plan for:

(a) Locating, accessing, replacing and servicing all utilities;

(b) Pedestrian access from each dwelling unit to a private or public road;

(c) Any common use areas or shared building elements;

(d) Any dedicated driveways or parking; and

(e) Any dedicated common area;

4) Exactly one dwelling unit on each resulting lot or parcel, except for

(a) Lots, parcels or tracts used as common areas; and

(b) Lots or parcels with a detached single-unit dwelling and accessory dwelling unit or a duplex.

5) Demonstration of compliance of buildings or structures on a resulting child lot with the Oregon Residential Specialty Code and applicable development and building code provisions, with respect to new property lines.

6) Where a resulting MHLD lot abuts a street that does not meet city standards, proposed street frontage improvements and, if necessary, additional right-of-way dedication, consistent with §157.160 through §157.164 and the City's adopted public works standards and design and construction specifications.

(B) The City may add conditions to the approval of a tentative plan for an MHLD to:

1) Prohibit the further division of the resulting lots or parcels.

2) Require that a notation appear on the final plat indicating:

(a) That the approval was given under ORS 92.031.

(b) The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHLD.

(c) Accessory dwelling units are not permitted on resulting child lots.

3) Require that all public improvements and site improvements that are required to satisfy the approval criteria in (A) and applicable standards of this code are constructed prior to issuance of Certificate of Occupancy for the development.

(C) In reviewing an application for an MHLD, the City:

1) Shall apply the procedures under §154.73 for expedited land divisions, if requested by the applicant, without regard to ORS 197A.142(1).

2) Shall not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking, or minimum or maximum street frontage.

3) Shall allow the application of one or more than one MHLD submitted at the same time as an application for a standard land division to be consolidated into a single application subject to the procedural requirements for the standard land division.

4) Shall allow the submission of an application for a tentative plan for a MHLD before, after, or at the same time as the submission of an application for building permits for the middle housing.

5) May require the dedication of right of way if the original parcel did not previously provide a dedication.

6) Shall allow any existing units allowed under §154.74(A)(1)(c) to be considered a single middle housing unit and allow for the unit to be allocated its own lot or parcel by the division.

(D) The type of middle housing developed on the original parcel is not altered by a MHLD. The development is still subject to the requirements and standards that applied to the original lot prior to the MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHLD is completed. For example, an attached duplex that undergoes an MHLD does not become a townhouse development; the structure and parent lot are still subject to requirements/standards for a duplex.

(E) A child lot shall not be further divided by an MHLD or allow any additional ADUs.

(F) Within the same calendar year as an original partition that was not an MHLD, the City may allow the resulting vacant parcels to be further partitioned into not more than three parcels through an MHLD.

(G) Applications for MHLD shall be accompanied by an application form and fee set by resolution of the city council.

(H) The tentative approval of an MHLD is void if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197A.140 to 197A.142 prohibits the City from requiring a final plat before issuing building permits.

154.75 VARIATIONS AND EXCEPTIONS.

Whenever the tract to be ~~sub~~divided is of such unusual size or shape or is surrounded by development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the ~~City Council~~Planning Commission may vary or modify requirements, except in the case of a residential subdivision or partition, so that the ~~subdivider~~ land divider may develop the property in a reasonable manner but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations preserved. For a residential subdivision or partition, City staff shall review an application for a subdivision or partition variance against the criteria in §157.225(1)(a) through (c) but in accordance with the procedures set in §157.229.

(Ord. 858, passed 4-14-75)

154.76 APPEALS.

An action or ruling of the Planning Commission or City staff authorized by this chapter may be appealed to the City Council, within ten days after the ~~Planning Commission~~ review authority has rendered its decision, by filing written notice with the City ~~Planner~~. If no appeal is taken within the ten-day period, the decision of the ~~Planning Commission~~review authority shall be final.

(Ord. 858, passed 4-14-75)

154.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter commits a Class A violation. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punished.