Proposed Hermiston Municipal Code Chapter 154 Subdivisions Text Amendments

This draft includes only voluntary proposed amendments, all other amendments are required by State law. Proposed or moved text is shown in red, proposed text removal is shown in ~~strikethrough~~.

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

Commented [KC1]: Voluntary Amendment - retitling Chapter 154 to Land Divisions for clarity, as several types of land divisions are administered, not just subdivisions (e.g., partitions, middle housing land divisions). Updated throughout as appropriate.

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)

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.

Commented [KC2]: Voluntary Amendment - reorganized definitions for clarity, no changes to the definitions themselves.

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.

Commented [KC3]: Voluntary Amendment - added a definition of Qualified Professional to ensure consistent references in both Chapters 154 and 157 identifying who can undertake required reports/work.

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

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;

Commented [KC8]: Voluntary Amendment - City requested explicit requirement to offer appropriate dedications as show on final plat, as well as delineating private easements to ensure captured during final plat process.