



# PARTITION APPLICATION

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 Dayton OR 97114  
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 cityofdayton@ci.dayton.or.us  
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For City of Dayton use:

Date Application Received:	Received By:	<i>File Number:</i>	
Public Hearing Date:	Fee:	Deposit:	Receipt#:
Application Completed Date:		Application Approval Date:	

**Application Information**

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Owner(s), if different: \_\_\_\_\_

Owner Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Engineer/Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Other Design Professional: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

**Partition Information**

Site Address or Location: \_\_\_\_\_

Nearest Cross Street: \_\_\_\_\_ Will a Private Street be Created?  Yes  No

Map & Tax Lot Number: \_\_\_\_\_ Square Footage or Acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_

Current Uses/Structures: \_\_\_\_\_

Surrounding Uses: North: \_\_\_\_\_ South: \_\_\_\_\_  
 East: \_\_\_\_\_ West: \_\_\_\_\_

Number of Lots to be Created: \_\_\_\_\_ Parcel 1 \_\_\_\_\_ sf Parcel 2 \_\_\_\_\_ sf Parcel 3 \_\_\_\_\_

All Property Owners must sign this application or submit a letter of consent. By signing below I/we consent to the partition of our property as shown on the attached partition plat. I/we understand and agree to abide by all the terms and conditions as set forth in the Dayton Municipal Code, and agree to reimburse the City of Dayton for any costs incurred on my/our behalf for city staff, planning, engineering and legal services, etc. over and above the base fee/deposit, as it may relate to my request.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Office Use**

Approved by: <input type="checkbox"/> City Manager	<input type="checkbox"/> City Planner	<input type="checkbox"/> Public Works Director	<input type="checkbox"/> City Engineer	<input type="checkbox"/> Fire Marshall/Chief
Additional Services Amount Billed:	Paid:	<input type="checkbox"/> Planner		
<input type="checkbox"/> Engineer	<input type="checkbox"/> Staff Time	<input type="checkbox"/> Other		



## *Partitions*

### **General Information**

A partition is required for any land division which creates two or three parcels in a calendar year. Divisions of more than 3 parcels require a Subdivision Application. Preliminary review for partitions that do not involve the creation of a private street shall be reviewed as a Type I application by City Staff, Partitions that include a private street shall be reviewed as a Type II application and require Planning Commission review and a Public Hearing. A master plan for development is required for any application which leaves a portion of the subject property capable of further land divisions.

### **Submittal Requirements**

**The City of Dayton requires applicants to submit all of the required documentation together.**

**“Pieces of It is the Applicants responsibility to submit a complete application that addresses all of the following:**

- One (1) copy of the Partition application form with signatures of all property owners. Original signatures for all property owners must be provided. This information must be reproduced so please print clearly using black or blue ink.
- One (1) copy of the Title Report for each tax lot involved.
- One (1) copy of the Deed for each tax lot involved.
- One (1) copy of a Preliminary Plat Plan on a minimum 11” x 17” sheet of paper or Six (6) copies for Preliminary Plats larger than 11x17, drawn to scale and containing the following minimum information:
  - Appropriate identification stating the drawing is a preliminary plan,
  - North point, scale (the preferred scale is 1 inch equals 20 feet) and date,
  - Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan,
  - Map number and tax lot account number of subject property,
  - Boundary lines and approximate area of the subject property,
  - Dimensions and size in square feet or acres of all proposed parcels,
  - Approximate location of existing streets, bicycle and Pedestrian easements or right-of-ways adjacent to, or within, the subject property, and existing improvements on the property,
  - The location of any flood boundary,
  - Existing Structures on the subject property,
  - Existing or proposed easements,
  - Storm Drainage and Erosion Control Plan,
  - Existing water and sewer lateral lines.
- Application Fee made payable to the City of Dayton.

### **Review Types**

Partitions requiring a Type I review will be reviewed by City Staff after the application has been deemed complete. Applicants will be notified once approval or denial has been decided. Partitions requiring a Type II review will be scheduled for a Planning Commission meeting once the application has been deemed complete. The Staff Report will be available for review 7 days prior to the scheduled Planning Commission Meeting.

### **Plat Approval**

Within one year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded with the County. The final plat shall conform to the requirements in ORS Chapter 92, applicable County surveying requirements and approval conditions of the tentative plan. The City will sign and release the plat when all the necessary City requirements have been fulfilled. No building permits will be issued, or a parcels sold, transferred or assigned until the final approved plat has been recorded and a copy of the recorded plat has been submitted to the City. The applicant is responsible for all recording fees.

**Completion**

Prior to issuance of an occupancy permit, all improvements required by the condition of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City. Partitions are not valid until the final surveyed plat is recorded with the County.

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.1**  
**APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

7.3.105      PARTITIONS

7.3.105.01    Area of Application

A partition is required for any land division which creates two or three parcels in a calendar year.

7.3.105.02    General Provisions

- A.    Validity. Partition approval is valid in perpetuity, upon recording of the final surveyed plat. Parcels shall be created only upon recording of the final plat.
- B.    Master Plan. A master plan for development is required for any application which leaves a portion of the subject property capable of further land divisions.

7.3.105.03    Submittal Requirements for Preliminary Review

- A.    Application Process. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.
- B.    Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale on a minimum 11" x 17" sheet and containing at a minimum, the following:
  - 1.    Appropriate identification stating the drawing is a preliminary plan.
  - 2.    North point, scale and date.
  - 3.    Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
  - 4.    Map number and tax lot or tax account number of subject property.
  - 5.    The boundary lines and approximate area of the subject property.
  - 6.    Dimensions and size in square feet or acres of all proposed parcels.
  - 7.    The approximate location of existing streets, and bicycle and pedestrian easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property. *(Revised by Ordinance 589 – Effective 4/2/09)*
  - 8.    The location of any flood boundary.

7.3.105.04 Process for Preliminary Review *(Revised by Ordinance #541, 06/03/02 - Effective 7/03/02)*

Preliminary plats for partitions shall be reviewed in accordance with the following procedures:

- A. Partitions that do not involve the creation of a private street shall be reviewed as a Type I application consistent with provisions in Section 7.3.202.01.
- B. Partitions that include a private street shall be reviewed as a Type II application consistent with provisions in Section 7.3.202.02.

7.3.105.05 Review Criteria

Approval of a partitioning shall require compliance with the following:

- A. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
- B. Adequate public facilities shall be available to all parcels.
- C. Each parcel shall meet the land division standards in Section 7.2.307.

7.3.105.06 Process for Final Plat Approval

- A. Survey. Within one year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. Failure to record a plat within the required time period shall void the approval and require a new partitioning application.
- B. Final Approval. The City shall sign the final plat if the plat substantially conforms with the approved preliminary plat, and if the conditions of approval are satisfied.
- C. Final Plat. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements.
- D. Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- E. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.

7.3.105.07 Expedited Land Division

- A. Eligibility. Land designated for residential use, including recreational and open space uses accessory to residential use, is eligible to apply for an expedited land division process when creating two or three parcels. The expedited land division process may be used in lieu of a Type I process.

- B. Exclusion.
  - 1. Property and process exclusions include properties specifically mapped and designated in the Comprehensive Plan or Development Code for full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings.
  - 2. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of City enabling legislation. Decisions are not subject to the Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).
- C. Complete Application. The City shall review an application and makes a decision on its completeness within 21 days of submittal. Upon determination of an incomplete application, the applicant has 180 days to submit the missing information.
- D. Public Notice. Upon submittal of a complete application, the City shall send written notice to affected governmental agencies and property owners within 100 feet of the site proposed for the land division. The notice shall include the following:
  - 1. The deadline for submission of written comments.
  - 2. The time and place where all copies of evidence submitted by the applicant will be available for review.
  - 3. The name, address, and telephone number of the City's staff person available to comment on the application.
  - 4. Summary of the local decision making process for such a decision.
  - 5. Applicable decision criteria.
  - 6. Notification that participants must raise all issues during the written comment period.
- E. Initial Decision. The local government must allow at least 14 days for written comments and shall render a decision within 63 days of a complete application. No public hearing may be held during the initial decision making phase.
- F. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.
- G. Time Extension.
  - 1. Applicant: If a decision is not made within 63 days, the applicant may

seek review by writ of mandamus.

2. City: The City may extend the 63 day period up to 120 days based on the determination that an unexpected or extraordinary increase in applications makes the 63 day period impracticable. Following a 7 day notice to the applicant, consideration of an extension is considered at a regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.

H. Decision Criteria. Criteria for approving the partition shall be as follows:

1. The criteria established in Section 3.105.05
2. Density. The application must be able to establish at least 80 percent of the allowable density of the applicable residential zone.
3. Street Standards. The application must comply with the most recent City of Dayton Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards contained within this Code.

I. Appeal of Initial Decision. A decision may be appealed to a local hearings officer within 14 days of filing the notice of decision by the applicant or any person or organization that filed comments on the initial decision.

J. Appeal Fee. Filing an appeal requires a deposit according to the City's Fee Schedule cover costs. An appellant faces the possibility of a higher assessment for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded. (*Revised Ordinance 614, 10/7/13- Effective 11/06/13*)

K. Basis of an Appeal of the Initial Decision. The local appeal is shall based on the following:

1. The failure to meet local substantive and procedural requirements,
2. Unconstitutionality,
3. The decision was not within the expedited land division category, or
4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.

L. Hearings Officer. The appeal of the initial expedited land use decision shall be heard by a City designated hearings officer. The hearings officer may not be a City officer or City employee.

M. Hearings Officer Notification. Within 7 days of the hearings officer's appointment, the City shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which

provided written comments, of the hearing date before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.

- N. Appeal Hearing. The hearings officer conducts a hearing that:
  - 1. Follows the Commission proceeding requirements,
  - 2. Allows the local government's explanation of its decision, and
  - 3. May consider evidence not previously considered.
- O. Hearings Officer Decision. In all cases, not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the City, but shall make a written decision on the appeal within 42 days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the 42 day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.
- P. Appeal of Hearings Officer Decision. Appeals of the Hearings Officer decision are to the Oregon Court of Appeals.
- Q. Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:
  - 1. Whether the decision followed the process for an expedited land division and the appellant raised that issue,
  - 2. Unconstitutionality, and
  - 3. Certain bias or interest on the part of the hearings officer or local government.
- R. Process for Final Plat Approval. Final plats for expedited land divisions shall be reviewed consistent with the requirements in Section 3.105.06.



**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.1**  
**APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

7.3.101.01 Type I Action

Type I actions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

- A. Minor Variance
- B. Property Line Adjustment
- C. Partitions
- D. Historic Exterior Alteration or New Construction (unless determined to require a Type II procedure by the City Manager) *(Added by Ordinance 600, effective 11/4/10)*

7.3.101.02 Type II Actions

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Staff has an advisory role. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Site Plan Review
- B. Conditional Use, including Flood Plain
- C. Major Variance, including Flood Plain
- D. Subdivision, Planned Unit Development and a Partition including a Private Street *(Revised by Ordinance #541, 06/03/02 - Effective 07/03/02)*
- E. Historic Demolition and Moving *(Added by Ordinance 600, effective 11/4/10)*
- F. Historic Exterior Alteration or New Construction (if referred to the Planning Commission by the City Manager)

**LAND USE APPLICATION PROCESS**

LAND USE ACTION	TYPE	STAFF	PLANNING COMMISSION	CITY COUNCIL
Partition	I	Final Decision	Appeal of Staff Decision	Appeal of Commission Decision
Partitions w/Private Street	II	Review	Public Hearing	Appeal of Commission Decision

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.2.3 - GENERAL DEVELOPMENT STANDARDS**

7.2.307 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

7.2.307.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Dayton.

7.2.307.02 Scope

Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Dayton.

7.2.307.03 Standards for Lots or Parcels

A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

B. Access. All lots and parcels created after the effective date of this Code shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:

1. Residential lots or parcels may be accessed via a private street or partition access easement developed in accordance with the provisions of Section 7.2.302 when the City finds that public street is not necessary to provide for the future development of adjoining property.
2. Commercial or Industrial uses located in a campus or park-like development may be accessed via private streets when developed in accordance with Subsection 2.302.08.
3. Cul-de-sac lots shall have a minimum frontage of 25 feet.
4. Flag lots, as permitted in Subsection 2.307.03.C.
5. Access standards for streets are: *(Added ORD 589 – Effective 4/2/09)*

Street Classification	Access Spacing
Arterial	150 feet (+/-20%)
Collector	75 feet
Local	25 feet

C. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed. If a flag-lot is permitted, the following standards shall be met:

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway.
2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.

3. Flag lots located side-by-side shall share a common driveway. This requirement shall be placed in the deed record of each parcel and noted on the final plat.
- D. Through Lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific site disadvantages. If approved, access may be limited to one street.
  - E. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than ½ the dimension of the front lot line.
  - F. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.

7.2.307.04 Additional Design Standards for Subdivisions

- A. Standards for Blocks. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic including pedestrian and bicyclist; and recognition of limitations and opportunities of topography. Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets may be greater in length but not more than 1,300 feet without an accessway. Block perimeters should not exceed 1,800 feet in length. Exceptions to block length and perimeter may be granted if one or more of the following conditions exist: *(Amended ORD 589 – Effective 4/2/09)*
  1. Physical or topographic conditions make a street or accessway connection impracticable; *(Added ORD 589 – Effective 4/2/09)*
  2. Building or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; *(Added ORD 589 – Effective 4/2/09)*
  3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection; *(Added ORD 589 – Effective 4/2/09)*
  4. Where on side of the block is an arterial street; or *(Added ORD 589 – Effective 4/2/09)*
  5. Where an accessway exists in the block. *(Added ORD 589 – Effective 4/2/09)*
- B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide traffic circulation with safe convenient and reasonably direct access. *(Amended ORD 589 – Effective 4/2/09)*
- C. Connectivity. To achieve the objective in B., above, the City may require the following:
  1. Stub Streets: Where the potential exists for additional residential development on adjacent property.

2. Pedestrian/Bicycle Accessways: Public accessways to provide a direct connection to cul-de-sac streets and to pass through oddly shaped or unusually long blocks.

D. Design Standards for Accessways. Accessways shall meet the following design standards: (*Amended ORD 589 – Effective 4/2/09*)

1. Connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. Exceptions may be granted if one or more of the following conditions exists:
  - a. Physical or topographical conditions make a street or accessway connection impracticable.
  - b. Building or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.
2. Minimum dedicated width: 15 feet
3. Minimum improved width: 10 feet
4. Maximum length: 250 feet with a clear line of vision for the entire length of the accessway.
5. When an accessway is in excess of 100 feet in length, then pedestrian scale lighting fixtures shall be provided along the accessways and lighted to a level where the accessways can be used at night.
6. The accessway shall be designed to prohibit motor vehicle traffic.
7. The accessway shall be maintained by a homeowners association or other mechanism acceptable to the City.

E. Park Requirements for Residential Subdivisions. Subdivisions shall provide for public parks by one of the following methods:

1. Dedication - The dedication of park land shall be subject to the following:
  - a. Area: Land shall be dedicated at an area equal to one acre per 100 potential residents. For the purposes of this section, the potential residential population shall be computed at the rate of 3.25 persons for each potential unit for single family homes and duplexes; and, 2.75 persons for each potential unit for multiple family homes.
  - b. Location: The location of any dedicated park land shall be determined by the Planning Commission, consistent with the guidelines in the Comprehensive Plan or in a Master Parks Plan adopted by the City Council.

2. Financial Contribution - If the Planning Commission determines there is no need for park land in this location, or, there is no suitable location on the subject property for a public park, the developer shall contribute toward a City park fund an amount equivalent to the amount of land that would have been required in item 1., above. The financial contribution shall be subject to the following:
  - a. Appraisal Requirements: Market value shall be established by a professional land appraiser who is a member of the American Institute of Real Estate Appraisers or is certified by the State of Oregon as a certified appraiser. A date which is within 60 days of the final approval of the tentative plan shall be used for the purpose of fixing value.
  - b. Responsibility: The City shall be responsible for securing the services of a professional appraiser. The selected individual shall be acceptable to both the City and the developer.
  - c. Annexation: If the property is subject to an annexation, the appraisal shall always be determined on a date subsequent to the parcel's annexation to the City.
  - d. Payment Schedule: The sum of money established by this procedure shall be paid to the City prior to the approval and recording of the final plat.

F. Small-Scale Subdivisions (*Added ORD 541, 6/03/02 - Effective 07/03/02*)

In addition to the standards contained in Section 3.2.207.04.A to E, the following standard shall apply to those subdivisions containing no more than ten (10) lots and that do not exceed 2 acres in size.

1. Lots. Lots shall comply with the dimension requirements of the underlying zone and the design provisions contained elsewhere in Section 7.2.307.
2. Facilities. All sewer, water and storm water facilities shall be designed and constructed to comply with adopted Public Works Standards.
3. Streets. All streets shall be dedicated to the public and constructed to adopted Public Works Standards. Streets shall contain the following minimum improvements:
  - a. Right-of-Way: 35 feet.
  - b. Surfacing Width: 27-feet, curb-to-curb. This width shall provide for two travel lanes at 10-feet each and a 7-foot parking lane on one side.
  - c. Curbs/Sidewalks. Curbs shall be located on both sides of the surfaced width and a sidewalk shall be required on at least one side of the street.
  - d. Cul-de-sacs. Streets designed as cul-de-sacs shall comply with standards contained in Section 7.2.302.04.
4. Design Limitations. Provisions in this section shall not apply if the proposed

development has the potential to exceed ten lots or contain more than two acres.

7.2.307.05 Improvement Requirements - Partitions (*Revised ORD 541 - Effective 07/03/02*)

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements:

- A. Private Access. Where included, private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this Code.
- B. Street Frontage Improvements. The following improvements shall be required:
  - 1. If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Dayton. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.
  - 2. If the street frontage of the subject property exceeds 250 feet, or extends and existing dedicated right-of-way, the applicant shall improve the following:
    - a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities per approved master plans. Where a master plan has not been adopted, the developer shall enter into a non-remonstrance agreement consistent with item B.1., above.
    - b. Sidewalks, meeting City standards, along public street frontage.
    - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.
- C. Public Facilities. Prior to recording the final partition plat, the developer shall submit engineering plans to the City for review. The plans shall address the required improvements contained in Section 7.2.301, and any conditions of approval, and shall conform with City Public Works Design Standards. The plans shall be approved prior to the recording of the final partition plat.
- D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition.

7.2.307.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions:

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the

property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

- B. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.
- C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes pursuant to ORS Chapter 92.
- D. Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a cap set in a curb or other immovable structure.
- E. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. 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 extension of the system to serve such areas.
- F. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Commission may recommend to the City Council construction as an assessment project with such arrangement with the sub-divider as is equitable to assure financing the sub-divider's share of the construction.

The City may require that the sub-divider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the sub-divider as is desirable to assure his share of the construction.

- G. Water System. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding ten inches in size.
- H. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred.
- I. Street Lights. The installation of street lights is required at locations and of a type required by City standards.
- J. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by

City standards. Street signs shall be installed prior to obtaining building permits.

- K. Public Works Requirements. Facility improvements shall conform to the requirements and specifications of the Dayton Public Works Department.
- L. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the sub-divider, but if installed, shall be according to the City standards.
- M. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

#### 7.2.307.07 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Code and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of mylar based as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer.

#### 7.2.307.08 Land Division Design Requirements (*Added ORD 541 – Effective 07/03/02*)

Development and improvements associated with land divisions shall comply with the applicable provisions of this Code. The following includes referenced items and applicable requirements:

- A. Street Improvements. Streets, including public streets, private streets, and private access driveways shall be improved per requirements contained in Section 7.2.302. Requirements in Section 7.2.307.04.F., shall apply to small-scale subdivisions.



- B. Street Frontage Improvements. Frontage improvements for partitions shall be subject to provisions in Section 7.2.307.05; for subdivisions, applicable street improvement provisions in Section 7.2.302 shall apply.
- C. Storm Drainage. Storm drainage improvements shall be subject to provisions in Section 7.2.304.
- D. Sanitary Sewer Facilities. Sanitary sewer facilities shall be subject to provisions in Section 7.2.305.
- E. Water Facilities. Water facility improvements shall be subject to provisions in Section 7.2.305.
- F. Utilities General. All utility improvements shall comply with adopted Department of Public Works Standards of the City of Dayton. In addition to the street, storm water, sanitary sewer and water facility provisions noted above, partitions are required to comply with the remaining improvement provisions in Section 7.2.307.05 and subdivisions with Section 7.2.307.06.
- G. Parking. The following parking provisions apply:
  - 1. Public Streets - On-street parking on public streets shall conform to applicable right-of-way improvements contained in Section 7.2.302.
  - 2. Private Streets - Land divisions involving private streets shall comply with parking provisions in Section 7.2.307.07.
  - 3. Lots or Parcels - Off-street parking requirements for individual lots shall comply with provisions in Section 7.2.303.

**SECTION 2: LAND USE AND PLANNING**

**City of Dayton Land Use and Planning Fees**

*Resolution: 2016/17-01*

*Effective: September 6, 2016*

*Adopted: September 6, 2016*

TYPE OF LAND USE ACTION	APPLICATION FEE
Annexation	\$1500
Appeal from Planning Commission Decision	\$250
Appeal from Administrative Decision	\$250
Boundary/Lot Line Adjustment	\$300
Comprehensive Plan Amendment	\$1,500
Comprehensive Plan or Zoning Ordinance Text Amendment	\$1,500
Conditional Use Permit	\$1,850
Development Agreements	\$700
Historic Landmark Clearance / Building Alteration	\$100
Historic Landmark Notice of Delay	No Fee
Manufactured Home Park	\$4,300
Multiple Applications	100% of most expensive + 50% of all others
Nonconforming Use	\$450
Partition - Major	\$1,300
Partitions - Minor (Administrative)	\$1,250
Planned Development	\$4,000
Planned Development Amendment	\$300
Pre-Application Meeting	No Fee
Reimbursement District	\$1,000
Restricted Development Review	\$500
Sign Permit - Exterior	\$100
Similar or Temporary Use Permit	\$450
Site Plan/Design Review	\$1,200
Subdivision	\$4,000 +\$20 per/lot
Time Extensions	50% of original application cost
Transcripts	Actual costs of time to prepare
Urban Growth Boundary Amendment	\$2,100
Variance - Major	\$700
Variance - Minor (Administrative)	\$350
Zone Change	\$2,000

**Note:** The above fees and deposits are an estimate of the costs to process land use applications. **Applicants are responsible for paying the actual costs associated with processing their application,** including but not limited to, time for initial review by staff, costs of required public notices, City Planner review, Engineering and Public Works review and/or inspection and legal services.