



Sub-Divisions & PUDS - *Submittal Information*

General Information

A sub-division is required for any land division which creates more than three parcels in a calendar year. Sub-Divisions and Planned Unit Developments are reviewed in accordance with the Type II review procedures specified in Section 7.3.202 of the Land Use and Planning Code.

Submittal Requirements for All Preliminary Plan Applications (*Sub-Divisions & PUDS*)

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

- One (1) copy of the Sub-Division 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.
- Application Fee made payable to the City of Dayton.
- Electronic Copy plus Five (5) copies of a Preliminary Plat Drawing with appropriate identification stating that the drawing is a preliminary plat and showing all of the following:
 - North point, scale and date.
 - Name and address of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
 - Map and Tax Lot 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.
 - The location of existing streets, bikeways, pedestrian facilities, public or private, easements or right-of-ways adjacent to, or within, the subject property, and existing improvements on the property.
 - The location of any flood boundary.
 - Name of the Sub-Division.
 - Date the drawing was made.
 - Vicinity sketch showing location of the proposed land division.
 - Identification of each lot by number
 - Gross Acreage of property being sub-divided or partitioned.
 - Direction of Drainage and approximate grade of abutting streets.
 - Streets proposed and their names, approximate grade, and radius of curves.
 - Any other legal access to the sub-division, partition other than a public street.
 - Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.
 - All areas to be offered for public dedication.
- One (1) copy of the deed for each tax lot involved.
- One (1) copy of the title report for each tax lot involved

Additional Submittal Requirements for Planned Unit Developments

- Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
- The approximate locations and dimensions of all commercial or multi-family structures proposed to be located on the site.
- State of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
- Written statement outlining proposals for ownership and maintenance of all open space areas, private streets, and any commonly owned facilities.

Review Criteria

- Ø Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
- Ø Adequate public facilities shall be available to serve the existing and newly created parcels.
- Ø The proposal shall comply with the applicable development standards in Section 7.2.307 or Section 7.2.311.

Process

The City will review an application and make a decision on completeness within 21 days of submittal. Applicants have 180 days to submit missing information on incomplete applications. All preliminary plans for subdivisions and PUDs are heard by the Planning Commission pursuant to the requirements for a Type II procedure.

Completion

- Ø Approvals of any preliminary plans for a sub-division or PUD shall be valid for one year after the date of the written decision.
- Ø The final sub-division or PUD plat shall be submitted to City staff for review. Staff will review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager will sign the plat and signify staff approval.
- Ø A final plat for a final plan shall be recorded within the one year time frame. The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements. Failure to record a plat within the required time period shall void the approval and require a new application before the Planning Commission.
- Ø Once the final approved plat has been recorded with the County recorder, building permits can then be issued and parcels can be sold. The applicant is responsible for all recording fees.
- Ø Before an occupancy permit can be issued 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.



Sub-Divisions & PUDs Application

416 Ferry St - PO Box 339
Dayton OR 97114
Ph # (503) 864-2221
Fax # (503) 864-2956
www.ci.dayton.or.us
cityofdayton@ci.dayton.or.us

For City of Dayton use:

Date Notice Received:	Received By:	File Number:
Public Hearing Date:	Fee Amount:	Deposit Amount:
Public Hearing Notice Mail Date:	Appeal Decision Date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied

Applicant Information:

Applicant Name: _____

Mailing Address: _____ City: _____ ST: _____ Zip: _____

Phone Number: _____ Email: _____

Site Address or Location: _____

Property Owner Information:

Property Owner(s): _____

Address: _____ City: _____ ST: _____ Zip: _____

Phone: _____ Email Address: _____

Sub-Division Request *Planned Unit Development (PUD) Request*

Number of Lots or Units Proposed: _____

Please describe your request (be specific): _____

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

I/We the above signed, consent to the proposed Sub-Division or Planned Unit Development for development of our property as indicated on this application.

For Office Use

Fee:	Amount Paid:	Date Paid:	Receipt #
Applicant Notification Date:	Comments:		
Professional Services Amount:	Date Paid:	<input type="checkbox"/> Planner	<input type="checkbox"/> Engineer <input type="checkbox"/> Staff Time

Consultants (please list all that apply)

- Planning
- Engineering
- Surveyor
- Other

Name: _____ Physical Address: _____

Firm: _____ City: _____ ST: _____ Zip: _____

Mailing Address: _____ Telephone #: _____

City: _____ ST: _____ Zip: _____ Cell Phone #: _____

Email Address: _____

- Planning
- Engineering
- Surveyor
- Other

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City: _____ ST: _____ Zip: _____ Cell Phone #: _____

Email Address: _____

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

7.3.109 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

7.3.109.01 Area of Application

A subdivision is required for any land division which creates more than three parcels in a calendar year.

7.3.109.02 Submittal Requirements

Submittal Material. The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions and planned unit developments.

- A. All applications shall be submitted on forms provided by the City to the City along with 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. Applicants for subdivisions shall submit the following:
 - 1. Appropriate identification stating the drawing is a preliminary plat.
 - 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, bikeways, pedestrian facilities, public or private, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property. *(Amended by Ordinance 589 – Effective 4/2/09)*
 - 8. The location of any flood boundary.
 - 9. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
 - 10. Name of the subdivision.
 - 11. Date the drawing was made.
 - 12. Vicinity sketch showing location of the proposed land division.

13. Identification of each lot by number.
 14. Gross acreage of property being subdivided or partitioned.
 15. Direction of drainage and approximate grade of abutting streets.
 16. Streets proposed and their names, approximate grade, and radius of curves.
 17. Any other legal access to the subdivision, partition other than a public street.
 18. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.
 19. All areas to be offered for public dedication.
- C. Applicants for a planned unit development shall submit the material required in item “B.” above as well as the following additional material:
1. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
 2. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
 3. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
 4. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

7.3.109.03 Review Procedures

- A. Planning Commission. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the requirements for a Type II procedure as set forth in Section 7.3.202.
- B. Time Limit. Approvals of any preliminary plans for a subdivision PUD shall be valid for one year after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period.
- C. Re-application Required. Failure to record a plat within the required time period shall void the approval and require a new application before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

7.3.109.04 Review Criteria

Approval of a subdivision or PUD shall require compliance with the following:

- A. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
- B. Adequate public facilities shall be available to serve the existing and newly created parcels.
- C. The proposal shall comply with the applicable development standards in Section 7.2.307 (Land Divisions), or, Section 7.2.311 (Planned Unit Developments).

7.3.109.05 Form of Final Subdivision Plat

The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements

7.3.109.06 Final Plat Review of Subdivisions

- A. Final Review. The final subdivision or PUD plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager shall signify staff approval of the final plat by signing the document.
Amended ORD 608 effective 10/6/11
- B. 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.
- C. 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.

7.3.109.07 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 more four or more lots. The expedited land division process may be used in lieu of a Type II 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 subdivision shall be as follows:
1. The criteria established in Section 3.109.04.
 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 to 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 3.109.06..

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:

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:
 - 1. Physical or topographic conditions make a street or accessway connection impracticable;
 - 2. Building or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment;
 - 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;
 - 4. Where on side of the block is an arterial street; or
 - 5. Where an accessway exists in the block.
- 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.
- 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:
 - 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. 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 Ordinance #541, 6/03/02 - 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.** 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.

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.3.2
ADMINISTRATIVE PROCEDURES

7.3.202 PROCEDURES

7.3.202.02 Procedures for Type II and Type III Actions

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 - 1. Upon receipt of the additional information to complete the application; or,
 - 2. If the applicant refuses to submit the information, the application shall be deemed complete for scheduling purposes only on the 31st day after the original submittal.
- C. Referrals will be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate. *(Amended by Ordinance 589 – Effective 4/2/09)*
- D. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 7.3.204.
- E. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- F. The public hearing before the Planning Commission shall comply with the provisions in Section 7.3.205.
- G. Approvals of any Type II or Type III action may be granted subject to conditions and performance agreement requirements.
- H. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision or recommendation shall be mailed to individuals who request such notice at

the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.

- I. A Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Manager. The appeal shall be filed within 15 days from the date of the decision, pursuant to the provisions of Section 7.3.207. Type III land use applications are automatically reviewed by the City Council. *(Amended ORD 608 effective 10/06/11)*

7.3.203 TYPE IV ACTIONS

7.3.203.01 Initiation

Type IV may be initiated by:

- A. Majority vote of the City Council.
- B. Majority vote of the Planning Commission.
- C. Recommendation by the City Manager subject to majority approval by the City Council or Planning Commission. *Amended ORD 608 effective 10/06/11*

7.3.203.02 Procedure for Type IV Actions

A. Public Hearings by Planning Commission:

1. A public hearing shall first be held by the Planning Commission on all Type IV requests.
2. The Planning Commission may continue any hearing in order to make a reasonable decision. Amendments to the original request may be considered and acted upon by the Planning Commission.
3. A Type IV Planning Commission action shall be in the form of a recommendation to the City Council.

B. Public Hearing by City Council:

1. Following the Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation.
2. The City Council may continue any hearing in order to make a reasonable decision. Amendments to the original request or the Planning Commission's recommendation may be considered and acted upon by the City Council.
3. An approved Type IV City Council action shall be in the form of an Code.

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.3.2
ADMINISTRATIVE PROCEDURES

7.3.204 PUBLIC NOTICE REQUIREMENTS

7.3.204.01 Type I Action. Consistent with State statutes, written notice of a Type I decision shall be mailed to the applicant and all property owners, including county and state agencies responsible for road and highways, within 100 feet of the subject property. Written notice for a Type I Action shall include the following: *(Amended by Ordinance 589 – Effective 4/2/09)*

1. Summary of the request.
2. Relevant decision criteria.
3. Findings of fact indicating how the request does or does not comply with the decision criteria.
4. Conclusionary statement indicating approval or denial of the request including (where appropriate) conditions of approval.
5. Information regarding the appeal process including who may appeal, where appeal must be submitted, fees and the appeal deadline.

7.3.204.02 Type II and Type III Actions

Written notice of any public hearing shall be mailed at least 20 days prior to the hearing date to the applicant and owners of property, including county and state agencies responsible for roads and highways, within 200 feet of the boundaries of the subject property. *(Amended by Ordinance 589 – Effective 4/2/09)*

7.3.204.03 Type IV Actions

Written notice of a hearing before the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than 10 days prior to the date of the hearing before the Planning Commission and City Council.

7.3.204.04 Notice for Appeals

An appeal to either Planning Commission or City Council shall include written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

7.3.204.05 Public Hearing Notice Requirements

Notice for any public hearing, including appeals, shall include the following:

- A. Explain the nature of the application and the proposed use or uses which could

be authorized.

- B. Cite the applicable criteria from the Code and the plan which apply to the application at issue.
- C. Set forth the street address or other easily understood geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals.
- F. Include the name and phone number of the City representative where additional information may be obtained.
- G. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost.
- H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost.
- I. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.

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 will be responsible to pay 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.