



CHAPTER 17.24 LAND DIVISIONS

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CHAPTER 17.24

LAND DIVISIONS

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17.24.010 PURPOSE AND INTENT OF LAND DIVISION REGULATIONS

1. In the interpretation and application of this title, the provisions hereof shall be held to be the minimum provisions adopted to promote the public health, safety, and welfare.
2. The broad intent of these land division regulations is to provide for alternative forms of development while assuring full compliance during the process of development with all applicable laws and regulations. Further, the intent of these regulations is to achieve the following:
 - a. Better living conditions within newly developed areas.
 - b. Efficient use of lands which may be economically developed.
 - c. Simplification and clarity of land descriptions.
 - d. Proper establishment and development of streets, utilities, and public areas.
 - e. Stabilization of property values within divided lands and adjacent areas.
 - f. Application of specific development standards, such as master planned developments, where necessary to implement comprehensive plan policies concerning the protection of resources or mitigation of natural hazards.

17.24.020 CONFORMITY WITH ZONING

Except as otherwise authorized herein, all land divisions shall comply with the specifications of applicable zoning district and other land use regulations of the City. Deviations from those requirements shall be allowed only through the variance procedures as specified in Section 17.12.190.

17.24.030 CLASSIFICATION OF LAND DIVISIONS

This chapter authorizes two major categories of land divisions and establishes procedures herein for City review and approval of each prior to any site preparation, tree removal, and development. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The two major categories of land divisions are identified as follows:

1. **CONVENTIONAL SUBDIVISIONS AND PARTITIONS.** Conventional subdivisions and partitions are those occurring in strict compliance with state and local regulations governing the same, including but not limited to the provisions of ORS Chapter 92 and land use and zoning regulations of the City. Major flexibility in design, densities, and land uses are not generally provided for by this category of land division. Provisions for conventional subdivisions and partitions are contained in Section 17.24.040 through 17.24.060.
2. **MASTER PLANNED DEVELOPMENTS.** The provisions for master planned developments provide for major flexibility in design, densities, and land uses while assuring overall compatibility with the principles and legal requirements of land divisions law. Provisions for master planned developments are contained in Sections 17.24.090 and 17.24.100.

17.24.040**APPLICATION AND APPROVAL REQUIREMENTS FOR
CONVENTIONAL SUBDIVISIONS AND PARTITIONS**

1. **PURPOSE STATEMENT.** Subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner.
2. **APPLICATION FOR APPROVAL OF PRELIMINARY PLANS.**
 - a. For any proposed subdivision or partition of land, the applicant shall file 3 copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and all required supplemental information with the City Planner, following the general application procedural requirements of Section 17.12.030. In addition, 12 reduced copies of the plan sized 11 inches by 17 inches shall be submitted.
 - b. (Repealed Ord. 913, September 2, 2009)
3. **PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS.** Preliminary partition or subdivision plans shall be clearly and legibly drawn. The preliminary partition or subdivision plan shall include or be accompanied by following information:
 - a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
 - b. North arrow , graphic scale, and date of preparation of the preliminary plan. (Amended Ord. 1017, April 18, 2018)
 - c. Names and addresses of the landowners, applicant, engineer of record, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan. (Amended Ord. 1017, April 18, 2018)
 - d. Map number (township, range, and section) and tax lot number or account of the tract being divided.
 - e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.
 - f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
 - g. The location and size of any existing sanitary sewer systems, water supply systems, culverts, drainage ways, and other storm drainage systems, and any other underground utilities or structures within and immediately adjacent the tract being divided. (Amended Ord. 1017, April 18, 2018)
 - h. The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.
 - i. A proposed general plan for collecting, treating, and detaining stormwater runoff from the development, developed in accordance with the City's Public Works Design

Standards and the Stormwater Master Plan. Preliminary Stormwater calculations shall accompany the plan showing how the proposal will meet stormwater quality and quantity requirements. (Amended Ord. 1017, April 18, 2018)

- j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Public Works Design Standards and City Transportation System Plan. (Amended Ord. 1017, April 18, 2018)
- k. Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.
- l. Proposed location and size of sanitary sewer systems, water supply systems, stormwater facilities, and storm drainage systems in accordance with the City's Public Works Design Standards and the City's Wastewater and Water Master Plans. (Amended Ord. 1017, April 18, 2018)
- m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- n. Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- o. Copies of all existing or proposed restrictions or covenants affecting the property.
- p. An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.
- q. An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150.
- r. A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.
- s. Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. Five copies of the traffic impact analysis shall be submitted.
- t. A plan showing soils information and any proposed cuts or fills of more than 24 inches. (Added Ord. 1017, April 18, 2018)
- u. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998. (Added Ord. 1017, April 18, 2018)
- v. A statement indicating the proposed timing of installation of all proposed improvements. (Added Ord. 1017, April 18, 2018)
- w. A Design Modification Request if the applicant proposes to not meet any design requirement in the Public Works Design Standards. (Added Ord. 1017, April 18, 2018)
- x. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted at the same time that the preliminary plan for either subdivision or partition is submitted and shall contain the following information:
 - (1) Any potential future lots (lot size shall be depicted).

- (2) Existing and proposed utilities including water, sewer and storm drains.
 - (3) Streets and access points for potential future lots. (Added Ord. 1017, April 18, 2018)
4. **ADDITIONAL SUBMITTAL REQUIREMENTS FOR PRELIMINARY SUBDIVISION PLANS.** Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited above.
- a. Topography within and adjacent to the proposed subdivision. The base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.
 - b. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments and streets. (Amended Ord. 1017, April 18, 2018)
 - c. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
 - d. The plan shall otherwise conform to the requirements of ORS 92.090 as amended.
 - e. If a phased development of a subdivision is proposed, then the plan shall illustrate the phases of development and a timeline for the phases.
 - f. Such additional information as the applicant may have been requested to submit at any pre-application meetings with City Staff. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant.
5. **REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN.** The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 17.12.070 through 17.12.100 except where modifications to that procedure are indicated below.
- a. A preliminary plan shall be considered an application and shall be processed as such.
 - b. In the review of a preliminary plan by the Planning Commission, the Commission shall consider the review comments of the Public Works Director and the City Engineer. Reports from the City Engineer and Public Works Director, and any comments received from local and state agencies shall be made a part of the City Planner's report.
 - c. The action of the decision authority shall be noted on 2 copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
 - d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
6. **PRELIMINARY PLAN APPROVAL CRITERIA.** In determining whether to approve a subdivision or partition preliminary plan, the decision authority shall determine that the applicant has demonstrated the following criteria and standards have been or will be met:
- a. (Repealed, Ord. 898, August 20, 2007)
 - b. Adequate urban services are available to the property.

- c. The proposed parcels or lots meet the minimum dimensional requirements of Section 17.16.070.2. (Ord. 1037, November 6, 2019)
- d. All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan. Street spacing and location and block dimensions shall meet the standards of Section 17.26.020.5.c (Ord. 898, August 20, 2007; Ord. 1037, November 6, 2019)
- e. The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.
- f. The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.
- g. The subdivision or partitioning preliminary plan provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels. (Added Ord. 1017, April 18, 2018)
- h. Multiple Access Roads: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units shall be provided with not less than two approved means of access. Exceptions may be allowed when the proposed CC&Rs for the development will require an automatic sprinkler system approved in accordance with the provisions of ORS 455.610(6). (Added Ord. 1017, April 18, 2018; Amended Ord. 1037, November 6, 2019)
- i. All applicable standards of Chapter 17.20 are satisfied. (Ord. 898, August 20, 2007)
- j. All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation. (Amended Ord. 913, September 2, 2009)
- k. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a partitioning. (Amended Ord. 898, August 20, 2007)
- l. The land division complies with the provisions of ORS 92.090 as amended. (Ord. 1037, November 6, 2019)
- m. When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the land division and site development shall comply with the requirements of Sections 17.16.090.3, 17.16.090.4, and 17.20.080.2. Conditions, Covenants and Restrictions for the parcels shall assure that the vegetation maintenance standards of Section 17.20.080.2.d will be met. (Added Ord. 949, April 17, 2013; Amended Ord. 1037, November 6, 2019)

17.24.050 DESIGN STANDARDS FOR SUBDIVISION AND PARTITION PRELIMINARY PLANS

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the construction plans. (Amended Ord. 1017, April 18, 2018)

1. **STREETS.** (Ord. 898, August 20, 2007)
 - a. Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map in the adopted Stayton Transportation System Plan. (Amended Ord. 1017, April 18, 2018; Amended Ord. 1034, July 17, 2019)
 - b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees. (Ord. 898, August 20, 2007)
 - c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.
 - d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Transportation System Plan. (Amended Ord. 1017, April 18, 2018; Amended Ord. 1034, July 17, 2019)
 - e. Concrete curbs and concrete sidewalks shall be installed on all streets, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards. (Amended Ord. 1034, July 17, 2019)

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.
2. **DEDICATION OF A RIGHT-OF-WAY.** If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed. (Ord. 898, August 20, 2007)
3. **DEAD-END STREETS AND CUL-DE-SACS.** When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.
4. **RESERVE BLOCK.**
 - a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.
 - b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

5. STREET WIDTHS.

- a. The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted. (Amended Ord. 1017, April 18, 2018)
- b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.
- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.
- d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)

Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.
- e. Additional Right-of-Way Widths.
 - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
 - 2) Where bikeways necessitate, additional right-of-way width may be required.

6. SUBDIVISION BLOCKS.

- a. Block lengths and widths shall be determined by giving consideration to the following factors:
 - 1) The distance and alignment of existing blocks and streets.
 - 2) Topography.
 - 3) Lot size.
 - 4) Need for and direction of the flow of through and local traffic.
- b. Block length and perimeter standards are specified in Section 17.26.020.5.c.
- c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

7. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the Developer to install mid-block pedestrian walks on a right-of-way 20 feet in width, which shall consist of at least 8 feet of hard surfacing throughout the block, and curb to curb, in order to provide easy access to schools,

parks, shopping centers, mass transportation stops, or other community services. (Amended Ord. 1017, April 18, 2018)

8. LOT SIZE, LOT LINES.

- a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.
- b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
- d. Side lot lines shall be as close to right angles to the front street as practicable.
- e. Unless otherwise approved, rear lot lines shall be not less than $\frac{1}{2}$ the width of the front lot lines.
- f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.

9. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

10. SEWAGE DISPOSAL.

- a. All extensions of the existing City sewage facilities shall be in accordance with the Public Works Design Standards and the City's Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director. (Amended Ord. 1017, April 18, 2018)
- b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.

11. PUBLIC USE AREAS.

- a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.
- b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.

12. WATER SUPPLY.

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Health Authority and Oregon Water Resources Department. (Amended Ord. 1017, April 18, 2018)
- b. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing. (Amended Ord. 1017, April 18, 2018)

13. UNDERGROUND UTILITIES.

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.

17.24.060 SUBMISSION AND APPROVAL PROCEDURES FOR CONSTRUCTION PLANS**1. CONSTRUCTION PLANS SUBMITTAL REQUIREMENTS.**

- a. **Submittal Deadline.** No later than one (1) year from the effective date of approval of the preliminary plan for a major partition or subdivision the applicant shall submit three (3) sets of construction plans to the Public Works Department. The applicant shall also submit all construction plans and other required documents to the City in electronic form. Failure to submit construction plans within one (1) year of the effective date of approval shall result in expiration of the approval. (Amended Ord. 1017, April 18, 2018)
- b. **Conformance to Preliminary Plan.** The construction plans shall substantially conform to the preliminary plan as approved.
- c. **Preparation.** All construction plans shall be prepared by a professional engineer registered with the State of Oregon.
- d. **Format.** Construction plans shall be clearly and legibly drawn to a standard engineer's scale in a manner which allows all detail to be easily read. The overall size of construction plans shall be 22 inches by 34 inches. Construction plans consisting of more than one sheet shall be bound or stapled on the left side. The format shall meet requirements set forth in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)
- e. **Construction Plans Information.** The construction plans shall be drawn in accordance with and contain the information specified in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)

2. REVIEW AND APPROVAL OF CONSTRUCTION PLANS.

- a. Approval of construction plans shall be a routine administrative action.
- b. The Public Works Department shall issue a written acknowledgement indicating the date the construction plans and other required documents were received by the City. (Amended Ord. 1017, April 18, 2018)
- c. The Public Works Director shall forward the construction plans and other required documents to the City Engineer for review and approval. (Amended Ord. 1017, April 18, 2018)
- d. Within 14 days of submittal of the construction plans and other required documents, the City Engineer shall determine if the submittal is complete. If the City Engineer determines the submittal is incomplete, the applicant shall be notified in writing of the additional information that must be submitted in order for the Public Works Director to initiate City review of the submittal. Failure of the applicant to provide a complete application within 181 days of the original submission shall result in the construction plans and other required documents being considered withdrawn. City staff shall notify the applicant that the application is considered withdrawn. (Amended Ord. 1017, April 18, 2018)
- e. Within 21 days of determining the submittal is complete, the City Engineer shall determine whether the construction plans and other required documents are in general conformance with the requirements of this Title, Title 12, the Public Works Design Standard, and any conditions of approval. (Amended Ord. 1017, April 18, 2018)
- f. If any portion of the construction plans and other required documents are not in conformance with the required Public Works Standards, the applicant shall be informed in

- writing of the necessary changes to bring them into conformity. (Amended Ord. 1017, April 18, 2018)
- g. Once the City Engineer has determined that the construction plans and other required documents generally conform to the Public Works Standards, the City Engineer shall notify the engineer of record who prepared the plans in writing that a specified number of copies of the approved plans to be provided for City Engineer approval. (Amended Ord. 1017, April 18, 2018)
 - h. Upon City Engineer approval of the construction plans, the applicant shall obtain all necessary agency approvals and shall obtain all necessary permits prior to commencement of construction. Design and construction activities shall be in accordance with the requirements set forth in the Public Works Standards. (Amended Ord. 1017, April 18, 2018)

17.24.070 DESIGN STANDARDS FOR CONSTRUCTION PLANS

1. STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE.
 - a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the requirements set forth in the Public Works Standards. (Amended Ord. 1017, April 18, 2018)
 - b. All utilities and public agencies shall be made aware of the street construction so that every chance is provided to install conduit where the actual placement of lines is not practical and to advise them of penalties for street excavation during the first 5 years after construction.
 - c. Construction plans involving public improvements shall not receive approval until such time as the City Engineer is satisfied that the following street improvements will be completed in accordance with the Public Works Standards. (Amended Ord. 1017, April 18, 2018)
2. SEWAGE DISPOSAL. Construction plans shall not receive approval until such time as the City Engineer is satisfied that the sewage disposal facilities will be completed in accordance with the Public Works Standards. (Amended Ord. 1017, April 18, 2018)
 - a. In the event that larger lines are deemed necessary by the Public Works Director for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing. (Amended Ord. 1017, April 18, 2018)
3. WATER INSTALLATION. The applicant shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall comply with the Public Works Standards and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the Public Works Director. (Amended Ord. 1017, April 18, 2018)
4. UNDERGROUND UTILITIES.
 - a. The construction plans shall include written evidence that the applicant has made necessary arrangements with utility companies and other persons or corporations affected by the installation of underground utility lines and facilities. Easements for utility facilities shall be provided by the applicant as set forth on the approved preliminary plan. In the case of a partition, a utility easement document may be required for recording by the City.
 - b. The applicant shall obtain all necessary permits for the placement of all underground utilities prior to the start of construction.
5. RADIUS AT STREET INTERSECTIONS.
 - a. The property line radius at street intersections shall meet the design requirements set forth in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)
6. STREET GRADES. Street grade shall meet the design requirements set forth in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)
7. STREET TREES. The construction plans shall include a plan for street trees to be planted in the parking strip behind the curb line in accordance with the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)

17.24.080 SUBDIVISION AND PARTITION FINAL PLATS**1. FINAL PARTITION PLAT SUBMITTAL REQUIREMENTS**

- a. Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- b. Submittal Deadline. If a partitioning does not involve the construction of a street, the final plat shall be submitted no later than one year from the date of approval of the preliminary plan by the Planning Commission. Otherwise, final plat shall be submitted following substantial completion of construction of the public improvements, but no later than two years from the date of approval of the construction plans. Failure to submit a final plat within two years of approval of the construction plans shall result in expiration of the approval of the partition. (Amended Ord. 1017, April 18, 2018)
- c. Preparation. All final plats for partitions shall be prepared by a professional land surveyor registered with the State of Oregon.
- d. Format. All plats shall be prepared in accordance with the Marion County Surveyor's Map Standards. (Amended Ord. 1017, April 18, 2018)
- e. All easements provided for public services, utilities, access, or any type must be shown on the face of the plat along with the recorder's number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to the City.
- f. A line for the approval signature of the City Administrator or his designee, and the date and any other lines which show approvals required by the City shall be placed on the plat.

2. FINAL SUBDIVISION PLAT SUBMITTAL REQUIREMENTS

- a. Submittal Deadline. The final plat shall be submitted no later than two years from the date of approval of the construction plans. Failure to submit a final plat within two years from the date of approval of the construction plans shall result in expiration of the approval of the subdivision. (Amended Ord. 1017, April 18, 2018)
- b. Preparation. All plats shall be prepared by a licensed land surveyor registered with the State of Oregon.
- c. Format. All plats shall be prepared in accordance with the Marion County Surveyor's Maps Standards. (Amended Ord. 1017, April 18, 2018)
- d. In the event the applicant plans to utilize the provisions of ORS 92.060 as pertains to "Delayed Monumentation," the applicant shall notify the Marion County Surveyor and Planning Department and report said fact on the final plat. (Amended Ord. 1017, April 18, 2018)
- e. Accompanying Materials. The plat shall be accompanied by the following:
 - 1) An exact reproducible transparency which complies with the requirements of subsection 17.24.040.7.c.
 - 2) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.
 - 3) A subdivision guarantee report issued by a title insurance company in the name of the owner(s) of the land, showing all parties whose consent is necessary for the division and

their interest in the premises and all encumbrances, covenants, and other restrictions pertaining to the subject property. (Amended Ord. 1017, April 18, 2018)

- 4) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants, and restrictions.
 - 5) A copy of any documents relating to special notice, requirement, or restriction required by the City as a condition of approval.
3. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS.
- a. Procedure. Approval of final partition plans shall be routine administrative actions.
 - b. Approval Criteria. The City Planner shall recommend to the City Administrator that the final partition or subdivision plat be approved only if the following criteria are found to be satisfied:
 - 1) The Public Works Director has determined the construction of the public improvements is substantially complete. (Amended Ord. 1017, April 18, 2018)
 - 2) The final plat and any supporting documents are in substantial conformity with the approved preliminary plan. Changes from the approved preliminary plan may be approved when the City Planner finds that they are minor modifications.
 - 3) Any conditions imposed by the decision authority have been satisfied and/or assured through bonding agreement(s).
 - c. Approval. Final partition and subdivision plats shall be considered approved when the administrator's signature and dates thereof have been written on the face of the plats and the plats have been recorded.
 - d. Notice. Approval or denial of a final partition or subdivision plat shall be in writing to the applicant or the applicant's representative.
 - e. Staff approval of a final partition or subdivision plat is the final decision of the City, and is not a land use decision or a limited land use decision as defined in ORS 197.015.
 - f. Financial performance guarantees shall be required for public improvements that have not been constructed by the applicant and inspected and approved by the City in accordance with Section 17.20.120. (Amended Ord. 1017, April 18, 2018)
 - g. The final plat, along with any conditions, covenants and restrictions, and development plan shall be recorded within 30 days of final plat approval. Within 45 days of final plat approval, applicant shall submit to the City Planner a copy of the final plat with the recording number referenced on the final plat.
4. PHASED DEVELOPMENT. An applicant may choose to phase the development of a subdivision by submittal of a final plat that contains only a portion of the approved preliminary plan. The final plat of the first phase must be submitted to the City Planner within 3 years of the date of preliminary plan approval, and must be accompanied by a drawing that shows all of the subsequent phases of development. A final plat for each subsequent phase must be filed within 2 years of the submission of the final plat for the previous phase. Failure to submit a final plat for a phase of the subdivision within 2 years of the submission of the final plat for the previous phase shall result in expiration of the preliminary approval for the unplatted portions.

Prior to approval of the final plat of any phase, the applicant shall demonstrate to the City Planner that each phase of the subdivision would be substantially and functionally self-contained and self-sustaining with regard to access, utilities, open spaces, and similar physical features; and be capable of substantial occupancy, operation, and maintenance should the subsequent phases of the subdivision not be developed.

5. **COPIES OF RECORDED PLATS TO BE FURNISHED.** The final plat shall be recorded pursuant to ORS 92.120. Within 15 days after the recording of a plat with Marion County, the applicant or his representative shall furnish the City 3 prints from the reproduction of the recorded plat.
6. **EXCEPTIONS TO SUBDIVISION REGULATIONS.** If an applicant requests that any of the requirements set forth in these regulations be waived, the Planning Commission shall be the decision-authority. (Amended Ord. 1017, April 18, 2018)

17.24.090 APPLICATION AND APPROVAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS (Amended Ord. 910, June 3, 2009)

1. **PURPOSE STATEMENT.** The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provides an attractive living and working environment.
2. **APPLICABILITY.** The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. However, the City shall require that the following types of development be processed using the provisions of this Section:
 - a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as a significant wetland.
 - b. Where the land division is to occur on slopes of 15% slope or greater.
 - c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development. (Amended Ord. 949, April 17, 2013)
3. **APPLICATION AND INFORMATION REQUIREMENTS FOR CONCEPTUAL APPROVAL OF A MASTER PLANNED DEVELOPMENT.** The application and submission requirements for a conceptual master planned development plan shall include:
 - a. Three copies of the conceptual plan at a scale of 1 inch equals not more than 50 feet including the general location of: streets, open space, residential development identified by type, and any commercial development including potential uses. In addition, 10 copies of the conceptual plan reduced to fit on an 11 X 17 page shall be submitted.
 - b. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development such as the number of types of residential units, the range of lot sizes, and the size and scale of any non-residential uses. The statement shall also include a discussion of the rationale behind the assumptions and choices made by the applicant.
 - c. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 - d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
 - e. Existing Conditions map. At a minimum, the existing conditions map shall show the applicant's entire property and the surrounding property to a distance of 300 feet to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified by:

- 1) The location and width of all streets drives, sidewalks, pathways, rights-of-way and easements on the site and adjoining the site.
- 2) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards.
- 3) Resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.
- 4) Site features including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.
- 5) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.
- 6) The location, size and species of isolated trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade. The map shall also show the general location of groves of trees larger than 3,000 square feet and indicate the location of any specimen trees to be preserved in the development process in accordance with Section 17.20.150.
- 7) Location and impact on any facilities in the adopted Water, Sewer, Transportation, Storm Drainage, and Parks Master Plans

(Amended Ord. 910, June 3, 2009)

4. **PROFESSIONAL DESIGN TEAM.** A professional design team shall be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be involved in the preparation of the concept and detailed plan.
 - a. A licensed architect or professional designer.
 - b. A registered professional engineer
 - c. A landscape architect or landscape designer.

(Enacted Ord. 910, June 3, 2009)

5. **CONCEPT PLAN APPROVAL CRITERIA.** The decision authority shall review the concept plan and make findings and conclusions as to compliance with the following criteria. The decision authority may approve the concept plan with conditions of approval necessary to assure that the proposed development meets the following standards.
 - a. All relevant provisions of the Comprehensive Plan are met.
 - b. The proposed Master Planned Development will be reasonably compatible with the surrounding neighborhood.
 - c. There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.
 - d. If there are proposed uses that are not allowed in the underlying zone, those uses shall be compatible with the proposed development and the surrounding neighborhoods and viable in that location.

(Amended Ord. 910, June 3, 2009)

6. **TIMELINE FOR FILING A DETAILED MASTER PLAN:** Within one year after the date of approval of the concept plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 6 and 7 of this Section.
- a. **Extension.** If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval provided:
 - 1) The applicant can show intent of applying for detailed development plan review within the 6-month extension period.
 - 2) There have been no changes to the applicable Comprehensive Plan policies and Code provisions on which the approval was based.

(Enacted Ord. 910, June 3, 2009)

7. **APPLICATION AND INFORMATION REQUIREMENTS FOR DETAILED APPROVAL OF A MASTER PLANNED DEVELOPMENT.**
- a. The application and submission requirements for a detailed master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the detailed plan shall include:
 - b. A narrative documenting compliance with the all applicable approval criteria contained in Section 17.24.100.
 - c. Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential geologic, noise, environmental, natural resource, and other impacts and required mitigation.
 - d. Detailed site plan, including:
 - 1) Lot configuration and identification of proposed uses
 - 2) Residential density (by phase, if a phased project) expressed in dwelling units per acre of land for each type of residential development and for the entire development.
 - 3) Circulation plan including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities and their connections to existing or proposed off-site facilities.
 - 4) Open space plan including:
 - a) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, trails, public parks, recreational areas, and similar public, semi public areas and uses.
 - b) Design of trails or open space areas including proposed landscaping.
 - c) Design of any structures such as playgrounds, sports facilities, and park shelters.
 - 5) Location of all potential fences including proposed materials and transparency.
 - 6) Lighting plan meeting the requirements of Section 17.20.170
 - 7) Landscaping plan meeting the requirements of Section 17.20.090
 - 8) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)
 - 9) Architectural plan including:

- a) Narrative description of proposed building styles for all residential, commercial or other structures.
- b) Building footprints
- c) Proposed Codes, Covenants & Restrictions for all residential lots that meet the applicable requirements of Sections 17.20.190, 17.20.200 and 17.24.100.
- d) Typical elevations of each type of proposed structure sufficient to describe architectural styles drawn to scale and including building dimensions.

10) Sign plan that includes size, style, and location of any proposed signs.

(Amended Ord. 910, June 3, 2009)

8. DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA. The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and the conditions of its approval. Minor changes to the approved concept plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below.

- a. The detailed development plan shall meet all applicable approval criteria of Sections 17.12.220, 17.24.050, 17.24.100, and Chapter 17.26.
- b. If a phased development, each phase shall be:
 - 1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - 2) Arranged to avoid conflicts between higher and lower density development.
 - 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.

(Amended Ord. 910, June 3, 2009)

17.24.100 MASTER PLANNED DEVELOPMENT DESIGN STANDARDS (Amended Ord. 910, June 3, 2009)

Master Planned Developments shall be subject to the following design criteria and objectives.

1. **REGULATIONS THAT MAY BE MODIFIED.** The site development standards of this Title shall apply to a Master Planned Development except the following which may be modified if the design standards of subsection 2 are met.

- a. Minimum lot area, width, frontage, setbacks, and height.
- b. Minimum parking requirements.
- c. Use of back lots in a subdivision.
- d. Block length, street layout, street width.

(Amended Ord. 910, June 3, 2009)

2. **DESIGN STANDARDS.** In addition to the applicable design standards of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230, the following design standards shall be met by Master Planned Developments.

- a. **Design Consistency:** All structures, commercial, multi-family dwellings, single family dwellings, open space facilities shall have consistency in design through the use of similar design features such as but not limited to architectural details, lighting fixtures, and exterior finishes.
 - 1) This criterion does not require the development to conform to one specific architectural “style” such as Arts & Crafts, or Colonial, but it shall require continuity of design for all structures in the development.
 - 2) The design chosen by the developer shall be specified in the approval documents and the Codes, Covenants & Restrictions (CCRs) of the development and/or a specific set of standards approved as part of the detailed master plan. The design standards shall be enforced by the City throughout the development and permitting process and shall be enforceable by any homeowners owners association and individual lot owners through the CCRs.
- b. **Design for Detached Single Family Dwellings.** The detailed design plan for any portion of the master planned development that includes detached single family dwellings shall meet the following standards:
 - 1) A minimum of fifteen percent of each lot shall be landscaped.
 - 2) Recreational vehicle storage in the front yard shall be prohibited.
 - 3) Graveled/paved parking areas in the front yard outside of the driveway shall be prohibited.
 - 4) At least four of the following design features shall be included on the sides of a building facing a street, public right of way or open space.
 - a) Dormers or gables
 - b) Cupolas
 - c) Bay or bow windows

- d) Exterior shutters
 - e) Recessed entries
 - f) Covered porch entries or porticos
 - g) Front porch of at least 100 square feet
 - h) Covered or uncovered balconies
 - i) Pillars or posts
 - j) Eaves with a minimum 18 inch projection
 - k) Exterior brick work or masonry on a minimum of 15% of the façade, not including the area of doors and windows.
- 5) All buildings sides facing a street, public right of way or open space shall have a minimum of 15% in windows or doors with glazing.
- 6) A break in wall plane of at least 16 inches every 30 feet.
- 7) Offsets or breaks in roof elevation of at least 2 feet every 30 feet.
- c. Fences.
- 1) There shall be no fences in the front yard of residential structures
 - 2) If a lot adjoins an open space, trail or water way, any fence not located in the front yard or between two structures must be 50% open and no more than 4 feet in height. Alternately, a solid fence of not more than 6 feet in height may be allowed in rear yards for privacy if an additional 10 feet of public open space is added between any trails, waterways or common open space and the fence and that area is landscaped to buffer and conceal the fence.
- d. Open Space: Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. Open space includes all areas not in a street right-of-way that are publicly dedicated or under common ownership.
- 1) If the development is adjacent to the shorelines of the North Santiam River, Mill Creek, the Stayton Ditch, or the Salem Ditch a useable portion of the shoreline and reasonable public access to it shall be part of the open space and the open space requirement shall be reduced to 20%.
 - 2) The decision authority may waive or reduce the requirement for open space when the master planned development is adjacent to and provides access to a public park or other off-site open spaces.
 - 3) The open space area shall be shown on the detailed plan and recorded with the final plat.
 - 4) The open space shall be conveyed in accordance with one of the following methods:
 - a) At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.

- b) By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.
 - 5) Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities.
 - 6) Areas identified as open space shall preserve important natural features such as wetlands, hillsides or historical features and integrate them into the development design. If the development abuts wetlands, the wetlands and an area around their perimeter shall be included in the open space.
 - 7) Pedestrian trails shall provide connectivity within the development and to the adjacent area and meet the requirements of the adopted Trails Master Plan.
 - a) Any pedestrian paths shall be public.
 - b) Paths with hard surface shall be a minimum of 10 feet in width centered within a 20-foot wide right of way or easement.
 - c) Paths with soft surface shall be a minimum of 6 feet in width generally centered within a 16-foot wide right of way or easement.
 - d) Paths shall have a minimum average illumination level of 1.0 foot candles.
 - i. If the path is a sidewalk or adjacent to an open space with lighting such as a park or playground, this standard may be met if the surrounding lighting can meet the standard.
 - ii. If there is no surrounding lighting, the path shall be provided with continuous pedestrian scale lighting that meets this standard.
 - 8) A minimum of 10% of the open space shall include amenities such as but not limited to: plazas, playgrounds, picnic areas, park shelters, indoor or outdoor recreation facilities, and community buildings.
- e. Streets.

The detailed development plan may provide for streets that are narrower than those typically required in a subdivision.

- 1) Street right of way width may be reduced to 50 feet if:
 - a) All lots and buildings that front on that portion of the street are accessed by alleys, with no driveway entrances onto that portion of the street which is reduced in width.
 - b) On-street parking is restricted to only one side of the street.
 - c) The street layout pattern preserves connectivity and intersection design that meets the standards of Title 12 and intent of the Transportation Master Plan.
 - e) If there are one-way loops provided to serve residential developments.
- 2) If there are long blocks in the design, additional pedestrian connectivity will be required

- 3) Approval of street designs shall be required from the Public Works Director after consultation with the Fire Chief.

f. Parking.

Common parking areas shall meet the landscaping standards of Section 17.20.060. The total number of required parking spaces may be reduced by up to 15% if:

- 1) The parking area has pedestrian facilities that are connected to city's pedestrian trail system.
- 2) The required number of bicycle parking spaces is increased by 25% and provided with a covered parking area.
- 3) Additional parking spaces can be provided in parking areas within 500 feet with pedestrian connectivity or on-street parking is available.
- 4) The area meets the joint use standards of Section 17.20.060.6.

g. Density.

- 1) When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of attached or detached single family, duplex, triplex, or multifamily dwellings. (Amended Ord. 902, May 7, 2008)
- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 50% increase in density.
 - a) Where the percentage of open space increases. The bonus shall permit a 5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.d.
 - b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, such as locating garages behind the primary building line of the house, side loaded garages, or alley-access garages, a density bonus of up to 20% may be granted. (Amended Ord. 949, April 17, 2013)
 - c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8.
 - d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.

(Amended Ord. 910, June 3, 2009)

17.24.110 ENFORCEMENT

1. Enforcement of this chapter shall be as specified in Chapter 17.04.190.
2. Where the City deems it necessary, the applicant shall insure that the provisions of this title are followed, and will, if required by the City:
 - a. Furnish proof of financial performance, pursuant to the provisions of Section 17.20.120 to insure that the development or project will be carried out in accordance with the approved specifications.
 - b. Agree that where the applicant does not conform to specifications of this title or will not conform to the City's ruling, then the City may enter the premises, expending such money and labor as necessary to make such specifications conform, and any such expense shall constitute a lien upon the improvements as improved.
 - c. Make any other agreement that the City would approve between the City and the applicant.