

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**An Ordinance of the City of Brookings)
Amending the Brookings Municipal Code,)
Chapter 17.172, Land Divisions, and) **Ordinance 07-O-587**
Repealing Chapter 17.112, Rear Lot)
Development, of the Brookings Municipal)
Code.**

Whereas, the City of Brookings, Oregon, desires to repeal Chapter 17.112, Rear Lot Development, of the Brookings Municipal Code, based on the fact that Chapter 17.112, Rear Lot Development will now be included in the amended Chapter 17.172, Land Divisions, of the Brookings Municipal Code,

And

Whereas, the City of Brookings Oregon, desires to amend Chapter 17.172, Land Divisions, of the Brookings Municipal Code:

Now, therefore, the City of Brookings ordains as follows:

The City of Brookings ordains as follows:

Section 1. Chapter 17.112 Rear Lot Development of the Brookings Municipal Code is hereby repealed,

Section 2. Chapter 17.172, Land Divisions of the Brookings Municipal Code is amended to read as follows:

Sections:

- 17.172.010 Purpose.
- 17.172.020 Applicability.
- 17.172.030 Procedures.
- 17.172.040 Lot Line Adjustments and Lot Line Vacations.
- 17.172.050 Lot Design Standards.
- 17.172.060 Partitions.
- 17.172.061 Rear Lot Partitions.
- 17.172.070 Subdivisions.
- 17.172.080 Final Subdivision Plat Approval.

17.172.010 Purpose. The purpose of this section is to provide procedures, standards and criteria for the processing and creation of lots or parcels for residential, commercial and industrial uses consistent with state statutes, and provisions and standards of this code.

17.172.020 Applicability. The provisions of this section apply to all lands within the city limits which are proposed to be further divided into lots or parcels.

17.172.030 Procedures. The following procedures are intended to expedite land divisions, and to ensure thorough public review and comment for land division which may have greater neighborhood impact to existing and future public facilities and services.

- A. Preapplication conference. Prior to submitting a preliminary map or plat for review, the applicant is encouraged to request a preapplication conference with city staff, unless the applicant and City Manager, or his/ her designee, agree that the conference is not needed.

Subdivision applications are required to have a pre-application conference conducted by the Subdivision Committee as stated in BMC 17.172.070(A).

- 1. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of this section, to provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development code requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

17.172.040 Lot Line Adjustments and Lot Line Vacations. A complete application together with all required filing materials shall be submitted to the City Manager or his/her designee prior to review of the request.

- A. Lot Line Adjustment – A lot line adjustment alters a property line between two existing discrete parcels or lots.

1. Application and submittal requirements:

- a) Completed application form and fee. All vested property owners of the parcels involved shall sign the application.
- b) Two copies of a map of survey prepared by a surveyor licensed in the State of Oregon.
- c) If there is any existing development on the subject properties it shall be shown on the map of survey to confirm that required setbacks and other zoning requirements are maintained for any proposed adjustment of property lines.
- d) Current deeds with legal descriptions of each parcel associated

with the proposed adjustment.

e) New legal description of each parcel after adjustment.

2. Criteria for approval. The City Manager or his/ her designee shall approve, approve with conditions, or deny the request based upon the following criteria:

a) An additional lot is not created by the lot line adjustment.

b) An existing parcel is not reduced in size below the minimum lot size established by the applicable zoning district.

c) The adjusted lot configuration does not result in a substandard condition relative to all applicable site development standards of this code.

d) Failure to provide any information required by this code shall not constitute a waiver to any standards, criteria or requirements of this code.

3. Filing an approved lot line adjustment. Within sixty (60) days of approval the applicant shall file approved map with the Curry County Surveyor and record the resulting deed(s) with the new descriptions with the Office of the Clerk. If this process is not completed within sixty (60) days from the date of approval, the approval becomes null and void. The City may consider and approve an extension if a written request and justification is submitted. The applicant shall provide a copy of the filed map and recorded deeds to the City Planning Department to complete the process.

4. Appeals. The final action of the City Manager or his/her designee may be appealed pursuant to Chapter 17.156 BMC.

B. Lot Line Vacations – A lot line vacation removes a property line between two existing discrete parcels or lots.

1. Application and submittal requirements:

a. Completed application form and fee. All vested property owners of the parcels involved shall sign the application.

- b. Two copies of a plot plan, drawn to scale, indicating the outside boundary of the entire area involved and the interior property line to be vacated.
 - c. Copies of the current deeds for the properties involved and the new description of the outside boundary of the entire new parcel as it is proposed.
2. Criteria for approval. The City Manager or his/ her designee shall approve or deny the request based upon the following criteria:
- a. Ownership of both parcels must be identical in order to combine into one parcel.
 - b. Property taxes must be current prior to recording the deed.
3. Finalizing Lot Line Vacation. Staff will send an approval letter with the plot plan and descriptions to the Curry County Surveyor and to the Curry County Assessor's Office to authorize updating of the Assessor's map and the recording of a deed for the newly created parcel. The applicant shall provide a copy of the recorded deed to the City Planning Department to complete the process. If this process is not completed within sixty (60) days from the date of approval, the approval becomes null and void. The City may consider and approve an extension if a written request and justification is submitted.
4. Appeals. The final action of the City Manager or his/her designee maybe appealed pursuant to Chapter 17.156 BMC.

17.172.050 Lot Design Standards. In any residential land division, lots and blocks shall conform to the following standards, in addition to the provisions of BMC 17.16 through 17.32.

- A. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this code.
- B. Lot dimensions. The lot dimensions shall comply with the minimum standards of this code. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines whether future divisions and streets can be created.

- C. Through lots. Through (double frontage) lots shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. Access shall be limited to the residential street frontage wherever possible, as determined by the City.
- D. Arterial access. When driveway access from arterial or major collector streets is necessary for several adjoining lots, the review authority shall require that such lots be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway shall be designed and arranged to prohibit vehicles from backing into traffic traveling on arterials. An access control strip may be required to be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.
- G. Fire protection. The fire marshal may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire fighting capabilities.
- H. Reciprocal easements. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will insure access rights shall be recorded with, and shown on, the approved final plat.
- I. Rear Lot Partitions (Flag Lots): This configuration can only be used when the subject property cannot be subdivided or partitioned utilizing standard configurations. Standards for Rear Lot Partitions are found in 17.172.061 BMC.

17.172.060 Partition – A land division creating 3 or fewer parcels and not creating a platted street.

- A. The property owner or his authorized agent may request a partition by filing an application on a Land Use Application form with appropriate fees with the City Manager or his/her designee for review by the Site Plan Committee pursuant to BMC 17.80.020. Upon determination by the Site Plan Committee that the application is complete, the application will be scheduled for a Planning Commission Hearing. Such application shall be accompanied by ten (10) copies of the preliminary partition plat *and* shall contain, but not be limited to, the following material:
 1. A plat not smaller than 18” x 24” drawn in ink, prepared by a surveyor

licensed in the State of Oregon.

2. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).
3. Name and address of each of the following: property owner(s), surveyor, and engineer.
4. Streets: names, locations, and pavement widths of adjoining rights-of-way.
5. Easements: locations, widths, and purpose of all existing and proposed easements.
6. Utilities: location and size of all existing and proposed storm drains, sanitary sewer mains, water mains, and above and below ground utilities.
7. Natural features: location and extent of creeks, streams, marshes, and wooded areas.
8. Flood areas: show location of the Federal Emergency Management Agency (FEMA) 100-year flood plain and other areas subject to ponding.
9. Slope: contour map with contour intervals of five (5) feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area. This is to determine compliance with the provisions of Section 100, Hazardous Building Site Protection/Hillside Development Standards, of the Land Development Code. Elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).
10. Drainage: show direction of drainage.
11. Lot dimensions: existing and proposed lot lines and their bearings and dimensions.
12. Lot size: existing and proposed lot size in square feet and acreage.
13. Existing uses: location and outline of existing buildings on the property with distances in feet to new lot lines created by the proposed partition.

14. The approving authority (Planning Commission) certificate shall contain a statement that acknowledges compliance with all conditions of development permit and state statutes, and such compliance shall be certified by the signature of the chair of the Planning Commission affixed thereon.

B. Supplemental materials to be supplied by the applicant.

1. A copy of the most recent deed for the subject property.
2. A statement by the city finance director that all city liens and assessments on the property have been paid, or that the application has been made to the city to segregate assessments.
3. If the proposed partitioning results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines whether future divisions and streets can be created.
4. One copy of the preliminary partition plat shall have an access plan showing the location of driveways on the proposed parcels.
5. A determination of seasonal high water table impact on development of the property, and any necessary groundwater drainage mitigation design.
6. One copy 8 ½” x 11” of the preliminary plat to be used for exhibit purposes.

C. Planning Commission authority. The Planning Commission shall have the authority to approve, approve with conditions or deny the request, based upon the following criteria:

1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.
2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
3. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
4. The ability to take access from the frontage road pursuant to the provisions of BMC 17.128.060.

5. Conditions necessary to satisfy the intent of the Land Development Code and Comprehensive Plan can be satisfied prior to final approval.

D. Final plat requirements.

1. Any changes or modifications resulting from preliminary plat review shall be incorporated and submitted as the minor partition final plat, along with additional supplementary information as required by conditions of approval.
2. The final plat shall conform to the requirements of Oregon Revised Statutes and Curry County Surveyor. It must be prepared on archivable Mylar by a surveyor licensed in the State of Oregon.

E. Filing an approved final plat must be completed within one (1) year from the date of preliminary approval. An extension of time may be granted, for good cause, by the Planning Commission if such extension request is submitted prior to the expiration of the initial one year period and provided such extension does not exceed one (1) additional year. After obtaining all required approvals and signatures, the developer shall:

1. File the plat with the Curry County Surveyor within 90 days of receiving approval and signature of the partition plat by the City of Brookings, and failure to file same within said time period shall render the approval null and void.
2. Within 10 days after filing the survey plat with the county surveyor, the owner/developer shall provide the City two (2) copies of the survey plat.

F. Appeals. The final action of the Planning Commission may be appealed to the City Council pursuant to Chapter 17.152 BMC.

17.172.061 Rear Lot Partitions (Flag Lots). To be used only when the subject property cannot be subdivided or partitioned utilizing standard configurations.

A. The following criteria must be met before a lot is eligible to be developed under the provisions of this section:

1. Property must be less than four acres in area;

2. Property must be situated, dimensioned, or contain existing development that prevents using standard parcel configurations;
 3. Minimum Area. Twice that required by the underlying zoning district and not including the area necessary for the accessway;
 4. Minimum Width. Twenty feet greater than required by the applicable zoning district.
- B. Development standards. Provided the eligibility requirements are met, a partition may be approved subject to the following standards and criteria:
1. Front Lot.
 - a) Minimum lot width: the same as required by the applicable zoning district.
 - b) Minimum lot depth: 75 feet.
 - c) Setback requirements: same as required in the applicable zoning district.
 2. Rear Lot.
 - a) Accessway minimum width: 20 feet.
 - b) Setback requirements: no building shall be erected within 10 feet of any property line on any proposed or existing lot with a rear lot configuration.
 - c) Minimum lot size: same as required by the applicable zoning district, not including the area of the accessway.
 - d) Maximum length of accessway: 200 feet.
 - e) Accessway shall be conveyed with ownership of the rear lot and shall be an integral part of the rear lot.
 - f) Accessway shall be improved to a permanent, dust-free surface of asphaltic concrete or Portland cement.
 3. The partitioning of the property pursuant to the rear lot standards shall be in accordance with BMC 17.172.060 and other applicable sections of this code.
 4. No more than two lots shall be created to the rear of another lot which fronts on a street in a residential district. Tandem (side by side) accessways to rear lots are not allowed.

17.172.070 Subdivisions. A subdivision is a division of land that includes creating a new street or any division creating four or more lots.

- A. There is hereby created a Subdivision Committee consisting of the City Manager, Planning Director, City Engineer, Building Official, Public Works Director, or their designees, and representatives from all affected utilities including, but not limited to, electrical power, communications and cable television, County Surveyor, County Planning Department, State Highway Department, if the property is adjacent to a state highway, and the school district.

The purpose of the Subdivision Committee is to determine compliance with the objectives, standards, and criteria of the Land Development Code and provisions contained herein, and to review all submitted preliminary plat requests for conformance with requirements thereof. Following submittal of the preliminary plat and requisite filing material, a meeting of the subdivision committee shall be convened to which the subdivider or his representative is invited to attend and participate.

Eighteen (18) Copies of the preliminary plat, containing information as listed in 17.172.060 B. (1) below, shall be submitted by the applicant. Copies will be distributed to the Subdivision Committee which will be given ten (10) days to review the plat and submit comments to be included within the subdivision committee report. Following consultation and discussion, a report shall be prepared by the committee, which report shall include any deficiencies or missing information as noted by the Subdivision Committee.

Following the Subdivision Committee meeting the applicant will submit the needed materials pursuant to the Subdivision Committee's report. This submittal will be reviewed by the Site Plan Committee to determine completeness of the application. Upon written clearance from the Site Plan Committee, the application will be scheduled at Planning Commission Hearing.

1. Plat Requirements. The application shall be accompanied by eighteen (18) copies of the plat, not less than 18" X 24" in size, drawn by a surveyor licensed in the State of Oregon and shall contain, but not be limited to, the following material:
 - a. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).

- b.** The plat must state both the proposed name of the subdivision and be titled “Preliminary Subdivision Plat.” The proposed subdivision name cannot duplicate or resemble the name of any other subdivision or partition in Curry County.
- c.** A surveyor’s certificate showing location by section, township, range, and legal metes and bounds description sufficient to define the location and exterior boundaries of the parent parcel.
- d.** Name and address of property owner(s), surveyor, and engineers.
- e.** A vicinity sketch shown on the plat map of a sufficient size to locate the project site.
- f.** Boundaries of the subject tract, drawn to scale, proposed blocks (if applicable) lot numbers, dimensions, and area in square feet and acreage.
- g.** Slope: contour map with contour intervals of five (5) feet or less shall be provided. Sufficient lines should be drawn approximately perpendicular to the contours to indicate slopes throughout the project area. This is to determine compliance with the provisions of Chapter 17.100, Hazardous Building Site Protection/Hillside Development Standards, of the Land Development Code. Elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).
- h.** Streets existing: location, names, pavement widths, alleys and rights-of-way on, abutting and/or adjoining the tract
- i.** Streets proposed: location, names, rights-of-way pavement widths, radius of curves, grades, and proposed connectivity. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.
- j.** Easements: locations, widths, and purpose of all existing and proposed easements on, adjoining and/ or abutting the tract.

- k.** Pedestrian ways: location and widths of all proposed sidewalks and pedestrian facilities.
- l.** Natural features: location and direction of flow of all creeks, drainageways, and marshes.
- m.** Flood areas: location of Federal Emergency Management Agency (FEMA) 100-year flood plain and all other areas subject to seasonal ponding.
- n.** Utilities: location and size of all existing and proposed sanitary sewer mains, storm drain facilities, water mains, irrigation canals, above and below ground utility installations on, abutting or pertinent to, the tract.
- o.** Proposed streets, and utility improvements on the property.
- p.** Dedication: locations of all areas to be offered for dedication for public use, with the purpose, condition, or limitations of such reservations clearly indicated.
- q.** Existing improvements on the property with scaled location and present use of all existing structures.
- r.** Special setbacks: locations of special setback lines.
- s.** The following tabulated data:
 - 1)** Total site area (in acres and square feet)
 - 2)** Total area designated for public or private rights-of-way.
 - 3)** Net usable site area (in acres and square feet; item #1 minus #2).
 - 4)** Maximum dwelling units allowed (divide item #3 by the density allowance of the zoning district within which the proposal is located).
 - 5)** Actual number of lots proposed for each phase of the proposed project development.
 - 6)** Lot sizes: proposed lot sizes in square feet and acreage.

- t. Any areas designated for phasing of the project development.
- u. Zoning of property.
- v. Plat must be stamped and signed by the responsible surveyor, licensed in the State of Oregon.

2. Required supplemental materials

- a. A copy of the most recent deed for the subject property.
- b. A determination of seasonal high water table impact on development of the property, and a groundwater drainage mitigation design, if necessary.
- c. If the proposed subdivision results in the creation of lots greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions can be created or remainder lot must be deed restricted to prohibit further partitioning.
- d. One copy of the subdivision plat shall have an access plan showing the location of driveways on the proposed lots.
- e. On parent parcels containing slopes of 15% or greater or other hazardous conditions, a geologic report prepared by a geologist, geotechnical engineer or other qualified individual, licensed by the State of Oregon, shall be submitted. The report shall be prepared pursuant to the provisions of Chapter 17.100 BMC.
- f. An engineered grading, storm water drainage, and erosion control plan pursuant to the provisions of BMC17.100.070.
- g. Findings of fact: The applicant shall provide written findings that demonstrate the proposed subdivision is in compliance with the criteria set forth in Chapter 17.176.060. C. 1 thru 7.
- h. One copy 8 ½" x 11" of the preliminary plat to be used for exhibit purposes.

B. Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with conditions, or deny the request, based upon the following criteria:

1. Conformance with the Comprehensive Plan, and applicable development standards of this code, and state and federal laws.
 2. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
 3. Adjoining property under separate ownership can either be developed or be provided access (connectivity) that will allow its development in accordance with this code.
 4. The proposed name of the subdivision shall be approved by the Commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town," "city," "place," "court," "addition," or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.
 5. The proposed name of a street in the subdivision shall be approved by the commission provided it is not the same as, similar to, or pronounced the same as the name of an existing street in the same zip code area, unless the street is approved as a continuation of an existing street. A street name or number shall conform to the established pattern for the area.
 6. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and reservations and restrictions relating to the private streets are established.
 7. If the developer intends to record and develop a subdivision granted preliminary plat approval in phases, the Planning Commission may authorize a total time schedule for platting all phases not to exceed ten (10) years, but the first phase and each subsequent phase must each be recorded within consecutive three (3) year periods.
- C. Public hearing.** Before preliminary plat approval may be granted by Planning Commission, the proposed preliminary plat shall be considered by the Commission in a public hearing. Notice of said hearing shall be given as provided in Chapter 17.84 BMC.
- D. Conditions.** Conditions of approval may be attached to the preliminary plat approved by the Planning Commission, but only as required to comply with the

applicable provisions of this code, the Comprehensive Plan, state statutes, or federal law. All conditions of approval shall be satisfied prior to final plat approval.

- E. Appeals. The final action of the Planning Commission may be appealed as provided in Chapter 17.152 BMC of this code.
- F. Minor Change. A minor change to an unrecorded subdivision plat map may be allowed through the procedure set forth in BMC 17.116.110.
- G. Expiration of preliminary plat. The applicant has two (2) years from the date of approval to submit the final plat for the Planning Commission hearing. An extension of time may be granted, for good cause, by the Planning Commission if such extension is authorized by the Commission prior to expiration of the two (2) year period, and provided such extension not exceed two (2) additional years. No further extensions may be authorized without resubmittal of a preliminary plat application to the Planning Commission.

17.172.080 Final Subdivision Plat Approval. The form and content of a final plat shall be in accordance with the provisions of ORS Chapter 92.010 et seq, and in addition shall comply with all the provisions of this Code. A complete application together with all required materials shall be submitted to the City Manager or his/ her designee prior to review of the request for final plat approval. Within thirty (30) days of submission, the City Manager or his/her designee shall determine whether the final plat substantially conforms to the approved preliminary plat, and conforms with the applicable requirements of this code. If it is found that the plat fails to conform, then the applicant shall be advised and afforded an opportunity to make corrections. When it is found to conform, the application will be scheduled for a Planning Commission hearing.

- A. Final Plat Requirements. The plat must comply with ORS Chapter 92.010 et seq. The application shall be accompanied by ten (10) copies of the plat not less than 18" X 24" in size, prepared by a surveyor licensed in the State of Oregon and shall contain, but not be limited to, the following material:
 1. North arrow, date of preparation, and scale (appropriate to the area involved and sufficient to show detail of the plan and related data at a standard engineering scale).
 2. Name of the owner(s), and surveyor.
 3. All monuments found or existing and set pertinent to the subdivision.

4. Existing streets: location, names, pavement widths, alleys, and rights-of-way on, abutting, and/or adjoining the tract.
5. New Streets: location, names, rights-of-way pavement widths, radius of curves, grades, and proposed connectivity. Streets that are proposed to be held for private use shall be distinguished from the public streets on the subdivision plat, and shall indicate reservations and restrictions relating to the private streets.
6. All easements shall be clearly labeled and identified, and, if they are already easements of record, the plat must state that. The widths of the easements and the lengths, bearings of the lines, and sufficient titles thereon to definitely locate the easement with respect to the subdivision must be shown. If an easement, other than a right-of-way, is being dedicated by the plat, it shall be referred to in the certificate of dedication and its purpose and scope shall be adequately stated in said certificate.
7. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
8. Lot size: existing and proposed lot size in square feet and acreage.
9. Identification of land to be dedicated for any public purpose, or designated for any private purpose, to distinguish it from lots. The following phrasing shall be used when identifying open space areas.
 - a. Common open space - shall be used to identify those areas created for the purpose of common ownership, enjoyment, and maintenance by an approved homeowners' association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.
 - b. Public open space - shall be used when identifying those areas dedicated to the city of Brookings for open space purposes.
10. The following certificates which may be combined where appropriate:

- a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the final plat.
 - b. A certificate signed and acknowledged as above, designating all areas shown on the final plat intended for private use.
 - c. A certificate conforming to ORS Chapter 92.010 et seq with the seal and signature of the surveyor responsible for the survey and final plat.
 - d. A certificate signed by all parties having any proprietary interest in the land, dedicating to the public any streets, roads, public open space, bikeways, and pedestrian facilities.
 - e. A certificate signed by all parties having any proprietary interest in the land, dedicating to the public any utility infrastructure.
- 11.** The Federal Emergency Management Agency (FEMA) 100 year floodplain, as applicable.
- B.** Supplementary Materials. At the time of filing for final plat approval, the applicant shall also file concurrent therewith the following:
1. Written confirmation from City that all infrastructure has been installed, improved, and accepted by the City or that a satisfactory Security Improvement Agreement, as described in Chapter 17.80 BMC, has been provided and accepted by the City. Applicant must also provide a copy of the required Warranty Bond for the project.
 2. A title report or subdivision guarantee by a title company doing business in Curry County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to the public use, and their interest therein, certified for the benefit and protection of the city that the persons therein named are all of the persons necessary to dedicate to the streets and other easements thereon. Said title report shall be dated no later than 15 days from the date of submittal.
 3. A copy of proposed Covenants, Conditions, and Restrictions (C, C, & R's) if the C, C, & R's contain a statement required as a condition of approval. This must be recorded simultaneously with the plat and the instrument number shown on the plat.

4. Such streets, offers of dedication, or other instruments as are required by the conditions of approval of the preliminary plat.
 5. A statement that all applicable fees required by the city code have been paid.
 6. One copy 8 ½” x 11” of the final plat to be used for exhibit purposes.
 7. A plan showing building setback lines, if any are to be made a part of the subdivision’s deed restrictions.
- C. Planning Commission authority.** The Planning Commission shall approve or deny the request for final plat approval based upon the following criteria:
1. Substantial conformance with the approved preliminary plat.
 2. Compliance with conditions of approval. The applicant must provide written documentation in the form of the final plat and other materials documenting that all required conditions of approval have been met.
- D. Final action.** The Planning Commission shall review the final plat and shall state findings to approve or deny the request.
- E. Appeals.** The final action of the Planning Commission may be appealed as provided in Chapter 17.152 BMC.
- F. Approval Signatures and Recording of Final Plat.** Following review and approval of the final plat, the developer/owner shall, within 6 months of the date of final approval, take the following actions:
1. Obtain the signature of the Chair of the Planning Commission and Planning Director certifying the final plat is approved by the City.
 2. Obtain all other signatures required to be on the final plat as stated in ORS Chapter 92.010 et seq.
 3. After all the necessary approvals and signatures have been obtained, the applicant shall forthwith file for record the approved final plat.
 4. Within 10 days after recordation of the final plat, the developer/owner shall

provide the City with two (2) copies of the recorded plat.

First reading: June 25, 2007

Second reading: June 25, 2007

Passage: June 25, 2007

Effective date: July 26, 2007

Signed by me in authentication of its passage this 26th day of June, 2007.

Pat Sherman, Mayor

ATTEST:

Paul Hughes, Finance Director/Recorder