



Subdivision or PUD - Submittal Information

General Information

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

Submittal Requirements (*Subdivisions & PUDs*)

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

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

- One (1) copy of the Subdivision application form with signatures of all property owners. *Original signatures for all property owners must be provided.* This information must be reproduced so please print clearly using black or blue ink.
- One (1) copy of the deed for each lot or parcel involved.
- One (1) copy of the title report for each lot or parcel involved, including copies of all recorded instruments referenced in the title report.
- Electronic (pdf) copy plus Five (5) hard copies of a Preliminary Plat & Street/Utility Drawings, drawn to scale and showing all of the following information as a minimum:
 - Vicinity sketch showing location of the proposed land division.
 - Appropriate identification stating the drawings are a preliminary plat and preliminary plans,
 - North arrow, scale (*the preferred scale is 1 inch equals 20 feet*) and date prepared.
 - Name and address of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
 - Tax Map and Tax Lot number (*and addresses*) of the subject property & surrounding properties.
 - Proposed name of the Subdivision.
 - Boundary lines and approximate area of the subject property, & gross area of property being subdivided.
 - Identification of each lot by number.
 - Dimensions and size in square feet of all proposed parcels, lots or tracts.
 - The location of existing streets, bikeways, pedestrian facilities, public or private easements or right-of-ways within or adjacent to the subject property, existing buildings and improvements on the property, and existing utilities on or adjacent to the property (*including existing service laterals serving existing buildings on the property*).
 - The location of any flood boundary.
 - Proposed City utilities (*water, sewer, storm, streets*) & franchise utilities as required to serve the proposed lots, including any required right-of-way dedications and/or easements.
 - Street/sidewalk improvements required to bring streets/sidewalks up to City standards.
 - Pedestrian & vehicular access plan for all lots, and improvements required to provide for such access (*including but not limited to improvements for any flagstem or common use driveways, fire lanes, etc.*).
 - Streets proposed and their names, approximate grade, and radius of curves.
 - Direction of Drainage and approximate grade of abutting streets.
 - Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.
 - All areas to be proposed for public dedication.
- Narrative addressing all code criteria applicable to the application, including improvements required to streets, sidewalks, water, sewer or storm drain systems which are required in order to provide service to the subject property & proposed lots.
- Application Fee made payable to the City of Dayton.

Additional Submittal Requirements for Planned Unit Development

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

Review Criteria

- Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
- Adequate public facilities (*streets/water/sewer/storm/etc.*) shall be available or proposed to serve the existing and newly created lots, tracts or parcels.
- The proposal shall comply with the applicable development standards in Section 7.2.307 or Section 7.2.311.

Application Completeness Process

The City will review an application and make a decision on completeness within 21 days of submittal. Applicants have 180 days to submit missing information on incomplete applications.

Land Use Review

Subdivisions and Planned Unit Developments (PUD) applications are reviewed in accordance with the Type II review procedures specified in Section 7.3.202 of the Dayton Land Use and Planning Code, and will be heard by the Planning Commission pursuant to the requirements for a Type II procedure. Applications will be scheduled for a Planning Commission meeting once the application has been deemed complete. The Staff Report will be available for review 7 days prior to the scheduled Planning Commission Meeting.

Final Plat Review & Approval

- Approvals of any preliminary plat for a subdivision or PUD shall be valid for one year after the date of the final written land use decision, unless a longer period is indicated in the land use approval.
- The final subdivision or PUD plat shall be submitted to City staff for review (*in addition to any review required by the County Surveyor*). Staff will review the plat to assure compliance with the approved preliminary plat, with the land use conditions of approval, and with City code. Upon approval, the City Manager will sign the plat and signify staff approval. The City will sign and release the final plat when all the necessary City requirements have been fulfilled.
- A final plat for a final plan shall be recorded within the one year time frame (*unless a longer period is indicated in the land use approval*).
- The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements, land use approval conditions, and City code requirements. Failure to record a plat within the required time period shall void the approval and require a new application before the Planning Commission (*unless an extension is granted prior to the expiration date*).
- Building permits will not be issued, and parcels may not be sold, transferred or assigned until the final approved plat has been recorded and a copy of the recorded plat has been submitted to the City. The applicant is responsible for all recording fees.
- Subdivisions are not valid until the final surveyed plat is recorded with the County.

Completion

Prior to issuance of building permits, any infrastructure improvements required as a condition of the land use approval or required by City code shall be substantially completed and approved/accepted by the City, or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City.

Prior to issuance of any occupancy permits, all improvements required as a condition of land use approval or required by City code shall be entirely completed and acceptable to the City.



Sub-Divisions & PUDs Application

416 Ferry St - PO Box 339
Dayton OR 97114
Ph # (503) 864-2221
Fax # (503) 864-2956
www.daytonoregon.gov
cityofdayton@daytonoregon.gov

For City of Dayton use:

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

Applicant Information:

Applicant Name: _____

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

Phone Number: _____ Email: _____

Site Address or Location: _____

Property Owner Information:

Property Owner(s): _____

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

Phone: _____ Email Address: _____

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

Number of Lots or Units Proposed: _____

Please describe your request (be specific): _____

Applicant Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

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

For Office Use

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

Consultants (please list all that apply)

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

Planning Engineering Surveyor Other

Name: _____ Physical Address: _____

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

Mailing Address: _____ Telephone #: _____

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

Email Address: _____

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

7.3.109 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

7.3.109.01 Area of Application

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

7.3.109.02 Submittal Requirements

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

- A. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.
- B. Applicants for subdivisions shall submit the following:
 - 1. Appropriate identification stating the drawing is a preliminary plat.
 - 2. North point, scale and date.
 - 3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
 - 4. Map number and tax lot or tax account number of subject property.
 - 5. The boundary lines and approximate area of the subject property.
 - 6. Dimensions and size in square feet or acres of all proposed parcels.
 - 7. The approximate location of existing streets, bikeways, pedestrian facilities, public or private, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property. *(Amended by Ordinance 589 – Effective 4/2/09)*
 - 8. The location of any flood boundary.
 - 9. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
 - 10. Name of the subdivision.
 - 11. Date the drawing was made.
 - 12. Vicinity sketch showing location of the proposed land division.

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

7.3.109.03 Review Procedures

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

7.3.109.04 Review Criteria

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

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

7.3.109.05 Form of Final Subdivision Plat

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

7.3.109.06 Final Plat Review of Subdivisions

- A. Final Review. The final subdivision or PUD plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager shall signify staff approval of the final plat by signing the document.
Amended ORD 608 effective 10/6/11
- B. Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- C. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.

7.3.109.07 Expedited Land Division

- A. Eligibility. Land designated for residential use, including recreational and open space uses accessory to residential use, is eligible to apply for an expedited land division process when creating more four or more lots. The expedited land division process may be used in lieu of a Type II process.
- B. Exclusion.
 - 1. Property and process exclusions include properties specifically mapped and designated in the Comprehensive Plan or Development Code for

full or partial protection of natural features under the statewide planning goals that protect open space, scenic and historic areas and natural features and not eligible for the construction of dwelling units or accessory buildings.

2. The expedited land division process is not a land use or limited land use decision and is not subject to the permit requirements of City enabling legislation. Decisions are not subject to the Comprehensive Plan and not eligible for appeal to the Land Use Board of Appeals (LUBA).
- C. Complete Application. The City shall review an application and makes a decision on its completeness within 21 days of submittal. Upon determination of an incomplete application, the applicant has 180 days to submit the missing information.
- D. Public Notice. Upon submittal of a complete application, the City shall send written notice to affected governmental agencies and property owners within 100 feet of the site proposed for the land division. The notice shall include the following:
1. The deadline for submission of written comments.
 2. The time and place where all copies of evidence submitted by the applicant will be available for review.
 3. The name, address, and telephone number of the City's staff person available to comment on the application.
 4. Summary of the local decision making process for such a decision.
 5. Applicable decision criteria.
 6. Notification that participants must raise all issues during the written comment period.
- E. Initial Decision. The local government must allow at least 14 days for written comments and shall render a decision within 63 days of a complete application. No public hearing may be held during the initial decision making phase.
- F. Notice of Final Decision. A notice of decision must be given to the applicant and other participants of the decision. The notice of decision shall state the appeal process.
- G. Time Extension.
1. Applicant: If a decision is not made within 63 days, the applicant may seek review by writ of mandamus.
 2. City: The City may extend the 63 day period up to 120 days based on the determination that an unexpected or extraordinary increase in applications makes the 63 day period impracticable. Following a 7 day notice to the applicant, consideration of an extension is considered at a

regularly scheduled City Council meeting. That determination is specifically declared not to be a land use decision or limited land use decision.

- H. Decision Criteria. Criteria for approving the subdivision shall be as follows:
1. The criteria established in Section 3.109.04.
 2. Density. The application must be able to establish at least 80 percent of the allowable density of the applicable residential zone.
 3. Street Standards. The application must comply with the most recent City of Dayton Transportation Plan or provide evidence of meeting the City's minimum street connectivity standards contained within this Code.
- I. Appeal of Initial Decision. A decision may be appealed to a local hearings officer within 14 days of filing the notice of decision by the applicant or any person or organization that filed comments on the initial decision.
- J. Appeal Fee. Filing an appeal requires a deposit according to the City's Fee Schedule to cover costs. An appellant faces the possibility of a higher assessment for the total costs of local proceedings if the appellant does not prevail. If an appellant materially improves its position, the deposit and appeal fee shall be refunded. (*Revised Ordinance 614, 10/7/13- Effective 11/06/13*)
- K. Basis of an Appeal of the Initial Decision. The local appeal is shall based on the following:
1. The failure to meet local substantive and procedural requirements,
 2. Unconstitutionality,
 3. The decision was not within the expedited land division category, or
 4. A party's substantive rights have been substantially prejudiced by an error in procedure of the local government.
- L. Hearings Officer. The appeal of the initial expedited land use decision shall be heard by a City designated hearings officer. The hearings officer may not be a City officer or City employee.
- M. Hearings Officer Notification. Within 7 days of the hearings officer's appointment, the City shall notify the appellant, the applicant (if not the appellant), and the persons or organizations entitled to notice and which provided written comments, of the hearing date before the hearings officer. If a person submitting comments did not appeal, the issues presented by that person are limited to those in their submitted comments.
- N. Appeal Hearing. The hearings officer conducts a hearing that:
1. Follows the Commission proceeding requirements,

2. Allows the local government's explanation of its decision, and
 3. May consider evidence not previously considered.
- O. Hearings Officer Decision. In all cases, not involving a procedural issue, the hearings officer shall seek to identify means by which the application can satisfy the applicable requirements. The hearings officer may not reduce the density of the application or remand the application to the City, but shall make a written decision on the appeal within 42 days of the filing of the appeal. Unless the local government determines that exigent circumstances exist, a hearings officer who fails to decide a case within the 42 day period shall receive no compensation for services as the hearings officer. If the decision was not an expedited land division, the hearings officer must remand the decision for proper procedural determination.
- P. Appeal of Hearings Officer Decision. Appeals of the Hearings Officer decision are to the Oregon Court of Appeals.
- Q. Basis of an Appeal of the Hearings Officer Decision. The grounds for review of a hearings officer's decision are limited to:
1. Whether the decision followed the process for an expedited land division and the appellant raised that issue,
 2. Unconstitutionality, and
 3. Certain bias or interest on the part of the hearings officer or local government.
- R. Process for Final Plat Approval. Final plats for expedited land divisions shall be reviewed consistent with the requirements in Section 3.109.06.

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

7.2.311 PLANNED UNIT DEVELOPMENT (P.U.D.)

7.2.311.01 Purpose

- A. To produce a residential development equal to or better than one resulting from traditional lot-by-lot development.
- B. To allow flexibility which will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.
- C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

7.2.311.02 Applicant for Planned Unit Development Projects

Planned Unit Development projects may be applied for by the owner of all the property involved, if under one ownership, or jointly by all owners of the property in the area proposed for the Planned Unit Development project, if there is more than one owner.

7.2.311.03 Uses Permitted

In a Planned Unit Development only the following uses are permitted:

- A. Residential Uses.
- B. Recreational facilities including, but not limited to, tennis courts, swimming pools and playgrounds.
- C. Open space uses.
- D. Schools, libraries, community halls, and churches.
- E. Offices, buildings and facilities required for the operation, administration and maintenance of any Planned Unit Development and for recreation purposes such as: golf courses, recreation rooms, and vehicle storage areas.
- F. Convenience establishments of a commercial and service nature, including stores, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding gas stations, and repair garage) provided:
 - 1. Such convenience establishments are an integral part of the general plan of development for the Planned Unit Development and provide facilities related to the needs of the prospective residents.
 - 2. Such convenience establishments and their parking areas will not collectively occupy more than one 2% of the gross land area.

3. Such convenience establishments will be located, designed and operated to efficiently serve frequent trade and to serve the needs of persons residing in the Planned Unit Developments.
4. Such convenience establishments will not, by reason of their location, construction or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

7.2.311.04 Development Requirements

Planned Unit Developments shall comply with the following development standards:

- A. **Minimum Parcel Size:** The minimum parcel size for a PUD is one acre.
- B. **Site Adaptation:** To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- C. **Lot Arrangement:** All lots or dwelling spaces within the development shall be designed and arranged to have access to, or frontage on, open space or recreation areas.
- D. **Amount of Open Space:** The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area. Such open space may include school access routes, bicycle trails, natural or landscaped buffer areas, community buildings and facilities and similar shared facilities whenever practical or appropriate. At least 50% of the open space area shall be open and unenclosed. Land unusable for any public purpose, such as steep slope areas, shall not be included in the open space calculation.
- E. **Density of Development:** The density shall not exceed the maximum allowable density within the underlying zone, provided a 1% increase in density is allowed for each percentage increase in open space.
- F. **Community Option:** The Planning Commission may request the dedication of land or granting an easement to the City for the proposed open space land which is reasonably suited for use as a City park or for recreation purposes and when such dedication is consistent with the ability of the City to maintain such parks. This request shall take into consideration such factors as size, shape, topography, geology, access, location, and adopted Master Park Plan.
- G. **Lot Size and Setback Provisions:**
 1. **Lot Size:** The PUD development may be organized as a condominium with common ownership of the land (consistent with state law), establish individual lots similar to a conventional subdivision, or a combination of both. The minimum lot size requirements in the underlying zone shall be waived.
 2. **Setbacks:** Yard setbacks along the perimeter of the project shall be the same as that required for the subject zoning district. A minimum front yard setback

of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street. Otherwise, the minimum setback requirements of the underlying zone shall be waived.

H. Circulation:

1. Streets within a PUD shall comply with the applicable standards of Section 7.2.302.
2. Roads, pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.
4. Internal PUD access shall access a public street.

I. Off-Street Parking

Off-street parking requirements shall be as specified in Section 7.2.303. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles may be required by the Planning Commission if warranted by reduced lot sizes, type of street and/or traffic volumes.

J. Utilities

In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and adequate emergency access for fire fighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage, as required by Section 7.2.304.

K. Home Owners Association

A non-profit incorporated homes owners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating and maintaining common facilities, including open space, streets, drives, service and parking areas and recreation areas. The following principles shall be observed in the formation of any home owners association and shall be reviewed by the City Attorney.

1. A homes owners association shall be formed and in place at the time of the recording of the final plat, or any portion thereof.

2. Membership shall be mandatory for each home buyer and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The home owners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
5. Home owners shall pay their pro rate share of the cost or the assessment levied by the association shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of home owners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

7.2.311.05 Process

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established for a subdivision. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Code are met.

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

7.2.307 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

7.2.307.01 Purpose

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

7.2.307.02 Scope

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

7.2.307.03 Standards for Lots or Parcels

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

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

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

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

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

1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway.
1. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
3. Flag lots located side-by-side shall share a common driveway. This requirement shall be placed in the deed record of each parcel and noted on the final plat.

- D. Through Lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific site disadvantages. If approved, access may be limited to one street.
- E. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than ½ the dimension of the front lot line.
- F. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.

7.2.307.04 Additional Design Standards for Subdivisions

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

- D. Design Standards for Accessways. Accessways shall meet the following design standards: *(Amended by ORD 589 – Effective 4/2/09)*
1. Connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. Exceptions may be granted if one or more of the following conditions exists:
 - a. Physical or topographical conditions make a street or accessway connection impracticable.
 - b. Building or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.
 2. Minimum dedicated width: 15 feet
 3. Minimum improved width: 10 feet
 4. Maximum length: 250 feet with a clear line of vision for the entire length of the accessway.
 5. When an accessway is in excess of 100 feet in length, then pedestrian scale lighting fixtures shall be provided along the accessways and lighted to a level where the accessways can be used at night.
 6. The accessway shall be designed to prohibit motor vehicle traffic.
 7. The accessway shall be maintained by a homeowners association or other mechanism acceptable to the City.
- E. Park Requirements for Residential Subdivisions. Subdivisions shall provide for public parks by one of the following methods:
1. Dedication - The dedication of park land shall be subject to the following:
 - a. Area: Land shall be dedicated at an area equal to one acre per 100 potential residents. For the purposes of this section, the potential residential population shall be computed at the rate of 3.25 persons for each potential unit for single family homes and duplexes; and, 2.75 persons for each potential unit for multiple family homes.
 - b. Location: The location of any dedicated park land shall be determined by the Planning Commission, consistent with the guidelines in the Comprehensive Plan or in a Master Parks Plan adopted by the City Council.
 2. Financial Contribution - If the Planning Commission determines there is no need for park land in this location, or, there is no suitable location on the subject property for a public park, the developer shall contribute toward a City park fund an amount equivalent to the amount of land that would have been required in item 1. above. The financial contribution shall be subject to the following:

- a. Appraisal Requirements: Market value shall be established by a professional land appraiser who is a member of the American Institute of Real Estate Appraisers or is certified by the State of Oregon as a certified appraiser. A date which is within 60 days of the final approval of the tentative plan shall be used for the purpose of fixing value.
- b. Responsibility: The City shall be responsible for securing the services of a professional appraiser. The selected individual shall be acceptable to both the City and the developer.
- c. Annexation: If the property is subject to an annexation, the appraisal shall always be determined on a date subsequent to the parcel's annexation to the City.
- d. Payment Schedule: The sum of money established by this procedure shall be paid to the City prior to the approval and recording of the final plat.

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

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

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

7.2.307.05 Improvement Requirements - Partitions (*Revised Ordinance #541, 6/03/02 - Effective 07/03/02*)

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

- A. Private Access. Where included, private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this Code.

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

7.2.307.06 Improvement Requirements - Subdivisions

The following improvements shall be required for all subdivisions:

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
- B. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302.
- C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes pursuant to ORS Chapter 92.

- D. Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a cap set in a curb or other immovable structure.
- E. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- F. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

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

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

- G. Water System. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding ten inches in size.
- H. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred.
- I. Street Lights. The installation of street lights is required at locations and of a type required by City standards.
- J. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards. Street signs shall be installed prior to obtaining building permits.
- K. Public Works Requirements. Facility improvements shall conform to the requirements and specifications of the Dayton Public Works Department.
- L. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the sub-divider, but if installed, shall be according to the City standards.
- M. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

7.2.307.07 Improvement Procedures

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

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

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

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

- A. Street Improvements. Streets, including public streets, private streets, and private access driveways shall be improved per requirements contained in Section 7.2.302. Requirements in Section 7.2.307.04.F., shall apply to small-scale subdivisions.
- B. Street Frontage Improvements. Frontage improvements for partitions shall be subject to provisions in Section 7.2.307.05; for subdivisions, applicable street improvement provisions in Section 7.2.302 shall apply.
- C. Storm Drainage. Storm drainage improvements shall be subject to provisions in Section 7.2.304.
- D. Sanitary Sewer Facilities. Sanitary sewer facilities shall be subject to provisions in Section 7.2.305.
- E. Water Facilities. Water facility improvements shall be subject to provisions in Section 7.2.305.

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

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

7.3.202 PROCEDURES

7.3.202.02 Procedures for Type II and Type III Actions

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

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

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

7.3.203 TYPE IV ACTIONS

7.3.203.01 Initiation

Type IV may be initiated by:

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

7.3.203.02 Procedure for Type IV Actions

A. Public Hearings by Planning Commission:

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

B. Public Hearing by City Council:

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

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

7.3.204 PUBLIC NOTICE REQUIREMENTS

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

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

7.3.204.02 Type II and Type III Actions

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

7.3.204.03 Type IV Actions

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

7.3.204.04 Notice for Appeals

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

7.3.204.05 Public Hearing Notice Requirements

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

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

be authorized.

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

SECTION 2: LAND USE AND PLANNING

City of Dayton Land Use and Planning Fees

Resolution: 2016/17-01

Effective: September 6, 2016

Adopted: September 6, 2016

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

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