

ORDINANCE NO. 1917

AN ORDINANCE adopting regulations, standards, and procedures for the processing of short subdivisions.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

APPLICABILITY

Every division of land within the incorporated area of the City, for the purpose of conveyance into four (4) or fewer lots, parcels, or tracts, shall proceed in compliance with this chapter.

Section II

EXEMPTIONS

The provisions of this chapter shall not apply to:

1. Any cemetery or burial plot, while used for that purpose;
2. Any division of land made by testamentary provision, or the laws of descent;
3. Any division of land resulting from a public dedication;
4. Any division of land into lots or tracts each of which is five (5) acres or larger;
5. Boundary line adjustments, where no new lots are created, nor are any resulting lots reduced below the standards of the zoning ordinance;
6. Divisions for the purpose of foreclosure or financial security;
7. Any division of land for the purpose of public dedication; and
8. Any division created by court action.
9. Any division of land processed in accordance with the subdivision regulations of the City.

Section III

DEFINITIONS

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section:

1. "Applicant" see "short subdivider".

2. "Department" means the Department of Public Works.
3. "Director" means the Director of Public Works, or designated representative.
4. "Lot" means a fractional part of subdivided lands having fixed boundaries. The term shall include tracts, parcels, sites or divisions.
5. "Lot depth" means the distance measured from the midpoint of the lot line fronting a road or street, to the midpoint of the line opposite.
6. "Lot width" means the distance measured between the midpoints of the two (2) principal side lot lines and at approximately right angles to the lot depth.
7. "Public dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
8. "Public road" means an improved and maintained public right-of-way which provides vehicular circulation or a principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, cut-and-fill slopes and drainage.
9. "Short plat" means a document consisting of a map of a short subdivision, together with written certificates and data, showing thereon the division of a tract of land into lots.
10. "Short subdivider" means a person, including a corporate person who undertakes to create a short subdivision, for the purpose of this chapter.
11. "Short subdivision" means the division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease.

Section IV

ADMINISTRATION

The Director of Public Works or his designee is vested with

duty of administering the provisions of this chapter. The Director may prepare and require the use of such forms as deemed essential to the administration of this chapter.

Section V

GENERAL PROCEDURES

Any short subdivider intending to divide land by this chapter shall obtain a short plat application from the department. The completed application shall then be submitted to the department. Within seventy-five (75) days of receipt of the application, the Director shall approve or disapprove the short plat.

Section VI

SUBMISSION OF APPLICATION

A. Short plat applications are to be submitted to the City's Public Works Department. The short plat application shall contain the following information:

1. Short plat name (if any);
2. The name, mailing address, and telephone number of the owner(s), and the person authorized to represent the owner(s) for the purposes of the application and approval;
3. The names and addresses of persons owning property abutting the property to be short platted. The list of names shall be dated and certified as being a complete list of adjacent property owners by the Assessor's office or a title company;
4. The boundaries and legal description of the entire parcel to be divided;
5. Four (4) copies of a sketch map 8½ x 11 inches drawn to scale with the following information:
 - a. The date, north point and scale;
 - b. The number of all proposed lots;
 - c. The dimensions of all proposed lots;
 - d. The square footage of each proposed lot;
 - e. The location and size of all existing buildings, structures, and other important features relevant to the land proposed to be short platted;

- f. Any proposed public dedication;
 - g. The location, names, and existing widths of all public streets abutting the property to be short platted;
 - h. The location, width and purpose of all easements of record located on the property to be short platted;
 - i. The location and size of all existing public water, sanitary sewer, and storm water systems;
- 6. Proof of ownership; and
 - 7. Such additional information as may be required by the Public Works Director.

B. At the time the short plat application is submitted, the applicant shall pay to the City an application fee of \$120.00 per lot within the proposed short plat.

Section VII

PROCESSING OF APPLICATION

A. Upon submission of a short plat application, the Director shall determine whether the application is complete. If the application is complete and the application fee has been paid to the department, the Director shall then date the receipt of the short plat application.

B. Within ten (10) days following receipt of a sufficient short plat application, the Director shall notify in writing the Fire Chief and all abutting property owners as identified in the application for the short plat of the proposed short subdivision, and shall further notify such persons that they have thirty (30) days from the date of the notice to submit in writing any comments for or against the short plat proposal.

C. If deemed necessary by the Public Works Director, notification of the short plat application may also be given to the City Field Operations Supervisor, the Public Utility District, General Telephone, Northwest Natural Gas, and Columbia Cable TV. The notice shall direct that comments be in writing and filed within thirty (30) days of the date of the notice.

VIII

REVIEW AND DECISION

After expiration of the comment period, the Director shall either approve or deny the application. Any proposed subdivision shall be approved only if the Director makes written findings that appropriate provisions are made for the public health, safety, and general welfare, and for such open spaces, drainageways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and that the public use and interest will be served by the platting of such short division. Any such approval may be contingent upon the applicant satisfying such conditions as are necessary to meet the design standards of the City and to insure that adequate provisions are made for the public health, safety, and general welfare.

IX

RECORDING AND FINAL APPROVAL

A. Whenever an application for a short subdivision has been approved, the short subdivider shall then have a 17" x 22" mylar prepared by a registered surveyor. Such mylar shall be entitled "Short Plat" and shall contain a surveyor's map of the partition. The short plat shall also contain the location of the property, the approval of the Public Works Department of the City, a surveyor's certificate that the map is a true and correct representation of lands actually surveyed by the surveyor or under his direction, and the Auditor's recording information. No short plat shall be deemed finally approved and complete until a copy of the short plat mylar has been filed with the City and a copy has been recorded with the Clark County Auditor.

B. It is the responsibility of the short subdivider to record the short plat with the county auditor within three (3) years of

summary approval by the department. The county auditor may require a recording fee, which shall be the responsibility of the applicant. If the plat is not recorded within this time, then the approval of the Public Works Director shall be deemed null and void.

X

SHORT PLAT DISAPPROVED

A short plat disapproved by the director may not be resubmitted for one (1) year from date of denial. The application fee shall be paid upon each resubmission.

XI

AGGRIEVED PARTIES

A. The applicant or any person owning property abutting the proposed short subdivision aggrieved by a final decision of the director to approve or disapprove a proposed short plat may appeal the decision to the planning commission within thirty (30) days following issuance of the decision.

B. A fee of \$100.00 shall be paid to the department to cover the cost of copying and notification of appeal to the planning commission.

Upon receipt of the notice of appeal, the department shall require from the aggrieved party the names, addresses and telephone numbers of all persons owning property abutting any boundary of the proposed short subdivision.

Upon receipt of the notice of appeal, the director shall immediately transmit the notice of appeal, together with a copy of the proposed short plat, copies of all reports received by the director, and a copy of the director letter of disapproval or approval to the clerk of the City. The clerk shall place the matter before the planning commission at its next meeting, at which time the planning commission shall set a date for consideration of the appeal at a public meeting.

C. Any planning commission decision approving or disapproving any plat shall be reviewable for unlawful, arbitrary, capricious

or corrupt action or non-action by writ of review before the superior court of the county. The action may be brought by any property owner or resident in the city, who deems himself aggrieved thereby; provided, that application for a writ of review shall be made to the court within thirty (30) days from any decision to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the aggrieved party.

XII

STANDARD MINIMUM LOT SIZES, DIMENSIONS AND PROPORTIONS

All lot dimensions shall conform to the zoning ordinance of the City in effect at the time a complete short plat application and the applicable application fee are filed with the City.

XIII

LOT ACCESS

Every lot shall be provided satisfactory access to a public road, and shall satisfy the minimum street frontage requirements of the zoning ordinance of the City in effect at the time a complete short plat application and the applicable application fee are filed with the City.

XIV

PUBLIC ROADS

A. Where a short subdivision abuts a public road having insufficient width to conform to current city road standards, dedication of sufficient additional right-of-way to the City shall be required.

B. Where a short subdivision abuts a public road of insufficient width or a public road which does not meet the design standards of the City, the applicant shall be required to construct half-width street improvements including sidewalks, curbs, and gutters wherever such short subdivision abuts a substandard road. The Director shall have the discretion to modify this requirement by either accepting a cash payment equal to the estimated cost of such improvements, or by requiring the applicant to execute a covenant running with the subject real property to join in the formation of a local improvement

district for such improvement at such future time as the formation of a local improvement district may be undertaken.

C. The applicant shall be required to construct any public roads within the proposed short subdivision in accordance with the design standards of the City.

XV

WATER SUPPLY AND SANITARY SEWER SYSTEMS

It will be the responsibility of the short subdivider to provide each lot within the short subdivision with a public water supply and with public sanitary sewer service in accordance with city standards and as approved by the Public Works Director.

XVI

UTILITY AND DRAINAGE EASEMENTS

A. Easements necessary for electric, telephone, water, gas and similar utilities shall be provided and shall be of sufficient width to assure maintenance and to permit future utility installations.

B. Easements or drainage channels and ways deemed necessary shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers, where necessary, shall be provided and shall be of sufficient width and proper location to permit installation and maintenance. The specific dimensions of such easement shall be determined by adopted policy or regulation of the public agency responsible for providing the service.

XVII

VIOLATIONS - PENALTIES

Any person, firm, corporation, or association, or any agent of any person, firm, corporation, or association who sells, offers for sale, leases, or transfers any lot, tract, or parcel of land in violation of the provisions of this chapter shall be guilty of a gross misdemeanor, and each such sale, offer for sale, lease, or transfer of each separate lot, tract or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense.

VIII

COMPLIANCE WITH CHAPTER - ENFORCEMENT

A. Whenever any land within any short subdivision granted final approval, is used in a manner or for a purpose which violates any provisions of this chapter or any term or condition of approval, then the City may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or with such terms or conditions of approval. The costs of such action, including reasonable attorney's fees, may be taxed against the violator.

B. No developmental permit shall be issued for any lot divided in violation of this chapter.

XIX

LIMITATION ON FURTHER DIVISION

Any land which is divided under the provisions of this chapter may not be further divided in any manner within a period of five (5) years without complying with the provisions of Chapters 17.12 and 17.16 of this code.

XX

REPEAL

Chapter 17.28 of the Camas Municipal Code is hereby repealed.

XXI

EFFECTIVE DATE

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 25 day of ~~December, 1992.~~ January, 1993.

SIGNED: [Signature]
Mayor

ATTEST: [Signature]
Clerk

APPROVED as to form:
[Signature]
City Attorney