

# City of Ontario Planning and Zoning Application Form

444 SW 4<sup>th</sup> Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3224 / (541) 881-3222

Fax (541) 881-3251



## Subdivision Application

**FILE #** \_\_\_\_\_

**Date Received** \_\_\_\_\_

**Fee: \$572.00 + \$120.00= \$692.00**

(Mailing & Advertising \$120.00)

**Final Plat ROW Fee: \$190.00+\$120.00=\$310**

(Mailing & Advertising \$120.00)

(Base fee is for 30 lots add \$10 per lot over 30)

**Time Receive** \_\_\_\_\_

**PDAC Date:** \_\_\_\_\_

**Accepted as Complete** \_\_\_\_\_

### Scheduled for hearing(s)

Administrative decision \_\_\_\_\_

Hearings Officer \_\_\_\_\_

Planning Commission \_\_\_\_\_

City Council \_\_\_\_\_

### Applicant(s) – attach additional sheets as necessary

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

email \_\_\_\_\_

signature \_\_\_\_\_

### Property Owner(s) – attach additional sheets as necessary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Description of proposed subdivision:

Number of Proposed Lots: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please submit electronic copies of the Preliminary Plat, site plans and other drawings in pdf format along with your paper copies. You may email any electronic attachments.

### Property information:

Address \_\_\_\_\_

Tax Map # \_\_\_\_\_

Tax Lot #(s) \_\_\_\_\_

Lot size \_\_\_\_\_

Zoning \_\_\_\_\_

Existing use \_\_\_\_\_

### OFFICE USE ONLY

**120 day time limit**

Accepted as complete \_\_\_\_\_

Final decision by \_\_\_\_\_

**DLCD 45-day notice required**

Y/N\_\_\_\_ Date mailed \_\_\_\_\_

Date of first hearing \_\_\_\_\_

Notice of Pending Hearings Officer Decision or Hearing

Date mailed \_\_\_\_\_

Notice to media

Publication date \_\_\_\_\_

Emailed \_\_\_\_\_

Notice of Decision

Date mailed \_\_\_\_\_

Appeal deadline \_\_\_\_\_

**Associated applications**

\_\_\_\_\_

**Describe the development:**

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**Ontario Municipal Code Section 10B-55      PARTITIONS AND SUBDIVISIONS**

**10B-55-05 PURPOSE AND AUTHORITY.** Partitions and subdivisions are Land Divisions, defined herein and by ORS 92.010. Statute authorizes local governments to adopt standards for constructing partitions and subdivisions, and procedures for processing applications as well as criteria to consider for approval. Applications for approval of partitions and subdivisions shall be handled as Quasi-judicial and Administrative Actions under the provisions of this Title for such actions. Tentative plans and final plats for partitions and subdivisions shall be reviewed by the Technical Review Committee (TRC) as provided for by Chapter 10B-56.

**10B-55-10 INITIATION OF ACTION.** The person or authorized agent requesting the partition or subdivision shall file a written application, including the appropriate fees, which shall be paid in accordance with the provisions of this Title. As prescribed by ORS 92.040, each application shall include a tentative plan showing the general design of the proposed subdivision or partition. In addition to information required for partition or subdivision applications, the Planning Official may require the submission of all or part of the information required for land use actions of this Title if such information is needed to properly process the tentative plan of a partition or subdivision. The Planning Official may waive requirements deemed unnecessary for tentative plans for subdivisions or partitions; e.g. – contour lines on a flat or level parcel. To the greatest extent possible, the land use action or actions necessary for the approval of a partition or subdivision shall be processed simultaneously with the land division application, but in all cases the land use actions shall be complete, including appeals, prior to recording the final plat.

**10B-55-15 LAND DIVISION APPLICATION PROCEDURE; AUTHORITY.** An application for tentative approval of a partition or subdivision shall be processed as a Hearings Officer Decision. The Hearings Officer shall give notice of the action in accordance with Chapter 10B-03 (Notice of Public Hearing) of this title, except that the Notice shall be for an administrative action and shall specify the date of the administrative decision; that date shall be not less than 20 days after the date of the notice to provide opportunity for comment. If, in the opinion of the Planning Official, there is a need for a public hearing on the request, the Planning Official may refer the application to the Planning Commission who will make the decision at a public hearing after giving the appropriate public notice.

**10B-55-20 FINDINGS, DECISION CRITERIA.** The decision-maker shall consider the following, as applicable, at a minimum:

1. The design complies with the design standards set forth in Section 10C of this Title, or the proper variances have been approved.
2. All proposed lots or parcels are at or above the minimum size required by the Zone.
3. The design allows preservation of solar energy access to the maximum number of lots;
4. The design ensures safety from fire, flood, slides, pollution or other dangers to the maximum extent possible.

**10A-05-45 DEVELOPMENT SITE TO BE DESIGNATED.** Every building hereafter erected or modified, or every use established, shall be located on a development site which has been declared on the application for a building permit as the site

for the proposed use. Such site shall meet the area, dimension and street frontage requirements of this Title and be adequate in size and shape to accommodate all proposed structures, yard spaces, off-street parking and loading, and corner visibility. Only one principal structure may be built upon a single development site, except as may be otherwise specified in this Title.

**10A-05-50 DEVELOPMENT SITE STREET FRONTAGE.** Each development site shall front upon a public street for a minimum width of 50 feet; except that a development site on the outside radius of a curved street or a circular end of a cul de sac shall have a frontage of not less than 40 feet upon the abutting street, and further except that in a zone where multiple family residential structures are allowed, attached single-family housing units may have a lot width conforming to the provisions of the zone in which the development is located.

**10A-05-55 DEVELOPMENT SITE PRESERVATION.** No sale, conveyance, transfer or use of any portion of a development site for other than a public purpose, shall leave a structure or use on the remainder of the site with less than the minimum site area, dimensions, yards, parking or loading, or resulting in a site with less than the minimum buffering of screening requirement of this Title. No yard or other space provided about any building for the purpose of complying with this Title shall be considered as providing a yard or other space for any other building or any other development site.

**10A-05-60 DEVELOPMENT SITE, UTILITIES REQUIRED.** No development site shall be used for a building unless it is served by municipal water and sewer, unless the director of public works finds that providing one or both such services is impractical at the time of application for a building permit.

### **CHAPTER 10C-15 DESIGN STANDARDS**

A land development, whether by a subdivision, creation of a street, or partition, shall conform to the design and site standards established by this Title and applicable sections of the Ontario Municipal Code.

**10C-15-05 EASEMENTS.** Easements for sewers, water mains, or other public utilities shall be dedicated wherever necessary. The easements shall be an acceptable width as determined by the Public Works Official and the OMC, and centered on lot or parcel lines, except for utility pole tie-back easements which may be reduced to six feet in width.

**10C-15-10 WATERCOURSES.** If land development is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with lines of the watercourse, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

**10C-15-15 BUILDING SITES.** The size, width, shape and orientation of building sites shall be consistent with the requirements of the OMC for the Zone and for the type of use contemplated with the following exceptions:

1. In areas that will not be served by the public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Oregon department of environmental quality, and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank

**10C-15-16 ACCESS.** Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet unless a variance is approved. Application for any needed variances or conditional uses needed for the development proposed in the land division must be made and considered concurrent with the land division application.

**10C-15-17 THROUGH LOTS AND PARCELS.** Through lots and parcels shall be avoided except where they are essential to provide separation of residential development traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet wide and across which there shall be no right of access may be required along the lines of building sites abutting such a traffic artery or other incompatible use.

**10C-15-18 LOT AND PARCEL SIDE LINES.** The lines of lots and parcels, as far as is practical, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial on the curve.

**10C-15-20 GRADING OF BUILDING SITES.** Grading of building sites in a land development shall comply with the provisions of this Subtitle relating to excavation and grading. **10C-15-25 LAND FOR PUBLIC PURPOSES.** If the city has an interest in acquiring a portion of a proposed land development for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Hearings Officer may require that those portions of the land development be reserved for public acquisition, for a period not to exceed four months, at a cost not to exceed the value of the land after completion of the needed public improvement.

All land division proposals must comply with all requirements of the underlying zone. All land division proposals must also comply with the criteria and standards found in Chapter 10C-20 Public Improvements in Land Divisions and Chapter 10C-25.03 Access Management Standards. The Planning Department can provide you with printed or electronic copies of these sections of the OMC.

### **PROCEDURE – HEARINGS OFFICER DECISIONS**

**10B-04-10 DEFERRAL TO HEARINGS OFFICER OR PLANNING COMMISSION.** The Planning Official or Hearings Officer may defer any matter to the Planning Commission. Such deferral shall be based upon a determination that one or more of the following situations exist:

1. The Official or Hearings Officer has an indirect or direct conflict of interest; or
2. The Official or Hearings Officer determines that he has prejudged the matter under consideration; or
3. The Official or Hearings Officer determines that the matter is, in his opinion, deserving of a public hearing; or
4. The workload of the Planning Department is such that it is more efficient for the applicant to be deferred to the Planning Commission.

The reason(s) for the deferral shall be part of the written record of the matter deferred.

### **10B-04-15 APPLICATION.**

1. Prior to submitting any application for any building permit or land use action, the applicant shall complete at least one Preliminary Design Advisory Committee meeting with the City's Technical Review Committee; otherwise, no application shall be accepted by the City Public Works, Planning, or Building Officials unless this requirement is specifically waived in writing by the applicable named official.
2. An application for a Land Use Decision shall be on forms provided by the City and shall include all information specified by the Planning Official. If, upon receipt of application material the Official determines that the application is incomplete, the Official shall, within 10 days of receipt of the application, transmit to the applicant a written request for the needed information to the applicant. The written request shall include the Statement: "The specified information must be submitted to the Planning Official within 30 days from the date of this letter; if the information is not received within the 30-day period, the matter may be processed "as is". Consistent with State Law and the Ontario Municipal Code, the burden of proof is on the applicant; the applicant bears the sole responsibility to provide the needed information. Failure to provide the specified information will most likely result in denial of the request."

**10B-04-20 REVIEW BY HEARINGS OFFICER.** A complete application for a Land Use Decision under the Hearings Officer's jurisdiction shall be reviewed and all appeals at the local level be complete within 120 days of the date the application is determined to be complete. Such determination of completeness shall be the date a receipt is issued by the City for the application fee. The Hearings Officer shall make every effort to issue a decision on the application within 30 days of receiving a complete application.

**10B-04-25 DECISION.** The Hearings Officer Decision shall be a written decision which includes a statement of applicable decision criteria and/or standards relevant to the decision, and the findings of fact and conclusions relied upon as the justification for the decision.

**10B-04-30 NOTICE OF DECISION.** Notice of the Hearing Officer's decision shall be in writing and communicated via first class mail by the Planning Official to those specified in Section 10B-03-10 of this Code.

**10B-04-40 FINAL DECISION.** In the absence of an appeal the Hearing Officer's decision shall become the final decision of the City. No argument or further testimony will be taken by the City, and no appeal to any City decision making body shall be approved.

**10B-04-45 APPEAL OF A HEARING OFFICER'S DECISION.** A person may appeal a Hearings Officer decision provided that such appeal is filed within the guidelines of the appeal procedures as set forth in Section 10B-10-20 through 10B-10-45 of this Title.

**10B-10-10 FINAL ACTION, HEARINGS OFFICER, PLANNING COMMISSION, COUNCIL, APPEALABLE.** Unless otherwise provided for in this Chapter, where final decision authority is granted by this Title to the Hearings Officer, Planning Commission or City Council, that decision shall be the final action of the City unless an appeal is received pursuant to this Chapter.

**SUBDIVISION**

**FILE #** \_\_\_\_\_

**Applicant is:**

- \_\_\_\_\_ The owner of the property
- \_\_\_\_\_ The purchaser of the property under a duly executed written consent of the owner to make such application
- \_\_\_\_\_ A lessee in possession of the property who has the written consent of the owner to make such authorization
- \_\_\_\_\_ The agent of any of the above, who is duly authorized in writing by the principal

**AUTHORIZATION:**

I hereby consent that I am authorized to make the application for this land division and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

**10B-05-15 BURDEN, CRITERIA OF PROOF.**

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

**Incomplete applications, or insufficient information, may result in delay or denial of the application.**

## **SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:**

**The following additional data may be required at the discretion of the Planning or Public works Official:**

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9. The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
  - a. Total area of the property in square feet.
  - b. Building coverage in square feet and percent total.
  - c. Parking lot in square feet and percent total.
  - d. Landscaped area in parking lot in square feet.
  - e. All other landscaped areas in square feet.
  - f. Number of parking spaces provided.
  - g. Number of residential units if appropriate.
  - h. Existing and proposed gross floor area in square feet.

**If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:**

- A. A description of the property and the specific action for which approval is sought
- B. Signature of owner
- C. Date of consent
- D. Party to whom consent is given
- E. Notarization of consent

**If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.**

**Electronic copies of all written materials are appreciated if available.**