

Proposed changes will be on the 12.10.24 Planning Commission Agenda.

Please call the City of Portland Planning Office with any questions.

Phone: 615-325-6776 Ext. 239

3.10 REQUIREMENTS FOR IMPROVEMENTS

3.10.1 Timing of Improvements

3.10.1.1 Infrastructure Installation Prior to Final Plat Approval

The Planning Commission shall require that all public utility and storm-water improvements be installed to a point of Substantial Completion, as defined in these regulations, following approval of a Preliminary Plat with 25 or more lots, but prior to signatures by all applicable signatories of a Final Subdivision Plat.

In such instance, the applicant shall provide Performance Surety in accordance with this article upon submittal of a Final Plat application for all remaining improvements, to include final surface asphalt, sidewalks, and amenities.

When installation of improvements is required, the Secretary of the Planning Commission shall endorse approval on the plat after all conditions have been satisfied and all improvements substantially completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown on the certifications by all appropriate officials and the necessary dedications of public lands and improvements have been accomplished.

Unless specifically authorized by a majority vote of the Planning Commission for a Nonresidential Subdivision, in no case shall a Final Plat be signed by the Planning Commission Secretary until such time as all depicted infrastructure is substantially complete. In no case whatsoever shall building permits be issued until such time as a Final Plat is recorded.

Substantial Completion - The point in time when the Developer has completed all required Public and Private Improvements to the project site and all required Public Improvements off-site relative to the Project in accordance with the approved construction documents and Planning Commission conditions, and such improvements have been inspected, tested and approved by the City Engineer or their designee.

3.10.2 Authorization to Construct Improvements

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Section [4.1 \(The Development Agreement\)](#).

3.10.3 Construction of Improvements

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection 3.10.4 (Construction Inspection Procedures).

3.10.4 Construction Inspection Procedures

3.10.4.1 Inspections During Construction

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

3.10.4.2 Pre-Construction Conference Required

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

3.10.4.3 Inspection Schedule

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and

testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

3.10.5 Modification of Improvement Design

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Enforcing Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Enforcing Officer may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Commission. The Enforcing Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

3.10.6 Proper Installation of Improvements

If the Enforcing Officer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Enforcing Officer shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

3.10.7 "As Built" Drawings Required

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the Enforcing Officer and a drawing satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements, then said map shall be submitted prior to endorsement of the Final Plat Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

3.10.8 Completion and Maintenance of Improvements

3.10.8.1 Streets Designated as Construction Routes

Streets to be utilized as construction routes shall be designated within all “major subdivisions”, as the term is defined in these regulations. Where possible, these construction routes shall coincide with the network of collector and arterial routes designated upon the Major Thoroughfare Plan or other Transportation Plan and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between designated construction routes and streets classified as a “Local Street”. Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

3.10.8.2 Other Streets

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the Enforcing Officer may permit final paving to occur and the City may allow the subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75) percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the City and shall be posted in conformance with the procedures presented in [Article 3: Procedure for Subdivision Submission and Approval](#), of these regulations.

3.11 PLAT AMENDMENTS

The Enforcing Officer may sign approve and sign plat amendments in the following instances:

1. Soils Area Amendments for Subsurface Sewage Disposable System (Septic)
2. Easements

In no case shall the Amendment void and vacate the previously approved and recorded plat but may supersede previously recorded soils areas and easements. Soils Areas and Easements shall be graphically represented on the plat amendment and labeled as “abandoned soils area” or “abandoned easement” unless it is deemed not feasible to do so by the Enforcing Officer. If a graphic representation is not feasible the Enforcing Officer shall require a note stating the soils area or easement on the previously approved plat is superseded by this amendment. No amendment shall be approved by the Enforcing Officer that moves a previously recorded lot line or other element not specifically mentioned above.

It shall be at the sole discretion of the Enforcing Officer to require an amendment be upgraded to a minor plat. Plat amendments shall be invalid if not endorsed by the Secretary of the Planning Commission.

3.4.2 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Filing of Final Plat showing proposal in detail.
- Step 3: Final Plat is reviewed by proper Agencies and Enforcing Officer takes action on Final Plat.
- Step 4: Final Plat is signed by all applicable signatories.
- Step 5: Planning Commission Secretary signs Final Plat.
- Step 6: Final Plat is filed in County Registrar of Deeds Office.

The Enforcing Officer may remand a Minor Subdivision to Planning Commission for dispute resolution, non-compliance with these regulations, or any reason deemed necessary by the Enforcing Officer.

3.4.3 Approval Procedure for Major Subdivision

A Major Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Conceptual Plan submission and review.
- Step 3: Planning Commission action on Conceptual Plat.
- Step 4: Preliminary Plat submission and review.
- Step 5: Planning Commission action on Preliminary Plat.
 - i. Planning Commission shall also approve stabilization surety, at this time.
- Step 6: Planning Commission Staff and/or proper County Staff and/or Utility District Personnel review and approve construction documents.
- Step 7: Development Agreement is signed by City and Developer.
 - i. Must be signed prior to any construction.
 - ii. Stabilization surety must be provided prior to any construction.
- Step 8: Final Plat submission and review.
- Step 9: Planning Commission action on Final Plat.
 - i. Planning Commission shall also approve maintenance or performance surety, at this time.
- Step 10: **Completion of improvements or posting of surety.**
 - i. **Plats with 25 lots or more require Substantial Completion of improvements as required by Section 3.10.1 (Timing of Improvements)**
- Step 12: Final Plat is signed by all applicable signatories.
- Step 13: Planning Commission Secretary signs final plat. Final Plat is filed in County Registrar of Deeds Office.

3.4.4 Official Submission Date

The official submittal date for each month will be set by the Planning Commission as a part of their approval of the Planning Commission Calendar for the preceding year. The Planning Commission shall approve a calendar for the preceding year in November of each year.

3.5 CONCEPTUAL PLAN

3.5.1 General

For Major Subdivisions not part of a Planned Unit Development, the Applicant shall submit a Conceptual Plan to the Enforcing Officer for review by reviewing agencies, for feedback and approval. Conceptual Plans shall only go before Planning Commission for approval in two instances:

- 1) The developer wishes to receive a special exception for any portion of these regulations.
- 2) The Enforcing Officer deems it necessary.