

TITLE 11
SUBDIVISION REGULATIONS

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CHAPTER 1

INTRODUCTORY PROVISIONS; DEFINITIONS

SECTION:

- 11-1-1: Purpose
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- 11-1-4: Severability
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11-1-1: **PURPOSE:**

- A. In accordance with the provisions of Oregon Revised Statutes chapters 92 and 227, this title sets forth the minimum standards governing the approval of land development, including subdivisions and partitionings, as necessary to carry out the city's comprehensive plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:
1. Encourage well planned subdivision and partition development with needed amenities and community facilities.
 2. Encourage development in harmony with the natural environment and within resource and public facility carrying capacities.
 3. Improve land records and boundary monumentation.
 4. Provide for orderly and efficient urban development, and to coordinate development with public facility and service plans and capabilities.
- B. No person may subdivide or partition land within the city except in accordance with Oregon Revised Statutes chapter 92 and the provisions of this title. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-1-2: **INTERPRETATION:** The provisions of this title shall be construed to effect the purposes set forth in section 11-1-1 of this title. These provisions are declared to be the minimum requirements fulfilling such objectives, and the city may impose additional requirements deemed necessary to promote the health, safety and general welfare, and to carry out the comprehensive plan of the city. Where conditions set forth herein are less restrictive than comparative conditions imposed by any other provisions of this title, by provisions of any other local ordinance, resolution or regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-1-3: **DEFINITIONS:** Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; and the masculine word shall include the feminine and neuter.

The word "city" shall mean the city of Seneca. The words "city council" shall mean the city council of Seneca. The words "planning commission" shall mean the city planning commission of the city of Seneca.

As used in this title, the following words and phrases shall mean:

ACCESS: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSWAY: A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often as an easement or right of way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

- BICYCLE:** A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two (2) tandem wheels at least fourteen inches (14") in diameter. An adult tricycle is considered a bicycle.
- BICYCLE FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
- BIKEWAY:** Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five (5) types of bikeways are:
- A. Multi-Use Path: A paved ten (10) to twelve foot (12') wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - B. Bike Lane: A four (4) to six foot (6') wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - C. Shoulder Bikeway: The paved shoulder of a roadway that is four feet (4') or wider, typically shared with pedestrians in rural areas.
 - D. Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.
 - E. Multi-Use Trail: An unpaved path that accommodates all terrain bicycles, typically shared with pedestrians.
- BLOCK:** An area of land within a subdivision, which area may be entirely bounded on all sides by streets or highways (except alleyways), railroad rights of way, unsubdivided land or watercourses.

EASEMENT:	A grant of the right to use a parcel of land for specific purposes, where ownership of the land is not transferred.
FRONTAGE:	All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and right of way, waterway, end of a dead end or city boundary.
LOT:	A unit of land that is created by a subdivision or partitioning of land, and is intended as a unit for disposition, transfer of ownership or interest, or for development.
Lot Area:	The total horizontal net area within the lot lines of a lot; that square footage of a lot that is free from public and private road rights of way or easements.
Lot, Corner:	A lot abutting on two (2) or more streets, other than alleyways, at their intersection, provided the angle of intersection of the abutting streets does not exceed one hundred thirty five degrees (135°).
Lot Depth:	The average horizontal distance between the front and rear lot lines.
Lot Line:	The property line bounding a lot.
Lot Line, Front:	The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
Lot Line, Rear:	The lot line which is opposite and most distant from the front lot line.
Lot Line, Side:	Any lot line other than that of a front or rear lot line bounding a lot.
Lot, Through Or Double Frontage:	A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

Lot Width: The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NEIGHBORHOOD ACTIVITY CENTER: An attraction or destination for residents of surrounding residential areas which includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, employment areas.

OWNER: The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as shown on the last available complete county tax assessment roll or county recorder's records.

PARTITION LAND: A. To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

B. "Partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not reduced below the minimum lot size established by any applicable zoning ordinance.

C. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner; and does not include divisions of land resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots.

Major Partition: A partition which includes the creation of a road or street. A private road, easement or way exceeding one hundred feet (100') in length shall be defined as a "street".

Minor Partition:	A partition where each parcel created has frontage on and access immediately to an existing road or street; i.e., a partition that does not include the creation of a street.
PEDESTRIAN FACILITIES (Also WALKWAYS):	A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.
PERSON:	A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
PLAT:	A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
REASONABLY DIRECT:	A route that does not deviate unnecessarily from a straight line, or a route that does not involve a significant amount of out of direction travel for likely users.
RIGHT OF WAY:	The area between the boundary lines of a street, road or other easement.
ROAD OR STREET:	A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land for forestry, mining or agricultural purposes.
Alley:	A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.
Bicycle Route:	A right of way for bicycle traffic.
Cul-De-Sac (Dead End Street):	A short street having one end open to traffic and being terminated by a vehicle turnaround.

Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

ROADWAY: That portion of a street or road right of way developed for vehicular traffic.

SAFE AND CONVENIENT: Bicycle and pedestrian routes that are:

A. Reasonably free from hazards; and

B. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half ($1/2$) mile for pedestrians and three (3) miles for bicyclists.

SUBDIVIDED LANDS AND SUBDIVISION: Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into eleven (11) or more undivided interests or four (4) or more interests. "Subdivided land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot, however, must be sold as platted and recorded.

WALKWAY: A hard surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-1-4: SEVERABILITY: The provisions of this title are severable. If any section, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this title. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-1-5: **REPEALER; EFFECT ON EXISTING LIABILITIES:** The repeal of any ordinance by this title shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this title shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction, and punishment of a person or persons who violated the repealed ordinance or a part thereof prior to the effective date hereof. (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 2

ADMINISTRATION; APPEALS

SECTION:

- 11-2-1: Basis For Approval Or Denial Of Application
- 11-2-2: Appeals; Hearings
- 11-2-3: Filing Fees

11-2-1: BASIS FOR APPROVAL OR DENIAL OF APPLICATION:
Approval or denial of an application for land development shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-2-2: APPEALS; HEARINGS:

- A. **Right To Appeal; Notice:** A person may appeal to the city council from a decision made by the planning commission. A person may appeal to the city planning commission from a written decision made by the city recorder-manager or other city official. Written notice of the appeal must be filed with the city within ten (10) days after the decision is made for a minor partition and within thirty (30) days for a subdivision or major partition. The notice of appeal shall state the nature of the decision and the grounds for appeal.
- B. **Hearing:** The city council or planning commission shall hold a hearing on the appeal within forty (40) days from the time the appeal is filed. The council or commission may continue the hearing for good cause.
- C. **Council Or Commission Review Of Decisions:** The city council or planning commission may review a lower decision upon its own motion after giving ten (10) days' notice to the parties involved in the

decision and if such review is accomplished within the time periods set forth in subsection A of this section.

- D. Record Of Decision: An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.
- E. Council Or Commission Authority: Following the hearing, the council or commission may overrule or modify any decision or requirement if the decision of the council or commission complies with this title, and shall set forth findings for such decision.
- F. Quasi-Judicial Land Use Action: The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any quasi-judicial land use action. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-2-3: **FILING FEES:** Application or filings required by this title shall be accompanied by a filing fee in the amount established by this section, and set forth below:

Land partitioning	\$ 25.00
Subdivision	100.00 plus \$10.00 for each lot up to a maximum of \$2,500.00

Outline development plan for subdivision or PUD:
50 percent of the normal fee; remaining 50 percent to be paid at the time of tentative plan submittal

Appeal to commission	\$ 25.00
Appeal to city council	50.00
Variance or exception request not submitted as part of and with a tentative plan	25.00

(Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 3
TENTATIVE PLAN

SECTION:

- 11-3-1: Application Submission
- 11-3-2: Review Process
- 11-3-3: Outline Development Plan
- 11-3-4: Tentative Plan Required
- 11-3-5: Scale Of Tentative Plan
- 11-3-6: Information Requirements
- 11-3-7: Supplemental Information Required
- 11-3-8: Specific Approval Requirements
- 11-3-9: Resubmission Of Denied Tentative Plans

11-3-1: **APPLICATION SUBMISSION:** Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision either an outline development plan as described in section 11-3-3 of this chapter or a tentative plan as set forth in sections 11-3-4 through 11-3-8 of this chapter for the proposed subdivision, together with improvement plans and other supplementary material as may be required, and shall submit fifteen (15) copies of said plan together with all required accompanying material to the city at least twenty one (21) days prior to the planning commission meeting at which consideration is desired. The outline development plan or a tentative plan for a subdivision shall be accompanied by an application for a subdivision as provided by the city, together with the appropriate filing fee. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-2: **REVIEW PROCESS:** Following commission approval of an outline development plan or tentative plan for a proposed subdivision, said plan shall be submitted to the city council for approval. The city council may affirm, modify or reverse the commission's decision. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-3: OUTLINE DEVELOPMENT PLAN: If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed subdivision to adjoining land uses, both existing and allowable under applicable zoning.

A. Maps, Information: The map(s) which are part of the outline development plan may be in general schematic form, but shall be to scale and shall contain the following information:

1. The existing topographic character of the land.
2. Existing and proposed land uses and the approximate location of buildings and other structures on the project site and adjoining lands.
3. The character and approximate density of the proposed subdivision and lot layout.
4. Public uses including schools, parks, playgrounds and other public spaces or facilities.
5. Common open spaces and facilities and a description of the proposed use of these spaces and facilities.
6. Landscaping, irrigation and drainage plans as approved.

B. Written Statements: Written statements which are part of the outline development plan shall contain the following information:

1. A statement and description of all proposed on site and off site improvements and development schedule thereof.
2. A statement of the present ownership of all the land included within the subdivision.
3. A statement setting forth expected types of housing and other uses to be accommodated, traffic generation, population and sectors thereof to be served and any other information relative to demands on public services and facilities and public needs.

C. Commission Or Council Approval: Commission and/or council approval of an outline development plan for a subdivision shall constitute only a provisional and conceptual approval of the proposed subdivision contingent upon approval of the tentative plan

in compliance with the comprehensive plan, zoning, and this title.
(Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-4: TENTATIVE PLAN REQUIRED: Following submittal and approval of an outline development plan and subdivision application, or as in initial subdivision application, any person proposing a subdivision shall prepare and submit a tentative plan in accordance with section 11-3-1 of this chapter. The tentative plan for a subdivision shall be prepared and submitted in compliance with the provisions of sections 11-3-5 through 11-3-8 of this chapter. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-5: SCALE OF TENTATIVE PLAN: The tentative plan of a proposed subdivision shall be drawn on a sheet eighteen inches by twenty four inches (18" x 24") in size or a multiple thereof at a scale of one inch equals fifty feet (1" = 50') for subdivisions up to ten (10) acre size, one inch equals one hundred feet (1" = 100') for subdivisions up to fifty (50) acre size, one inch equals two hundred feet (1" = 200') for subdivisions up to one hundred (100) acre size, and for subdivisions of more than one hundred (100) acres in size, a scale not greater than one inch equals four hundred feet (1" = 400'), or as otherwise approved by the city. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-6: INFORMATION REQUIREMENTS: The following information shall be shown on the tentative subdivision plan or provided in accompanying materials; no tentative plan submittal shall be considered "complete" unless all such information is provided:

A. General Information Required:

1. Proposed name of the subdivider.
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor.
3. Date of preparation, north point, scale and gross area of proposed subdivision.
4. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

B. Information Concerning Existing Conditions:

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
2. Location of any existing features such as section lines, section corners, city and special district boundary lines and survey monuments.
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, any natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
4. Location and direction of watercourses, and the location of areas subject to erosion and high water tables.
5. Location, width and use or purpose of any existing easement or right of way within and adjacent to the proposed subdivision.
6. Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.
7. Contour lines related to some established bench mark or other surveying acceptable datum.

C. Information Concerning Proposed Subdivision:

1. Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
2. Location, width and purpose of all proposed easements and rights of way and relationship to all existing easements and rights of way.
3. Location of at least one temporary bench mark within proposed subdivision boundary.
4. Location, approximate area and dimension of each lot, and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public use or nonresidential use, the use proposed and plans for improvements or development thereof.

6. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, utilities, and storm water and other drainage facilities.

7. Description and location of any proposed community facilities. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-7: **SUPPLEMENTAL INFORMATION REQUIRED:** The following information shall be submitted with the tentative plan for a subdivision. If such information cannot be shown practically for the tentative plan of a proposed subdivision, it shall be submitted in separate documents accompanying the plan at the time of filing.

- A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.
- B. Certified statement from each serving utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions of such service shall be set forth.
- C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-8: **SPECIFIC APPROVAL REQUIREMENTS:** In addition to the requirements set forth by the provision of this title and applicable local and state regulations, specific requirements for preliminary plat approval are as follows:

- A. No tentative plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the same city or county, except for the words "town", "city", "place", "court", "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name. All plats must continue the lot and block numbers of the plat of the same name, last filed.
- B. No tentative plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the planning commission determines it is in the public interest to modify the street or road pattern. Information required for the approval of subdivision tentative plans shall include the location and design of all proposed pedestrian and bicycle facilities, including accessways.

2. The tentative plan complies with the comprehensive plan and zoning regulations. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-3-9: **RESUBMISSION OF DENIED TENTATIVE PLANS:** If the tentative plan for a subdivision is denied, resubmittal thereof shall not be accepted by the city for a period of six (6) months after the date of the final action denying said plan. Resubmission shall require the application to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee. (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 4
FINAL PLAT

SECTION:

- 11-4- 1: Submission Of Final Plat
- 11-4- 2: Form Of Final Plat
- 11-4- 3: Survey And Plat Requirements
- 11-4- 4: Monumentation Requirements
- 11-4- 5: Marking Interior Monuments After Recording
- 11-4- 6: Information On Plat
- 11-4- 7: Supplemental Information With Plat
- 11-4- 8: Technical Plat Review
- 11-4- 9: Council Approval Of Plat
- 11-4-10: Recording Of Plat

11-4-1: SUBMISSION OF FINAL PLAT:

- A. Filing Time Period Requirements: Within one year after the date of approval of the tentative plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the tentative plan as approved by the city. The subdivider shall submit the original drawing, five (5) prints, and any supplementary information required by this title and the city. If the subdivider fails to proceed with the subdivision before the expiration date of the one year period following the approval of the tentative plan, the plan approval shall be declared void and the subdivider must submit a new plan together with the appropriate filing fee if he wishes to proceed with the development.
- B. Time Period Extension: The city may, upon submittal of a formal request for a time extension and justification therefor by the subdivider, grant a ninety (90) day extension to the one year time period set forth in subsection A of this section. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-2: FORM OF FINAL PLAT:

- A. Form: The final plat shall be submitted in the form prescribed by state statute and this title.
- B. Size And Scale: All plats subdividing any tracts of land in the city, and dedications of streets or roads or public parks and squares and other writings made a part of such plats offered for record shall be made in black India ink, upon material that is eighteen inches by twenty four inches (18" x 24") in size, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the city. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch (1"). The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two (2) or more sheets. Plats material may be placed on both sides of a sheet. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-3: SURVEY AND PLAT REQUIREMENTS: No subdivider shall submit a plat of a subdivision for record until all the following requirements for the survey and the plat of the subdivision have been met:

- A. The survey of the plat of the subdivision shall be of such accuracy that the error of closure shall not exceed one foot (1') in four thousand feet (4,000').
- B. The survey and plat of the subdivision shall be made by a surveyor who is a licensed land surveyor.
- C. The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details, may be clearly and legibly shown thereon. Each lot shall be numbered and each block shall be lettered or numbered. The length of all boundaries of each lot shall be shown. Each street shall be named.
- D. The locations and descriptions of all monuments shall be clearly recorded upon all plats and the proper courses and distances of all boundary lines shall be shown. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-4: MONUMENTATION REQUIREMENTS:

- A. The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than six inches by twenty four inches (6" x 24"). If galvanized iron pipe is used, it shall not be less than two inches (2") in diameter and three feet (3') long. The monument shall be set or driven six inches (6") below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States survey.
- B. The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods.
- C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch ($\frac{1}{2}$ ") in diameter or iron steel rods not less than one-half inch ($\frac{1}{2}$ ") in least dimension and two feet (2') long.
- D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot ($\frac{1}{10}$ ').
- E. All monuments for the exterior boundaries of a subdivision shall be marked, and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval by the city and for recording. However, interior monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection 11-4-5B of this chapter, and if the person subdividing the land furnishes to the city council a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in subsection 11-4-5A of this chapter. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-5: MARKING INTERIOR MONUMENTS AFTER RECORDING:

- A. If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to approval and recording of the plat, to the

city council, a bond or cash deposit in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation.

- B. If the person subdividing any land within the city has complied with subsection A of this section, the surveyor may prepare the plat of the subdivision for approval and recording with only the exterior monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with section 11-4-4 of this chapter and applicable state statutes and referenced on the plat for the subdivision as approved by the city.
- C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection B of this section, the surveyor performing such work shall:
1. Within five (5) days after completion of such work, notify the person subdividing the land involved and the city; and
 2. Reference such monuments on an exact copy of the subdivision plat as previously approved and recorded; and
 3. Upon approval of such plat copy under Oregon Revised Statutes 92.100, file such plat copy with the county recording officer with whom the plat of the subdivision was previously recorded.
- D. At the time the person subdividing the land described in subsection A of this section pays the surveyor for performing the interior monumentation work and notifies the city of such payment, the city, within three (3) months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-6: **INFORMATION ON PLAT:** In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

- A. **Survey Reference:** Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a filed book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 2. Adjoining corners of adjoining subdivisions.
 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this title.
- B. **Boundary Street:** The exact location and width of the street easements intercepting the boundary of the tract.
- C. **Boundary Lines:** Tract, block and lot boundary lines and street rights of way and centerlines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. Distances shall be shown to the nearest 0.01 foot. No ditto marks shall be used.
- D. **Streets:**
1. The width of the portion of streets being dedicated and the width of existing rights of way. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.
 2. Information required for the approval of subdivision final plat shall include the location and design of all proposed pedestrian and bicycle facilities, including accessways.
- E. **Easements:** Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given, the width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the map; and it shall be properly referenced in the owner's certificates of dedications.
- F. **Lot Numbers:** Lot numbers beginning with the number "1" and numbered consecutively in each block. Pursuant to the applicable city addressing system, the address of each lot shall be shown on the plat.
- G. **Block Numbers:** Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout

the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and so placed as not to obliterate and disfigure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

- H. Public Lands: Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- I. Building Setback Lines: Building setback lines, if any, are to be made a part of the subdivision restrictions.
- J. Certificates: The following certificates are required and shall be combined where appropriate:
 - 1. A certificate signed and acknowledged as above, all parties having record title interest in the land, consenting to the preparation and recording of the plat.
 - 2. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for exclusive use of lot owners in the subdivision, their licenses, visitors, tents and servants.
 - 3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.
 - 4. A certificate for execution by the chairman of the planning commission.
 - 5. A certificate for execution by the county tax collector.
 - 6. A certificate for execution by the county assessor.
 - 7. All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company, and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat or replat of any subdivision by the city council as provided for in Oregon Revised Statutes chapter 92.
 - 8. A certificate for execution by the mayor and/or council chairman.

9. Other certificates required by state regulations. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-7: **SUPPLEMENTAL INFORMATION WITH PLAT:** The following data shall accompany the plat:

- A. Title Report: A preliminary title or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their evidence of a clear and marketable title.
- B. Deed Restrictions: A copy of any deed restrictions applicable to the subdivision.
- C. Homeowners' Association: A copy of any homeowners' association agreements proposed or required for the subdivision.
- D. Dedications: A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.
- E. Improvements: If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:
 - 1. Cross sections of the proposed streets, showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
 - 2. Plans and profiles of proposed sanitary sewers, location of manholes indicated and proposed drainage system.
 - 3. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - 4. Specification for the construction of all proposed utilities.
 - 5. Grading plans and specifications as required for areas other than streets and ways.
 - 6. Planting plans and specifications for street trees and other plantings in public areas.

- F. Access Permits: Where access is to be a county road or state highway, the necessary access permits shall be obtained prior to final plat approval. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-8: TECHNICAL PLAT REVIEW:

- A. Ordinance Check: Upon receipt by the city council, the plat and other data shall be reviewed by the recorder-manager, planning commission chairman and city council who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plan, and there has been compliance with provisions of this title.
- B. Field Check: The city public works or recorder-manager as applicable may make checks in the field as are desirable to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.
- C. Corrections: If the city public works, recorder-manager, city council and commission chairman determine that conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions. (Ord. 36, 10-7-1980 as amd. 6-1999; amd. 2007 Code)

11-4-9: COUNCIL APPROVAL OF PLAT:

- A. Action Of City Officials: Upon receipt of the plat with the approval of the city public works, recorder-manager and commission chairman, the city council shall determine whether it conforms with the approved tentative plan and with these regulations. If the city council does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the city council determines that the plat conforms to all requirements, it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the mayor and/or council chairman. (Ord. 34, 10-7-1980 as amd. 6-1999; amd. 2007 Code)
- B. Requirements For Approval: No plat of a proposed subdivision shall be approved unless:

1. Streets and roads for public use are to be dedicated without any reservation or restriction, other than revisionary right upon vacation of any such street or road and easement for public utilities.

2. Streets and roads are dedicated to the public except as otherwise approved by the city.

3. The plat or map contains provision for the donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems; the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.

4. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

5. No plat of a subdivision shall be approved by the city unless the city has received and accepted:

a. A certification by a municipally owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the public utility commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

b. A bond, contract or other assurance by the subdivider to the county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the city; or

c. In lieu of subsections B5a and B5b of this section, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and endorsed by the city, shall be filed by the subdivider with the final plat.

6. No plat of a subdivision shall be approved by the city unless the city has received and accepted:

a. A certification by a municipally owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the public utility commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or

b. A bond, contract or other assurance by the subdivider to the city that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city considers necessary; or

c. In lieu of subsections B6a and B6b of this section, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the department of environmental quality has approved the proposed method on an individual lot by lot basis, or an interim or alternative method of sewage disposal. A copy of any such statement, signed by the subdivider and endorsed by the city shall be filed by the subdivider with the final plat. The subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement.

7. No plat of a subdivision shall be approved by the city unless the city has received and accepted:

a. A final plat which is in compliance with the tentative plan approval and all conditions thereof.

b. A licensed engineer's certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the developer specifying the period within which required improvements and repairs shall be completed.

c. The plat complies with the city comprehensive plan and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the city. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-4-10: **RECORDING OF PLAT:** A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within forty five (45) days after the date of approval of the city council has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the county clerk's office and the city recorder-manager's office.

- A. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will have become a lien during the calendar year.
- B. At the time of filing such plat, the person offering it for filing shall also file with the county recording officer, an exact copy thereof, made with black India ink or photocopy upon good quality of linen tracing cloth or any other suitable drafting material having the same or better transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy filed with the county recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the county, and be preserved by filing without folding. The subdivider shall provide, without cost, prints from such copy to the county assessor and city recorder-manager. (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 5
LAND PARTITIONINGS

SECTION:

- 11-5-1: Applicability Of Regulations
- 11-5-2: Filing Procedures And Requirements
- 11-5-3: Requirements For Approval
- 11-5-4: Improvement Requirements
- 11-5-5: Final Map For Partitioning
- 11-5-6: Partitioning Approval
- 11-5-7: Special Exception To Partitioning Regulations

11-5-1: **APPLICABILITY OF REGULATIONS:** All land partitioning within the city must be approved by the planning commission, city council and/or a designated official thereof. Said approvals shall be granted in accordance with the provisions of this title and more particularly this chapter. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-2: **FILING PROCEDURES AND REQUIREMENTS:** Any person proposing a land partitioning, or his authorized agent or representative, shall prepare and submit five (5) copies of the tentative plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the city at least five (5) days prior to the commission meeting at which consideration is desired, except as set forth in this chapter. The tentative plan for partitioning, when submitted, shall include the following:

- A. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
- B. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, and the names, right of way widths, and improvement standards of existing roads.

- C. Names and addresses of the landowner, the partitioner, a mortgagee, if applicable, and the surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created.
- D. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
- E. North point, scale and date of map, and property identification by tax lot, section, township and range.
- F. Statement regarding past, present and intended use of the parcel(s) to be created, or the use for which the parcel(s) are to be offered. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-3: **REQUIREMENTS FOR APPROVAL:** No application for partitioning shall be approved unless the following requirements are met:

- A. Proposal is in compliance with the city comprehensive plan and applicable zoning.
- B. Each parcel is suited for the use intended or offered:
 - 1. Approved sewage disposal.
 - 2. Approved access.
 - 3. Approved water source.
- C. All required public services and facilities are available and adequate, or are proposed to be provided by the partitioner.
- D. Proposal will not have adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-4: **IMPROVEMENT REQUIREMENTS:** In the approval of a land partitioning, the need for street and other improvements shall be considered and, as a condition of approval, any improvements that may be required for a subdivision under the provisions of this title may be required for a partitioning. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-5: FINAL MAP FOR PARTITIONING: Following approval of the tentative plan for a proposed partitioning, the person proposing the subject partitioning shall prepare and submit the final map for the subject partitioning. Such filing shall be completed within ninety (90) days from the date of the tentative plan approval or the approval of the partitioning shall expire and said approval shall be declared null and void. The final map shall be prepared in accordance with the following requirements, two (2) copies thereof submitted to the commission for approval, and the original recorded in the office of the city recorder-manager following approval:

A. Final Map Requirements:

1. Shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or as otherwise approved by the city.
2. Name of the owner, developer, and engineer or surveyor shall be shown on the map.
3. Date, scale, north point, legal description of parcel(s), boundaries, and a tie by actual survey to a section or donation land claim corner.
4. Parcel boundary lines, with dimension and bearings. The area of each parcel shall be shown.
5. An affidavit by the licensed surveyor having surveyed the land involved in the partitioning.
6. A certification of any public dedication.
7. A guarantee of proposed or required improvements.
8. A certification of approval for execution by the commission chairman.

B. Approval Requirements: No final map for land partitioning shall be approved unless all of the following requirements are met:

1. The final map is in strict conformance with the tentative plan approved by the commission.
2. The final map is in strict conformance with the requirements set forth in subsection A of this section.
3. Access is guaranteed to each parcel.

4. Each parcel is approved for subsurface sewage disposal, if applicable, to the intended or offered use.
5. All required public utilities are available.
6. All conditions of the tentative plan approval have been met or guaranteed.
7. A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth in the tentative plan approval. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-6: **PARTITIONING APPROVAL:** Within forty five (45) days from the submission of an application for a land partitioning, the commission shall review the plans and application submitted, and shall either approve or deny the application. If no such action is taken within said forty five (45) day period, the subject application shall be deemed approved as submitted and it shall be the duty of the commission chairman to certify the approval. At the discretion of the planning commission, an application for partitioning may be referred to the city council for approval or denial. In the case of such a referral, council action shall be completed within forty five (45) days from the first regular council meeting following council receipt of said application. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-5-7: **SPECIAL EXCEPTION TO PARTITIONING REGULATIONS:**

- A. The partitioning of a tract of land in which not more than one parcel is created and said parcel is being transferred to a public or semipublic agency for the purpose of a road, railroad, or canal right of way, shall be exempt from the provisions of this chapter.
- B. The partitioning of land by the adjustment of a lot line, by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced by more than ten percent (10%) of the total area and not reduced below the minimum lot size established by the applicable zoning; provided, that the common boundary involved is relocated an equal distance in its entirety, and that there are no dwellings or other structures located within the area involved in the adjustment, shall be exempt from the provisions of this chapter. (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 6
DESIGN STANDARDS

SECTION:

- 11-6-1: Compliance Required
- 11-6-2: Streets
- 11-6-3: Blocks
- 11-6-4: Building Sites
- 11-6-5: Grading Of Building Sites
- 11-6-6: Land For Public Purposes

11-6-1: **COMPLIANCE REQUIRED:** The design and improvements which may be required by the city pursuant to this title shall be in compliance with the design standards set forth by this chapter. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-6-2: **STREETS:**

A. General:

1. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street.
2. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain.
3. The proposed street location and pattern shall be shown on a development plan and the arrangement of streets shall provide for the continuation or appropriate projection of existing principal streets in surrounding areas except where topographical or other conditions make continuance or conformance to existing streets impractical.

B. Minimum Right Of Way And Roadway Width: Unless otherwise approved in the tentative development plan, the street right of way and roadway surfacing widths shall not be less than the minimum width in feet shown in the typical cross sections set forth in this subsection and other applicable city standards and specifications. Where conditions, particularly topography, or the size and shape of land parcels make it impractical to provide buildable lots, narrower right of way may be accepted, ordinarily not less than forty feet (40'). If necessary, slope easements may be required.

Type Of Street	Right Of Way Width	Paving Width Between Curbs	Curb Return Radius	Design Speed	Maximum Percent Of Grade (2)	Minimum Radius Of Curvature
Arterial	80-100	52' (4)	20'	45 mph	6%	400'
Collector	60	40'	20'	35 mph	8%	300'
Local	50	28'	15'	25 mph	10%	150'
Minor	50	28'	15'	25 mph	10%	150'
Marginal access	50	26'	15'	25 mph	10%	150'
Cul-de-sac	45 (1)	32' (1)	15'	25 mph	10%	150'
Alley	20	20'	15'	25 mph	10%	150'

Notes to table:

- (1) The paving radius at the turnaround of a cul-de-sac shall be 32 feet on a right of way radius of 45 feet.
- (2) If unavoidable conditions exist, a grade of 2 percent steeper than that shown will be allowed.
- (3) 1 street name sign shall be provided at each intersection for each street.
- (4) Interim design, 40 feet.

C. Alignment: All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in "t" intersections shall, wherever practical, leave a minimum distance of two hundred feet (200') between the centerlines of streets having approximately the same direction and, in no case shall be less than one hundred feet (100').

D. Future Extension Of Streets: Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets

shall be extended to the boundary of the subdivision and the resulting dead end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

- E. **Intersection Angles:** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than eighty degrees (80°) unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet (100') of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet (50') of tangent to the intersection unless topography requires a lesser distance. The intersection of more than two (2) streets at any one point will not be approved. Right of way lines at street intersections shall have a minimum corner radius of fifteen feet (15').
- F. **Existing Streets:** Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right of way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, the planning commission shall determine whether improvements to existing streets, adjacent to or within the tract, are required and may require improvements as a condition of approval of the tentative plan.
- G. **Half Streets:** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided.
- H. **Cul-De-Sac:** A cul-de-sac shall be as short as possible and shall have a maximum length of six hundred feet (600') and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround with a minimum radius of forty five feet (45'). The following are additional requirements for cul-de-sacs and accessways:

1. Cul-de-sacs or permanent dead end streets may be used as part of a development plan; however, through streets are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting streets infeasible. Where cul-de-sacs are planned, accessways shall be provided connecting the ends

of cul-de-sacs to each other, to other streets, or to neighborhood activity centers.

2. Accessways for pedestrians and bicyclists shall be ten feet (10') wide and located within a twenty foot (20') wide right of way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.

3. Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than six hundred feet (600').

4. The hearings body may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include, but is not limited to:

a. Physical or topographic conditions make an accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

c. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, that preclude a required accessway connection.

- I. Street Names: Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or county. Street names and numbers shall conform to the established pattern in the city and urban areas, and shall be subjected to the approval of the planning commission.
- J. Grades And Curves: Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets or twelve percent (12%) on other streets. Centerline radii of curves shall not be less than three hundred feet (300') on arterials, two hundred feet (200') on collectors, or one hundred feet (100') on other streets and shall be an even ten feet (10'). Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street

grades having a minimum slope, preferably of at least one-half percent (0.5%).

- K. **Marginal Access Streets:** Where a land division abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Alley:** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off street parking and loading facilities are approved by the planning commission.
- M. **Curbs:** Curbs may be required on all streets, and if so required shall be installed by the developer in accordance with standards set forth by the city. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-6-3: **BLOCKS:**

- A. **General:** The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- B. **Size:** No block shall be more than one thousand two hundred feet (1,200') in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of the block along an arterial street is one thousand eight hundred feet (1,800'). A block shall have sufficient width to provide for two (2) tiers of building sites unless topography or the location of adjoining streets justifies an exception.
- C. **Easements:**
1. **Utility Lines:** Easements for sewers, water mains, electric lines or other public utilities shall be at least fourteen feet (14') wide and centered on lot or parcel rear lot lines or in street rights of way, except for utility pole tieback easements which may be reduced to six feet (6') in width.
 2. **Watercourses:** If a tract of land to be subdivided or partitioned 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 the 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.

3. Pedestrian And Bicycle Ways: When desirable for public convenience, a pedestrian or bicycle way at least ten feet (10') in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-6-4: **BUILDING SITES:**

A. Size And Shape: The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance, with the following exceptions:

1. In a location or development that will be served by a public sewer or community sewage system, a lot or parcel shall have sufficient size to permit compliance with the requirements of the department of environmental quality for sewage disposal by septic tank and tile field and permit continued reliance on that method of sewage disposal. If the location will not be served by a public or community water system, a lot or parcel shall have sufficient additional size to permit an on site water supply for each lot or parcel without conflict between water supply and sewage disposal facilities.

2. In the event it is impractical to connect the development to the nearest public sewer and/or water system, the use of septic tanks and individual wells or community water and sewer systems may be approved, and sealed sewer laterals and water mains designed for future connection to a public sewage disposal and/or water system may be required. Design shall take into account the capacity and grade to allow for desirable extension beyond the development.

3. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.

- B. Access: Each lot and parcel shall abut upon a street other than an alley for a width of at least twenty five feet (25').
- C. Through Lots And Parcels: Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet (10') wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.
- D. Lot And Parcel Side Lines: The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
- E. Division By Right Of Way, Drainageways: No lot shall be divided by the boundary line of the county, city or other taxing or service district, or by the right of way of a street utility line or drainageway, or by an easement for utilities or other services. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-6-5: **GRADING OF BUILDING SITES:** Grading of building sites shall conform to the following standards unless physical conditions demonstrate the property of other standards:

- A. Cut slopes shall not exceed one foot (1') vertically to one and one-half feet (1 $\frac{1}{2}$ ') horizontally.
- B. Fill slopes shall not exceed one foot (1') vertically to two feet (2') horizontally.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-6-6: **LAND FOR PUBLIC PURPOSES:**

- A. Land Reservation For Public Acquisition: If the city or county has an interest in acquiring a portion of a proposed subdivision 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 planning

commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

B. Dedication Of Land Or Payment For Park And Recreation Purposes:

1. Within or adjacent to a subdivision, a parcel of land of not more than five percent (5%) of the gross area of the subdivision may be required to be set aside and dedicated to the public by the planning commission as being suitable and adaptable for park and recreation uses.

2. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication as provided in subsection B1 of this section, in the subdivision. The sum so contributed shall be used exclusively to aid in securing suitable areas containing the subdivision.

3. If the nature of the subdivision is such that over twenty five percent (25%) of the tract to be subdivided is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed thirty percent (30%). (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 7
IMPROVEMENTS

SECTION:

- 11-7-1: Improvement Procedures
- 11-7-2: Improvements In Subdivisions
- 11-7-3: Improvements In Partitions
- 11-7-4: Approval Of Improvements
- 11-7-5: Building Permits
- 11-7-6: Agreement For Improvements
- 11-7-7: Bond Or Security Requirements

11-7-1: **IMPROVEMENT PROCEDURES:** In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this title, other applicable regulations, or at his own option, shall conform to the requirements of this chapter.

- A. **Plan Review And Approval:** Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the tentative development plan of a planned unit development.
- B. **Improvements As Platted:** Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of inspection.
- C. **Inspection:** Improvements shall be constructed under the inspection and approval of an inspector designated by the city. Expenses incurred therefor shall be borne by the developer. The city, through said inspector, may require changes in typical sections and details of improvements, if unusual conditions arise during construction to warrant such changes, in the public interest.

- D. **Utilities:** Underground utilities including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.
- E. **As Built Plans:** A map showing public improvements as built shall be filed with the city upon completion of the improvements, and a copy thereof shall be recorded with the final plat. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-7-2: **IMPROVEMENTS IN SUBDIVISIONS:** The following improvements may be required to be installed at the expense of the subdivider:

- A. **Streets:** Streets, including alleys and curbs as may be required, within the subdivision, adjacent thereto, and those outside the subdivision may be required to be improved as a condition of subdivision approval, and shall be improved to city specifications. Upon completion of street improvements, monuments shall be reestablished in accordance with this title and Oregon Revised Statutes at every street intersection and all points of curvature and points of tangency at their centerlines.
- B. **Surface And Storm Sewer System:** Drainage facilities shall be provided as deemed necessary within the subdivision and to connect the subdivision drainage to drainageways or storm sewers outside the subdivision.
- C. **Sanitary Sewers:** Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is not possible to connect the subdivision to the city sewer system, the city may authorize the use of an interim system, and may require sewer laterals designed for future connection to a sewage disposal system to be installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.
- D. **Water System:** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system as may be required shall be installed to the specifications required by the city. The design shall take into account provisions for extension beyond the subdivision.

- E. Sidewalks: Sidewalks as may be required shall be installed. The city may approve a subdivision without sidewalks, if alternative pedestrian routes are available or if deemed not necessary.
- F. Bicycle Routes: If appropriate to the extension of a system of bicycle routes, existing or planned, the planning commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- G. Street Name Signs: Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two (2) street signs shall be provided at four-way intersections.
- H. Streetlights: Streetlights may be required and if so required shall be installed and shall be served from an underground source of supply.
- I. Curbs: Curbs may be required, and if so required shall be installed by the developer in accordance with standards set forth by the city.
- J. Other: The developer shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of utility lines and facilities. Electrical lines and other wires, including, but not limited to, communication, street lighting and cable television, may be required to be placed underground. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-7-3: **IMPROVEMENTS IN PARTITIONS:** The same improvements required for a subdivision may be required for a partitioning and, if so, shall be installed to serve each building site. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-7-4: **APPROVAL OF IMPROVEMENTS:** All improvements shall be approved by the city prior to acceptance. All costs of inspection shall be paid for by the developer. (Ord. 36, 10-7-1980 as amd. 6-1999)


11-7-5: **BUILDING PERMITS:** No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this title unless such improvements are in place and serviceable or bonded for and approved by

the city. All improvements required pursuant to this title and other applicable regulations shall be completed, in service, and approved by the city or bonded for, prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the city may require a one year maintenance surety bond in an amount not to exceed ten percent (10%) of the value of all improvements to guarantee maintenance of said improvements for a period of not less than one year from the date of acceptance. (Ord. 36, 10-7-1980 as amended 6-1999)

11-7-6: AGREEMENT FOR IMPROVEMENTS: Prior to final approval of a subdivision plat or partition map by the city, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the city an agreement between himself and the city, specifying the period which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the city for the cost of inspection. (Ord. 36, 10-7-1980 as amended 6-1999)

11-7-7: BOND OR SECURITY REQUIREMENTS:

- A. **Type Of Security:** The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the city council:
1. A surety bond executed by a surety company authorized to transact business in the state of Oregon.
 2. A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 3. Cash.
 4. Such other security as may be deemed necessary by the city council to adequately ensure completion of improvements pursuant to the agreement.

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- B. Amount Required: Such assurance of full and faithful performance shall be for a sum approved by the city sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of city inspection.
- C. Default Status: If a land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost and expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference, plus any attorney fees and costs incurred, and said costs may be assessed as a tax lien against property in the subject development. (Ord. 36, 10-7-1980 as amd. 6-1999)

CHAPTER 8

VARIANCES AND EXCEPTIONS

SECTION:

- 11-8-1: Application
11-8-2: Commission Action

11-8-1: **APPLICATION:** The planning commission may authorize variances or exceptions to requirements of this title. Application for a variance or an exception shall be made by a petition of the developer stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance or exception may be granted only in the event that all the following circumstances exist:

A. Area Variance:

1. That the literal application of this title would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
4. That the variance conforms to the comprehensive plan and the intent of the regulation being varied.

B. Use Variance:

1. That the literal application of this title would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of this title.

2. Each of the findings listed in subsections A2, A3 and A4 of this section. (Ord. 36, 10-7-1980 as amd. 6-1999)

11-8-2: **COMMISSION ACTION:** In granting or denying a variance or exception, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance or exception granted and the conditions designated. The county shall keep the findings on file as a matter of public record, and a copy of the variance or exception granted and the conditions thereof shall be recorded together with the final plat by the developer. (Ord. 36, 10-7-1980 as amd. 6-1999; amd. 2007 Code)