

CHAPTER 151: SUBDIVISIONS

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Cross-reference:

Drainage Areas, see Chapter 152

Planning Commission, see §§ 32.01 through 32.06

Streets and Sidewalks, see Chapter 91

portion of a parcel of land within the city shall submit tentative plans and final documents for approval as provided in this chapter and the state law.

(Ord. 805, § 1.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall be known as the “Land Subdivision Chapter of the City.”

(Ord. 805, § 1.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.002 PURPOSE.

The purpose of this chapter is to establish standards and procedures for the division of land within the city. These regulations are necessary to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any general plan; to provide for utilities, transportation, education and recreation, and other public facilities; to avoid undue congestion of population; to provide for the protection, conservation, and proper use of land; and to protect the public health, safety and welfare.

(Ord. 805, § 1.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.003 SCOPE.

Subdivision plats and partition maps shall be approved according to these regulations. A person wanting to subdivide land, partition land or sell any

§ 151.004 COMPLIANCE.

Besides the regulations contained in this chapter, all land divisions within the city shall comply with the following regulations:

(A) O.R.S. Chapter 92;

(B) The comprehensive plan;

(C) Official maps or development plans of the city including, but not limited to the following:

(1) Public improvements;

(2) Sidewalks;

(3) Water;

(4) Sewers;

(5) Electrical, fire and specialty codes;

(6) City drainage plan;

(7) Excavation and grading;

(8) Facilities plan; and

(9) Transportation plan;

(D) Chapter 153 of this code;

(E) Recording requirements of the county; and

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(F) All other applicable regulations provided by law.
(Ord. 805, § 1.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.005 NOTICES.

(A) Notice of any public hearing mentioned in this chapter shall be mailed to any affected party. For purposes of this section, “affected party” shall mean any resident or property owner within 150 feet, excluding street right-of-way, of the land for which the development is proposed.

(B) The notice shall state the applicant’s name and address, the type of action requested, the date of the public hearing, a statement that comments may also be made in writing to the City Planner and will be considered at the public hearing and the address and phone number of the City Planner.

(C) Notice shall also be posed in three conspicuous places in the immediate vicinity of the subject property at least ten calendar days prior to the date of the public hearing.

(D) Notice shall also be given by publication in a newspaper of general circulation in the area at least ten calendar days prior to the date of the public hearing.
(Ord. 805, § 8.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.006 FINDINGS.

Approval or denial of a development under this chapter shall be based upon a brief statement that explains the criteria and standards considered relevant to the decision, the facts relied upon in making the

decision and the justification for the decision based on the criteria, standards and facts set forth.
(Ord. 805, § 8.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.007 INTERPRETATION.

Where the conditions imposed by a provision of this chapter are less restrictive than comparable conditions imposed by other provisions of this chapter or another ordinance, the provisions that are more restrictive shall govern.
(Ord. 805, § 8.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.008 ENFORCEMENT.

(A) The City Administrator shall have authority to enforce the provisions of this chapter.

(B) In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this chapter, the structure thus in violation shall be a nuisance.

(C) The city may, as an alternative or beyond other remedies or penalties set forth herein or above, begin injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

(1) Within a reasonable time after notification of a violation of this chapter, the City Planner shall notify the property owner that a violation exists.

(2) Where the violation does not involve a structure, action to rectify the violation shall be made within 30 days. Where the violation does involve a

structure, action to rectify the violation shall be made within 60 days unless other arrangements are made with the city.

(3) If no action has been taken to rectify the violation within the specified time, the City Planner shall refer it to the City Attorney.

(4) If court action is required for any enforcement, all appeals are through the judicial system and no appeals or action through the Planning Commission, City Council or the City Planner is appropriate or allowed.

(Ord. 805, § 8.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.009 APPEALS.

(A) An appeal from a ruling of the City Planner regarding a requirement of this chapter may be made only to the Planning Commission.

(B) An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the City Council within 15 calendar days after the Planning Commission has rendered its decision.

(C) (1) Written notice of any appeal shall be filed with the City Planner. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. The written notice of appeal shall include all matters specifically appealed, including a brief summary of the material presented to the Planning Commission upon which the decision that is being appealed was based.

(2) Further, specific statutory citations supporting the appeal shall also be included. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the City Council as part of the appeal. If the appeal is filed, the City Council shall receive a report and

recommendation thereon from the Planning Commission and the City Council shall hold a public hearing on the appeal. The City Council may continue the hearing for good cause.

(3) Following the hearing, the City Council may sustain, reject or overrule any recommendations or ruling of the Planning Commission, provided the action complies with the provisions of this chapter.

(Ord. 805, § 8.06, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.010 APPLICATION; VARIANCE PROCEDURES.

(A) (1) Before submitting an application and a tentative plan for a subdivision or partition, a land divider or the divider's agent shall submit a letter and a sketch drawing for the layout of property to be divided to the City Planner for preliminary review. The purpose of the review shall be to inform the land divider of conditions and policies of public or private agencies that may be relevant to the preparation of the application and tentative plan.

(2) After the review, the City Planner may recommend filing an application and preparation of a tentative plan for review and action. The City Planner may also suggest a land division conference with affected agencies to help the land divider in preparing the tentative plan.

(B) Within 14 days after the preliminary review, the City Planner may schedule a land division conference with the land divider and representatives of the city and other affected public and private agencies. The purpose of the conference is to clarify the conditions and requirements necessary to prepare the application and tentative plan. The land divider may request additional meetings with affected agencies as necessary to clarify policies that may affect the proposed land division.

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(C) (1) After preliminary review and the land division conference, where applicable, the land divider shall prepare an application and a tentative plan. Other supplementary data required to show the general program and objectives of the proposed land division, such as information about slopes, water and sewer delivery systems and so on, shall accompany the application.

(2) The application shall be submitted on a city form for that purpose to the City Planner. The submission and informational requirements and review procedures shall be as specified for each land division classification contained in this chapter.

(D) A service charge established by the city shall be paid to the city at the time the application is submitted. A schedule of fees shall be available at City Hall for this purpose. The charge shall be besides other fees established by state or county regulations. The service charge is nonrefundable unless the applicant withdraws the application before the city has incurred any expense in processing the request.

(E) (1) Variances to the requirements of this chapter may be authorized by the Planning Commission, as provided by ordinance.

(2) Petition for a variance shall be made on a city form and submitted to the City Planner at the time the land division application and tentative plan are submitted. The variance petition shall cite the ordinance provisions from which a variance is requested. It shall also fully state the basis and facts relied upon and other data pertinent to the requested variance.

(3) (a) City staff shall review the variance petition with all affected public and private agencies and submit a findings report to the Planning Commission.

(b) The Planning Commission shall consider the variance petition at the same meeting at which it considers the land division application and tentative plan. A variance may be granted provided all the following circumstances exist:

1. The need for the variance does not result from a previous deliberate action of an owner of the property, either under this chapter or under ordinance and policy then current;

2. There are unique circumstances or conditions affecting the property;

3. The variance is necessary for the proper design and/or function of the land division;

4. The granting of a variance will be in the interest to the public welfare and will not be harmful to other property in the area in which the property is situated;

5. The granting of the variance complies with the comprehensive plan and other relevant ordinances of the city;

6. The variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship that would result from strict compliance with the regulations of this chapter;

7. The variance is the minimum necessary in order to provide the desired relief;

8. If the variance is from a utility standard, flood hazard or slope requirement, the variance has the written approval of the City Engineer; and

9. If applicable, the variance is necessary to conform to an approved planned unit development approach which uses new planning and

development techniques that do not necessarily conform to the more conventional standards of land division, design or improvements prescribed by this chapter.

(c) The Planning Commission may approve, conditionally approve or deny all or any part of a variance petition. If the petition is approved, a written record of the findings and action of the Planning Commission shall be attached and noted on two copies of the tentative plan as part of the conditions for approval of the proposed land division. If the petition is denied, the land divider shall be informed in writing within five working days of the hearing.
(Ord. 805, §§ 2.01 through 2.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.011 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARTERIAL. A street which is used primarily for through traffic, or which by its location will likely be needed for the use in the normal growth of the community.

COLLECTOR. A street other than an arterial which is used primarily for carrying traffic to one or more arterial.

CUL-DE-SAC. A local street, one end of which is closed and consists of a circular turn around.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood

without cumulatively increasing the water surface elevation more than one foot at any point.

LOCAL STREET. A street which is used primarily for access to abutting properties.

LOT LINES.

(1) **FRONT LOT LINES.** On a standard lot, the lot line abutting a street; on a corner lot, the short lot line abutting a street; on a through lot, the lot line abutting the street providing the primary access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

(2) **REAR LOT LINES.** The lot line which is opposite to the front lot line.

LOTS.

(1) **BUTT LOT.** A lot with one side line abutting the lot rear line of two or more adjoining lots.

(2) **CORNER LOT.** A lot which has two or more connecting sides which abut a street.

(3) **FLAG LOT.** A lot with access provided to the bulk of the lot by means of a narrow corridor.

(4) **THROUGH LOT.** A lot having its front and rear lot lines each abutting a street.

PARTITION.

(1) To partition land is to divide an area or tract of land into two or three parcels within a calendar year when the area or tract exists as a unit or adjoining units of land under single ownership at the beginning of the that year.

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(2) **PARTITION LAND** does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to court orders in proceedings involving testate or intestate succession. **PARTITION LAND** does not include any 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 below the minimum lot standards of the zoning ordinance.

(3) **PARTITION** means either the act of partitioning land, or the actual area or tract of land partitioned.

RIGHT-OF-WAY. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

SETBACK. The required minimum horizontal distance between the building line and the related front, side or rear property line.

SUBDIVISION. To subdivide land means to divide land into four or more lots within a calendar year. **SUBDIVISION** means either the act of subdividing land, or the actual area or tract of land subdivided.

VARIANCE. A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the land which, because of unusual or unique circumstances, is denied by the terms of this chapter.
(Ord. 805, § 8.10, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

SUBDIVISION TENTATIVE PLANS

§ 151.020 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SUBDIVISION. Either the act of subdividing land, or the actual area or tract of land subdivided.

TO SUBDIVIDE LAND. To divide land into four or more lots within a calendar year.
(Ord. 805, § 3.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.021 SUBMISSION REQUIREMENTS.

(A) After preliminary review and conference as described herein, a land divider shall prepare a tentative plan, improvement plans and other supplementary material as needed to show the general program and objectives of the project.

(B) The applicant shall submit five copies of the tentative plan and supplementary data to the City Planner.
(Ord. 805, § 3.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.022 FORM AND SCALE.

The tentative plan shall be clearly and legibly drawn on a sheet of paper 18 inches by 24 inches to a scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch equals 30 feet, 1 inch equals 50 feet or 1 inch equals 100 feet.
(Ord. 805, § 3.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.023 GENERAL INFORMATION.

The following general information and documents are required on or with the tentative plan:

- (A) A vicinity or location map showing the relationship of the subdivision to the surrounding area;
- (B) The proposed name of the subdivision, which shall be approved by the County Surveyor;
- (C) Date, north point, scale of drawing;
- (D) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision, and the names of all recorded plats adjoining to the subdivision;
- (E) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company and the applicant, engineer, surveyor or other parties involved in preparation of the documents; and
- (F) The approximate acreage of the tract being subdivided, the minimum size of proposed lots and approximate square footage of each lot.
(Ord. 805, § 3.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.024 EXISTING CONDITIONS.

The following information concerning existing conditions is required on the tentative plan:

- (A) The location, widths and names of both opened and unopened streets within or next to the land division, with easements, other rights-of-way and other important features such as section, corners, city boundary lines and monuments;

(B) Contour lines related to an established benchmark or other datum approved by the City Engineer and having contour intervals as follows:

- (1) One-foot contour intervals for ground slopes up to 5%;
- (2) Two-foot contour intervals for ground slopes between 5% and 10%; and
- (3) Five-foot contour intervals for ground slopes exceeding 10%;

(C) The location of at least one benchmark used to determine tract boundaries;

(D) The location, width and direction of all water courses and the location of all areas subject to inundation or 100-year floodplain;

(E) Natural features such as rock outcroppings, marshes, wetlands, wooded areas and isolated preservable trees;

(F) Existing uses on the property, including the location of all existing structures and the access points of any existing public utilities, septic, sewage or drainage lines or channels; and

(G) The location and width of pedestrian facilities and bikeways within or next to the land division.
(Ord. 805, § 3.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.025 PROPOSED PLAN.

The following information and documents regarding the tentative plan are also required:

- (A) A vicinity map;

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(B) The location, width, name and approximate grade and radii of street curves;

(C) The location of water, storm sewer, sanitary sewer and fire hydrants that will be used to provide services to the project;

(D) Flow lines of sewer lines and water pressure adjacent to the project;

(E) The relationship of streets, pedestrian facilities and bikeways to any existing or proposed streets, pedestrian facilities and bikeways;

(F) The location, width and purpose of easements;

(G) Proposed uses of all property;

(H) The location and approximate dimensions of lots and the proposed lot and block numbers; (Subdivisions submitted for final approval shall not use block numbers or letters unless the subdivision is a continued phase of a previously recorded subdivision, bearing the same name, which has previously used block numbers or letters.)

(I) The location, approximate area and approximate dimensions of areas proposed for public use;

(J) The relationship of the proposed land division to future streets, pedestrian facilities and bikeways on adjacent land controlled by the applicant; and

(K) All public area and its uses to be dedicated by the subdivider.
(Ord. 805, § 3.06, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.026 SUPPLEMENTAL PROPOSALS.

The following supplemental proposals shall be submitted with the tentative plan unless waived by the Planning Commission:

(A) Areas with average slopes greater than 10% shall require a geology report to determine the effects of streets and other construction on the stability of the property. The geology report shall indicate maximum cuts and fills of the property and shall be prepared by a geologist licensed by the state;

(B) Indication if any portion of the proposed subdivision is located within the floodplain or floodway boundaries. The land divider will have to comply with any federal requirements for building within any floodplain or floodway;

(C) A statement detailing the storm water runoff and drainage impact the development will have on areas beyond the subdivision; and

(D) Location of any wetlands, as defined by the State Division of State Lands.
(Ord. 805, § 3.07, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.027 REVIEW AND ACTION PROCEDURES.

(A) (1) Within five working days after a tentative plan is received by the City Planner, the City Planner shall furnish one copy of the tentative plan and supplementary material to the City Engineer and the Public Works Director.

(2) Other agencies believed to have an interest, such as the County Health Department, shall be provided notice of the proposal. These officials

and agencies shall be given 15 working days to review the plan and to suggest revisions that appear in the public interest.

(B) The City Planner shall review the tentative plan proposal and the reports of agencies and submit a findings report to the Planning Commission.

(C) Within 30 days of submission of the tentative plan proposal, the City Planner shall schedule a public hearing at the next regular meeting of the Planning Commission to consider the tentative plan.

(D) Following the close of the hearing, the Planning Commission shall approve, conditionally approve or deny the tentative plan.

(E) The Planning Commission may continue the review for good cause.

(F) Within five working days of the Planning Commission's action, the City Planner shall mail the applicant a notice of the Planning Commission's action, the reasons for its decision and any conditions of approval. A like notice shall also be mailed to all people who presented testimony, orally or in writing, at the hearing.

(G) The decision of the Planning Commission shall become effective upon the expiration of the applicable appeal period unless an appeal has been filed.

(H) Approval of the tentative plan shall remain effective for only one year from the effective date. However, the city may grant one six-month extension for approval.
(Ord. 805, § 3.08, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

FINAL PLAT PROCEDURES

§ 151.040 SUBMISSION REQUIREMENTS.

Within one year after approval of the tentative plan, the land divider shall cause the land division, or any of it, to be surveyed and a plat prepared in conformance with the tentative plan as approved. The divider may apply for and the city may grant a six-month extension to complete the tentative plan. If the land divider wishes to go on with the land division after the expiration of the one-year period following the approval of the tentative plan, the divider must resubmit the tentative plan and make any revision necessary to meet changed conditions or modification in laws or ordinances of the state, the county or the city.
(Ord. 805, § 4.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.041 FORM.

The final plat and ten copies, along with an exact duplicate transparency, shall be submitted to the city in the form prescribed by O.R.S. Chapter 92.
(Ord. 805, § 4.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.042 INFORMATION REQUIRED.

Besides that otherwise specified by law, the following information shall be shown on the final plat:

(A) The name of the land division, the date, scale, north point, legend and existing features such as highways and railroads;

(B) Legal description of the land division boundaries;

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(C) All public improvements shall be made or installed and complete;

(D) The exact location and width of streets, pedestrian facilities, bikeways and easements intercepting the boundary of the tract;

(E) Tract, block and lot boundary lines, pedestrian facilities, bikeway location widths and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings; (Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.)

(F) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference; (The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.)

(G) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the land division;

(H) Reserve strips shall have separate legal descriptions and documentation and be deeded to the city; (Each reserve strip shall be identified on the plat.)

(I) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel shown;

(J) Notations showing any limitations on rights of access to or from streets and lots or other parcels of land as established by the city;

(K) Notations showing restrictions on use of easements shall read as follows: no building structure, trees, shrubs or other obstructions that would interfere with the use of the easement for its intended purpose shall be placed or located in or on the public utility easements;

(L) Protective covenants and deed restrictions to be recorded, if any; and

(M) A statement of water rights, with the water rights certificate number, if applicable. (Ord. 805, § 4.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.043 SUPPLEMENTAL INFORMATION.

The following data shall accompany the plat:

(A) A current title 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 interest in the premises;

(B) Sheets and drawings showing the following:

(1) Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any;

(2) The computation of distances, angles and courses shown on the plat or map; and

(3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and/or state highway stationing;

(C) A copy of any deed restrictions applicable to the land division;

(D) A copy of any dedication requiring separate documents;

(E) Proof that all taxes and assessments on the tract have been paid as provided by O.R.S. Chapter 92; and

(F) A certificate by the City Engineer that the land divider has completed all public improvements and they have been installed according to the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.

(Ord. 805, § 4.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.044 SURVEY REQUIREMENTS.

(A) A complete and accurate survey of the land to be divided shall be made by a surveyor licensed to practice in the state according to standard practices and principles of land surveying and as required by state law.

(B) A two-foot by four-foot wood utility marker shall be provided for all underground water, sewer and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the city.

(Ord. 805, § 4.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.045 DEDICATION REQUIREMENTS.

(A) All parcels of land shown on the final plat including rights-of-way, easements and all other lands intended for public use shall be dedicated at the time the plat is filed. An exception is those parcels intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants. Also

excepted are those parcels of land reserved for public purposes under the provisions of § 151.087. Where applicable, easements or other documents shall also be prepared and filed.

(B) All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.

(C) The land divider shall provide one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. The reserve strip shall have separate legal descriptions and documentation and be deeded to the city, and each reserve strip shall be separately identified on the plat.

(Ord. 805, § 4.06, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.046 CERTIFICATES.

The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat:

(A) A notarized declaration by the owners of record of the land to be subdivided that the owners have caused the subdivision or partition plat to be prepared and the property subdivided or partitioned according to the provisions of O.R.S. Chapter 92 and consenting to the dedication of all streets and easements as shown on the plat;

(B) The seal and signature of the licensed surveyor who prepared the survey and the final plat;

(C) A certificate for execution by the County Surveyor;

(D) Dated signature lines to show approval by one member of the Board of County Commissioners,

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County Assessor, County Surveyor, Chair of the City Planning Commission and Public Works Director;

(E) A statement that any concurrences have been filed and recorded by lien holders, along with recording information; and

(F) A statement of water rights or a disclaimer of them.

(Ord. 805, § 4.07, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.047 REVIEW AND ACTION PROCEDURES.

(A) Upon receipt, the plat and other required data shall be reviewed by the City Planner, City Engineer and Public Works Director to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan and there has been compliance with provisions of the law and of this chapter.

(B) The city or the city's designee may make checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and city representatives may enter the property for this purpose.

(C) If it is decided that full conformity has not been made, the City Planner shall advise the land divider of the changes or additions that must be made. The land divider then shall be allowed the opportunity to make the changes or additions. If it is decided that full conformity has been made, the City Engineer shall so certify.

(D) (1) Upon the approval of the City Engineer, at its regular meeting the Planning Commission shall decide whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it

shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make corrections.

(2) If the Planning Commission decides that the plat conforms to all requirements, it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory.

(E) (1) Approval shall be shown by the signature of the Chairperson of the Planning Commission. The approval of the plat is not an acceptance by the public of the dedication of any street or other easement shown on the plat.

(2) Acceptance of any dedication shall be made by the City Council through appropriate legislative action.

(Ord. 805, § 4.08, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.048 FILING OF PLATS.

(A) A land divider shall, at the land divider's expense and without delay, submit the plat for signatures of public officials required by this chapter or state law.

(B) The following documents shall be recorded by the land divider:

(1) A final plat, covenants and agreement for improvements, with the County Office of Deeds and Records;

(2) Approval of a final plat shall be invalid if it is not recorded within 90 days after approval by the Planning Commission or within 90 days after any appeal; and (Copies of the final plat and all documents as recorded with the County Office of Deeds and Records, including recording numbers on each document, shall be filed with the city.)

(3) The applicant is responsible for all recording costs.

(C) (1) If any recording is done on behalf of the applicant by the city, the estimated recording fees shall be deposited with the city.

(2) If the actual recording fees are less, the balance shall be refunded to the applicant.

(3) If the actual fees are more, the applicant shall pay the balance to the city within ten days and before copies of the recorded documents are released to the applicant.

(Ord. 805, § 4.09, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

LAND PARTITIONS

§ 151.060 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARTITION. Either the act of partitioning land or the actual area or tract of land partitioned.

PARTITION LAND.

(1) Does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to court orders in proceedings involving testate or intestate succession.

(2) ***PARTITION LAND*** does not include any 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 below the minimum lot standards of Chapter 153 of this code.

TO PARTITION LAND. To divide an area or tract of land into two or three parcels within a calendar year when the area or tract exists as a unit or adjoining units of land under single ownership at the beginning of the that year.

(Ord. 805, § 5.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.061 SUBMISSION REQUIREMENTS.

The partitioner shall submit ten copies of the tentative plan map for partition with an application submitted on a city form, the necessary filing fees and other supplementary data to the City Planner for review and action following preliminary review as required herein. All provisions of state law, O.R.S. Chapter 92, shall be complied with.

(Ord. 805, § 5.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.062 FORM AND SCALE.

The tentative plan shall be clearly and legibly drawn on a sheet of paper 18 inches by 24 inches at a scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch equals 30 feet, 1 inch equals 50 feet or 1 inch equals 100 feet.

(Ord. 805, § 5.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.063 INFORMATION ON TENTATIVE PLAN MAP.

The following information shall be contained on or with the tentative plan map:

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(A) A legal description of record of the proposed site;

(B) Lot dimensions and parcel layout showing the size and relationship of each parcel to existing or proposed streets, pedestrian facilities and bikeways and utility easements;

(C) For land next to and within the tract to be partitioned, the locations, names and widths of streets; location, use, width and names if appropriate other pedestrian facilities and bikeways; location, width and purpose of other easements; location and size of sewer and water lines, drainage ways and other serving utilities;

(D) Location of buildings on the tract and within 25 feet of the property line of the tract, slope of land, trees with a trunk diameter at chest height of six inches or greater and other features of the land important to its development;

(E) The number and type of units proposed where known and appropriate;

(F) Proposed improvements such as pavements, curbs and gutters, sanitary and storm sewers, sidewalks, bikeways, grading and filling and other major improvements to develop the parcels;

(G) The location, width, name, if appropriate, and approximate grade and curve radii of adjacent streets, pedestrian facilities and bikeways; (The relationship of streets, pedestrian facilities and bikeways to any existing or proposed streets, pedestrian facilities and bikeways, and as shown in the city's transportation system plan.)

(H) In addition, when all or part of the area encompassed in a partition application has not been previously included in a recorded plat (subdivision) of lots averaging a maximum of $\frac{1}{4}$ acre each, the following information is also required:

(1) The certificate, stamp or seal of the state registered professional land surveyor who prepared the tentative map plan;

(2) The names of all recorded subdivisions next to the subject area;

(3) The elevations of all points used to decide contours; the points given to true elevation above mean sea level from a benchmark elevation provided by the City Engineer within the general area of the project site. The base data shall be clearly shown and shall be compatible to city datum if benchmarks are not adjacent. The following intervals are required:

(a) A contour interval of one foot: ground slope of up to 2%;

(b) A contour interval of two feet: ground slope of over 2% through 10%; and

(c) A contour interval of five feet: ground slope of over 10%;

(4) The approximate width and location of all proposed public utility easements;

(5) The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all water courses;

(6) All proposals for sewage disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways;

(7) All public areas proposed to be dedicated by the partitioner, including reserve strips, and the proposed uses of it;

(8) All public improvements proposed to be made or installed, and the time within which improvements are envisioned to be completed; and

(9) A legal description of the boundaries of the entire area owned by the partitioner of which the proposed portion is a part; and

(I) Where it is apparent that the subject parcel can be further partitioned, the divider must show that the land partition will not preclude the efficient division of land in the future.

(Ord. 805, § 5.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.064 ADDITIONAL INFORMATION AND DOCUMENTS.

The following additional information and documents shall also be provided with the partition application:

(A) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer, surveyor or other parties involved in preparation of the tentative plan map;

(B) Approximate acreage of the land under a single ownership of, if more than one owner is involved, the total adjoining acreage of the owners directly involved in the partitioning; and

(C) Any additional information as may be required by the City Planner or the Planning Commission to help in evaluating the request.

(Ord. 805, § 5.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.065 REVIEW AND ACTION PROCEDURES.

(A) Upon receipt, the City Planner shall review the application, tentative plan map and accompanying

information to determine whether the application is incomplete. Within ten working days of receipt, the City Planner shall notify the applicant whether the application is complete.

(B) Upon acceptance of a complete application, the City Planner shall review it with all affected public and private agencies and the City Engineer and Public Works Director. Within ten working days of acceptance, the applicant shall be informed if any additional information will be required before review by the Planning Commission.

(C) At the next regular meeting of the Planning Commission, it shall conduct a public hearing and shall decide whether the proposed partition conforms with these regulations.

(D) If the Planning Commission finds that the application does not meet all requirements of the city, then the tentative plan map shall not be signed and one copy of the tentative plan map shall be returned to the applicant with a letter stating the reasons for denial. The applicant may modify the tentative plan map and improve the parcels to meet the requirements or may request an appeal within 15 days to the City Council.

(E) The applicant shall be notified if a partition application has received tentative approval. All conditions of approval shall also be told to applicant.

(F) In addition to notice to the applicant, notice of the decision shall also be mailed to whoever was mailed the original notice of the application and anybody who provided written comment on the partition.

(G) (1) If all required conditions of approval are not completed within six months from the date of approval by the city, the tentative partition approval shall be withdrawn and void.

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(2) However, the city may grant one six-month extension to complete the partition.
(Ord. 805, § 5.06, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.066 FINAL APPROVAL AND RECORDING.

(A) The city may grant final approval for the partition after:

(1) All ordinance requirements and conditions of approval specified in the notification to applicant have been met; and

(2) A current title 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 interest in the premises. The following relevant documents have been approved by the city: deeds; dedications; easements and agreements. The applicant has submitted a surveyed partition map meeting the following requirements:

(a) It shall be prepared by a state registered professional land surveyor in accordance with O.R.S. Chapter 92 and 209. The map shall conform to the partition map standards established by the County Surveyor. The surveyor shall submit one copy of the map to the city and the original and one copy, with the appropriate recording fee, to the County Surveyor; and

(b) A state registered professional land surveyor shall survey and monument the parcels. All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. The surveyor shall file a map of survey and submit the appropriate filing fee to the County Surveyor.

(B) After the city has granted approval for the partition, all deeds, dedications, easements and agreements shall be recorded in the county's deed records by the city at the divider's expense.

(C) The land divider is responsible for all recording costs. If any recording is done on behalf of the land divider by the city, those charges shall be estimated by the city prior to the recording. Before any documents are submitted for recording, the estimated fee shall be deposited with the city. If the actual recording fees are less, the balance shall be refunded to the land divider. If they are more, the land divider shall pay the balance.

(D) Once recorded copies of the partition and all documents are returned to the city and all fees have been paid, a copy shall be mailed to the land divider.

(E) One signed copy of the surveyed partition map shall be placed in the city land division file, including a notation citing the County Surveyor's date of recording, the recorded survey map and file number, and the County Office of Deeds and Records recording numbers of all documents recorded with the county.
(Ord. 805, § 5.07, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

DESIGN STANDARDS

§ 151.080 DEDICATION.

The Planning Commission may require adequate and proper streets, pedestrian facilities and bikeways to be dedicated to the public by the land developer. The streets shall be a design and in a location as are necessary to make provision for transportation and

access needs of the community and the developed area according to the purpose of this chapter. (Ord. 805, § 6.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.081 STREETS.

(A) The functional classification, location, width and grade of proposed 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 streets. The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried and considering the terrain. Where location is not shown on the roadway plan or in a development plan, the arrangement of streets shall either:

(1) Be interconnected and provide for continuation or appropriate extension to surrounding properties.

(a) Cul-de-sacs shall be allowed only when one or more of the following conditions exist:

1. Physical or topographic conditions make a street connection impracticable; (The conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.)

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

3. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date

of adoption of the transportation system plan, which preclude a required street connection.

(b) Where cul-de-sacs are planned, pedestrian facilities connecting the end of the cul-de-sac to other streets or neighborhoods shall be provided if feasible.

(2) Conform to a plan for the neighborhood approved and adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(B) (1) The width of streets, pedestrian facilities and bikeways shall be adequate to fulfill all city specifications, as provided for herein. Unless otherwise indicated on a development plan or approved by the Planning Commission, streets shall conform to the standards in the appendix to this chapter.

(2) The actual width will be decided by the Planning Commission based upon nearby physical conditions, safety of the public and the traffic needs of the community.

(3) The actual street widths will be decided by the Planning Commission based upon nearby physical conditions, safety of the public and the traffic needs of the community.

(C) (1) The Planning Commission may approve alternate street rights-of-way and paving widths when the benefits of standard right-of-way or paving widths are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians and bulb-outs at intersections.

(2) Prior to allowing modification of street standards, the Planning Commission shall consider:

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(a) Emergency vehicle access and provision of emergency services;

(b) Discouragement of through-traffic movement on local streets;

(c) Aesthetics of streets and streetscapes;

(d) Pedestrian and bicycle safety and convenience;

(e) Location of proposed street relative to other streets (block length and connectivity);

(f) Adequate rights-of-way or easements for public utilities;

(g) Existing development that limits paving and right-of-way widths; and

(h) Topography, environmental impacts and drainage systems.

(D) (1) The Planning Commission may grant exceptions to adopted street requirements if the standards are not applicable to the situation or physical topography encountered, such as through narrow right-of-way widths, configuration of pre-existing development and/or topographical constraints.

(2) Exceptions to the adopted standards may be allowed when one or more of the following conditions exist:

(a) Geographic, topographic and environmental conditions, such as steep slopes, erosive soils, wetlands, streams, significant trees or vegetation or other natural resources which preclude feasible construction of the street to adopted standards; and

(b) Physical conditions such as buildings or other existing developments on adjacent lands, including previously subdivided lots or parcels which preclude feasible construction of the street to adopted standards.

(E) The control and disposal of the land in the strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.

(F) As far as is practical, streets other than local streets shall be in alignment with existing streets by continuation of the center lines. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.

(G) Where necessary to give access to or allow a satisfactory future division of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.

(H) Streets shall be laid out to intersect at right angles and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent next to the intersection.

(I) Whenever existing streets next to or within a tract of inadequate width, additional right-of-way shall be provided at the time of the land division.

(J) A cul-de-sac shall have a maximum length of 400 feet. It shall end with a circular turn-around, with a minimum paving width of 70 feet. The minimum right-of-way width for culs-de-sac shall be 92 feet.

(K) Except extensions of existing streets, no street name shall be used which will duplicate or be

confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.

(L) Grades shall not exceed 10% on arterials, 10% on collectors and 15% on other streets, except that for short stretches not more than 200 feet in length, the grade may be 20%. Center line radii of curves shall not be less than 100 feet.

(M) Where necessary to insure safety, reduce traffic hazards and promote the welfare of the public, the Planning Commission may require that local streets be designed to discourage their use by non-local traffic.

(N) Property with frontage onto two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.
(Ord. 805, § 6.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.082 BLOCKS.

(A) The length, width and shape of blocks shall consider the need for adequate building site size and street width and shall recognize the limitations of the topography.

(B) Block length shall not exceed 1,200 feet.

(C) (1) Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 14 feet wide and located next to lot or parcel lines, except utility pole tieback easements that may be reduced to six feet in width.

(2) If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way. The easement or right-of-way will conform substantially with the lines of the water course and will be of a further width as will be adequate to comply with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.

(3) When desirable for public convenience a pedestrian accessway or bikeway 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. 805, § 6.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.083 BUILDING SITES AND LOTS.

(A) 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. Lots shall also comply with the following standards:

(1) Each lot shall have an average width between the lot side lines of not less than 50 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot side lines of not less than 55 feet;

(2) Each lot shall have an average depth between the lot front and rear lines of not less than 80 feet and not more than two and one-half times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 100 feet. However, a lesser depth may be approved by the Planning Commission if it is necessary because of unusual topographical conditions;

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(3) Each lot shall be a minimum of 5,000 square feet, except in the case of planned unit developments;

(4) Except flag lots, each lot shall have frontage of not less than 50 feet upon a street. However, a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc;

(5) Where property is zoned and planned for business or industrial use, other widths and areas may be allowed 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;

(6) Property with frontage on two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.

(B) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and ten feet across may be required along the line of building sites abutting a traffic artery or other incompatible use. There shall be no right of access within such an easement.

(C) The lines of lots, as far as is practical, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

(D) The Planning Commission may allow flag lots when land to be divided is within an existing developed area and it is found that the ownership in the area is so diverse that it is difficult to coordinate the dedication and improvement of access streets.

(1) The Planning Commission will consider and act upon applications for the creation of flag lots. Applicants and the Planning Commission shall follow the procedure for creating a subdivision or partition, as applicable, and as described in this chapter.

(2) Besides complying with the requirements for a subdivision or partition, as applicable, and described in this chapter, flag lot applications shall be subject to the following requirements.

(a) Structures on flag lots shall be located as to maximize separation from existing, nearby structures.

(b) The dimensions of the flag lot shall be not less than as described below. However, any area or portion of the lot used for or designed to provide access to the flag lot (the "pole") shall be excluded when calculating the area of the lot (the "flag" portion of the lot).

1. The original lot shall be a minimum of 14,000 square feet.

2. The divided flag lot must be at least 6,000 square feet.

3. Two parking spaces that are not part of the driveway must be provided for each housing unit proposed for the flag lot. Garaged or spaces within a carport shall be acceptable. The flag lot shall be at least 50 feet in width and 80 feet in length. In addition, the length of the flag lot shall not exceed its width by more than two and one-half times.

(c) The driveway to the flag lot shall have a durable surface of asphaltic concrete, Portland cement or other approved materials that shall create a dust-free surface. It shall be constructed according to the following width standards.

1. One lot shall have an access width of 20 feet and a paving width of 12 feet.
2. Two lots shall have an access width of 25 feet and a paving width of 20 feet.
3. More than two lots shall have an access width of 33 feet and a paving width of 28 feet.

(d) Where a common drive serves more than one lot, a reciprocal easement which will insure access rights to all lots shall be shown on the approved plan.

(E) The Planning Commission has the discretion to authorize relaxation of the lot size and frontage requirements in this section in the event a land divider presents a satisfactory plan for a planned unit development (PUD). A planned unit development is a plan for an entire subdivided area that is under unified control and is planned and developed as a whole. The PUD must have provision for proper maintenance of recreation and park purposes for the residents of the PUD, and the Planning Commission shall determine that it will be of the benefit to the residents of the PUD as is equal to that which would be derived from observance of the lot size and frontage requirements of this section. The PUD must be in accordance with the purpose of this chapter.

(Ord. 805, § 6.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.084 GRADING OF BUILDING SITES.

(A) Grading of building sites shall conform to the following standards, the currently adopted

Uniform Building Code and those of Chapter 159 of this code, unless physical conditions suggest the use of other standards.

(B) Cut slopes shall not exceed 1 to 112 feet horizontally to one foot vertically.

(C) Fill slopes shall not exceed two feet horizontally to one foot vertically.

(D) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

(E) All sites shall be graded to direct storm water to city storm sewers or to natural drainage ways, as required by city ordinance. The grading shall be approved by the Public Works Director or City Engineer.

(Ord. 805, § 6.05, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.085 RAILROADS.

(A) Special requirements may be imposed by the Planning Commission, such as provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of divided land, for the protection of the residents and the safety of the general public, in accordance with the purpose of this chapter.

(B) Where divided land is adjacent to railroad right-of-way and the surrounding economic and physical conditions indicate the divided land will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from the right-of-way to allow for reasonable sites for industrial use adjacent to the right-of-way.

(Ord. 805, § 6.06, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

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§ 151.086 LARGE BUILDING SITES.

(A) In dividing tracts into large lots or parcels that at some time are likely to be redivided into smaller parcels approaching the minimum standards of this chapter, the land divider shall show the small parcel division by means of dashed lines showing future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within this chapter as though the development were occurring on the smaller parcel.

(B) This will simplify future land divisions and guarantee that existing buildings or structures will meet the locational requirements of this chapter. (Ord. 805, § 6.07, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.087 LAND FOR PUBLIC PURPOSES.

If the city has an interest in acquiring part of a proposed land division for a public purpose, or if the city has been advised of its 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 land division be reserved for public acquisition for a period not more than a year and at a cost not more than the value of the land before subdivision. (Ord. 805, § 6.08, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.088 UNSUITABLE AREAS.

No areas dangerous to the health and safety of the public or those who would live in the areas, and no lands subject to slippage or inundation, shall be divided. (Ord. 805, § 6.09, passed 8-17-95; Am. Ord. 841, passed 12-7-00) Penalty, see § 151.99

IMPROVEMENT REQUIREMENTS

§ 151.100 PROCEDURES.

(A) Besides other requirements, improvements installed by a land divider, either as a requirement of this chapter or at the land divider's option, shall conform to the requirements of this chapter and all improvement standards and specifications of the city, and shall be installed according to the following procedure.

(1) Construction plans for the improvement of public facilities shall be prepared by a state licensed professional engineer.

(2) Improvement work shall not begin until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.

(3) Improvement work shall not commence until five days after the city is notified or one day if a change is made during construction. If work is stopped for any reason for a period of ten days, it shall not be resumed until after the city is notified.

(4) Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(5) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed before the surfacing of the streets.

(6) Stubs for service connections for underground utilities and sanitary sewers shall be

placed to a length to avoid the necessity of disturbing the street improvements when service connections are made.

(B) Within 60 days of completion of the improvements, a hard copy map and the same map on a four inch computer diskette in a form compatible with the computer program, showing public improvements as built shall be filed with the city. (Ord. 805, § 7.01, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.101 SPECIFICATIONS.

All public facilities improvements shall be built in accordance with the most current American Public Works Association specifications. (Ord. 805, § 7.02, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.102 IMPROVEMENTS IN SUBDIVISIONS.

(A) The following improvements shall be installed at the expense of the land divider at the time of subdivision.

(B) All improvements shall comply with the construction permit requirements of the city ordinance and be constructed to approved city standards.

(1) Public streets within the subdivisions, public streets connecting streets leading to subdivisions, and public streets adjacent, but only partially within the subdivision, shall be improved. Catch basins shall be installed and connected to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in O.R.S. Chapter 90 to Chapter 92. New development shall conform to the city's street standards, as adopted.

(2) Drainage facilities shall be provided within the subdivision to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve the area as is adopted.

(3) (a) Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. The sewers shall allow for the capacity and grade to allow for desirable extension beyond the subdivision.

(b) The City Council may construct as an assessment project, with arrangements as are desirable with the land subdivider to assure financing, the subdivider's share of the construction if sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time.

(c) If the City Council chooses not to construct the project as an assessment project, the subdivider shall be solely responsible for the cost of the construction.

(4) (a) Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed considering provisions for extension beyond the subdivision. When the city's system does not meet required flow or capacity, the land divider shall provide improvements to adequately meet the demands of the subdivision.

(b) The City Council may construct as an assessment project, with the arrangements as are desirable with the land subdivider to assure financing,

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the subdivider's share of the construction if water service facilities will, without further water service construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the water line has reached a state of development to justify water installation at the time. If the City Council chooses not to construct the project as an assessment project, the subdivider shall be solely responsible for the cost of the construction.

(5) (a) Sidewalks shall be installed on both sides of a public street within the subdivision at the time a building permit is issued in accordance with the provisions of the city's sidewalk regulations.

(b) Wheelchair ramps shall be installed at intersections in accordance with the Americans with Disabilities Act (ADA). Driveways shall be installed at the time a building permit is issued and shall be paved with a durable surface of asphaltic concrete, Portland cement or other approved materials that shall create a dust-free surface.

(6) Where feasible, the Planning Commission may require the installation of special pedestrian ways, such as at the bulb end of a cul-de-sac.

(7) (a) If appropriate to the extension of a system of bikeways, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.

(b) Internal bicycle circulation shall be provided within the new developments and shall connect with external existing or planned systems wherever possible.

(8) Street name signs shall be installed at all street intersections.

(9) Street lights shall be installed and shall be served from an underground source of supply.

(10) The land divider shall arrange with utility companies or other persons affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground. (Ord. 805, § 7.03, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.103 IMPROVEMENTS IN PARTITIONS.

The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development near the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. Instead of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under facility extension policies of the city.

(Ord. 805, § 7.04, passed 8-17-95; Am. Ord. 841, passed 12-7-00)

§ 151.999 PENALTY.

Violation of any provision of this chapter or any amendment to it is punishable, upon conviction, by a fine of not less than \$50 or more than \$500. A violation of this chapter shall be considered a separate offense for each day the violation continues.

(Ord. 805, § 8.07, passed 8-17-95; Am. Ord. 841, passed 12-7-00)