



[Council & Boards](#) | [Department](#) | **Document** | [Public Notice](#) | [Task](#) | [Calendar](#) | [Contact List](#) | [FAQs & Rumors](#) | [Links](#) | [Search](#)

[Media](#) | [Agendas & Minutes](#) | [Current Events](#) | **City Codes** | [Development](#) | [Master Plans](#) | [Maps](#) | [Building Stats](#) | [Police Blotter](#) | [Misc](#)

[Charter](#) | [1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#) | [7](#) | [8](#) | [9](#) | [10](#) | [10a](#) | [10b](#) | **10c** | [10d](#) | [Comp Plan](#) | [UGA Zoning](#) | [UGA Agreement](#) | [Ordinance Table](#) | [Statutory References](#) | [Index](#)

# TITLE 10C - SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT

## TABLE OF CONTENTS:

<b>Section</b>	<b>Contents</b>	<b>Page</b>
<a href="#">10C-01</a>	SUBDIVISIONS	2
<a href="#">10C-15</a>	ADESIGN STANDARDS	7
<a href="#">10C-20</a>	STANDARDS AND PROCEDURES FOR IMPROVEMENT	10
<a href="#">10C-25</a>	STREET DESIGN STANDARDS	15
<a href="#">10C-30</a>	EXCAVATION AND GRADING	18
<a href="#">10C-50</a>	HISTORICAL LANDMARKS	28
	<a href="#">INDEX</a>	32

### CHAPTER 10C-01 SUBDIVISIONS

**10C-01-01 PURPOSE AND AUTHORITY.** The regulations in this chapter set forth the standards for subdivision and major partition and plat preparation, and are used in conjunction with the administrative procedures for subdivisions and major partitions as found in Subtitle 10B, Administrative Procedures For Land Development.

**10C-01-03 INITIATION OF ACTION.** Major land partition and subdivision applications shall be filed and fees paid as specified in Subtitle 10B, Administrative Procedures for Land Development. Major land partition or subdivision process begins with the submission a tentative plan; a study of the tentative plan by the Technical Review Committee; recommendations by the Planning Commission to City Council; City Council action; Completion of Improvements; Preparation and approval of Final Plat and the recording of Final Plat.

**10C-01-4 AMENDMENT OF PARTITION OR SUBDIVISION.** Any plat of a partition or subdivision filed and recorded under the provisions of ORS 92.010 to 92.190 may be amended by an affidavit of correction pursuant to ORS 92.170.

**10C-01-04.5 PARTITION AND SUBDIVISION REPLATTING.** The act of replatting shall allow the reconfiguration of recorded partitions, lots and public easements within a recorded subdivision. Any recorded partition or subdivision may be replatted pursuant to ORS 92.180 through 92.190

**10C-01-05 INFORMATION REQUIRED WITH THE TENTATIVE PLAN.** The following information shall be shown on the tentative plan or accompanying material for a subdivision, or partition when applicable. The planning official or director of public works may approve the deletion of any item deemed by them to be unnecessary.

1. Proposed name of land development. This name shall not duplicate nor resemble the name of another land development in Malheur County and shall be approved by the planning official.
2. Date, north-point, and scale of drawing.
3. Appropriate identification of the drawing as a tentative plan.
4. Location of the land development sufficient to define its location and boundaries and a legal description of the tract boundaries.
5. Names, addresses, telephone numbers of the owner, developer, engineer or surveyor.
6. The location, widths, and names of both opened, and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines, and monuments.
7. Contour lines related to some established bench mark or other datum approved by the director of public works and having minimum intervals as follows:
  1. For slopes of less than 5%: Show the direction of the slope by means of arrows or other suitable symbol together with not less than 4 spot elevations per acre, evenly distributed.
  2. For slopes of 5% to 15%: 5 feet.
  3. For slopes of 15% to 20%: 10 feet.
  4. For slopes of over 20%: 20 feet.
8. The location of at least one temporary benchmark within the land development boundaries.
9. The location and direction of watercourses including all irrigation and drain ditches and the location of areas subject to flooding and duration of flood.
10. Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
11. Existing uses of the property and location of existing structures to remain on the property after platting.
12. The location, width, names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets shown on any development plan or, if no complete development plan is in effect in the area, as determined by the public works director to assure adequate traffic circulation.
13. The location, width, and purpose of proposed easements.
14. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
15. Proposed sites, if any, for other than single-family dwellings.
16. If the land development proposal pertains to only part of tract owned or controlled by the developer, a map of the tentative layout for streets in the undeveloped portion.
17. A vicinity map showing existing land development and undeveloped land ownerships adjacent to the proposed land development, and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
18. The location within the land development and in the adjoining streets and property of existing sewers, water mains, culverts, and drain or irrigation pipes and ditches.
19. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed land development showing the finished grade of streets and the nature and extent of street construction.
20. A plan for domestic water supply lines and related water service facilities.
21. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
22. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
23. Proposals for other improvements such as electricity, gas, telephone lines, and sidewalks.

**10C-01-10 INFORMATION REQUIRED WITH THE FINAL PLAT.** In addition to that information required for the tentative plan, or otherwise specified by law (ORS Chapter 92), the following information shall be shown on the final plat or accompanying material:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
  1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land development.
  2. Adjoining corners of adjoining land developments or parcels.
  3. Other monuments found or established in making the survey of the land development required to be installed by the provisions of this Title.
2. The exact location and width of streets and easements intercepting the boundary of the land development.
3. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, radii, arcs, points of curvature, tangent bearings and normal high water lines for any creek or other body of water. Dimensions and distances shall be shown to the nearest one-hundredth of a foot (0.01 feet). No ditto marks shall be used. Bearings shall be shown to nearest one second of arc.
4. The width of the portion of streets being dedicated and width of existing right of way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central and angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. 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 land development shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
6. Lot numbers beginning with the number "1" and numbered consecutively in each block.
7. Block numbers beginning with the "1" and continuing consecutively without omission or duplication throughout the land development. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a land development of the same name shall be a continuation of the numbering in the original land development.
8. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
9. Street names (numbers) using the adopted numbering grid.
10. The following certificates which may be combined where appropriate:
  1. A certificate signed and acknowledged by all parties having any 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 the lot owners in the land development, their licensees, visitors, tenants, and servants.
  3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.
  4. Other certificates now or hereafter required by law.
11. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, their interest in the premises and the liens on the land.
12. Sheets and drawings showing the following:
  1. Traverse data including and coordinates of the boundary of the land development 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.
  3. Ties to existing monuments, proposed monuments, adjacent land developments, street corners, and state highway stationing.
13. A copy of any dedication requiring separate documents.
14. A list of all taxes and assessments on the land development tract which have become a lien on the tract.
15. A certificate for the planning official's signature that the developer has complied with the requirements of this Title.
16. A certificate for the signature of the city surveyor that the final plat meets all engineering and site improvement criteria set forth in this Title.

---

## CHAPTER 10C-15 DESIGN STANDARDS

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

city code.

## 10C-15-05 BLOCKS

1. General provisions. The length, width, and shape of blocks shall take into account the needs for adequate building site size and street width and shall recognize the limitations of the topography.
2. Size. No block shall be more than 660 feet 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 blocks along an arterial street is 1320 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

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

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

10C-15-25 PEDESTRIAN AND BICYCLE WAYS. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul de sac or to pass through an unusually long or oddly- shaped block or to otherwise provide appropriate circulation.

## 10C-15-30 BUILDING SITES

1. Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land development, and for the type of use contemplated, and shall be consistent with the lot size provisions of the underlying zone with the following exceptions.
  1. In areas that will not be served by the public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Oregon department of environmental quality, and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank
  2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the commission with the concurrence of the council. 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.
2. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet unless a variance is granted by the commission.
3. Through Lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages to topography and orientation. A planting screen easement of at least ten feet wide and across which there shall be no right of access may be required along the lines of building sites abutting such a traffic artery or other incompatible use.
4. Lot and parcel side lines. The lines of lots and parcels, as far as is practical, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial on the curve.
5. In new land developments in PD zones and all residential zones except R-MH, when approved at the time of tentative plan and final plat submission, yards may be reduced to zero on the side or rear lot lines which do not constitute the external boundaries of the land development. Approval of zero lot line setbacks shall be conditioned upon the developer providing safe and sufficient access to buildings and utilities in a manner satisfactory to the city.
6. Panhandle Lots or Parcels shall not be an acceptable method of land division without specific permission being granted through a variance procedure.

10C-15-40 GRADING OF BUILDING SITES. Grading of building sites in a land development shall comply with the provisions of this Subtitle relating to excavation

and grading.

**10C-15-45 LARGE BUILDING SITES.** In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the commission or council may require that the blocks be of such size and shape, and be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**10C-15-50 LAND FOR PUBLIC PURPOSES.** If the city has an interest in acquiring a portion of a proposed land development for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the council may require that those portions of the land development be reserved for public acquisition, for a period not to exceed four months, at a cost not to exceed the valued of the land after completion of the needed public improvement.

---

## CHAPTER 10C-20 STANDARDS AND PROCEDURES FOR IMPROVEMENT

**10C-20-05 PROCEDURES.** In addition to other requirements, improvements installed by a land developer, either as a requirement of this Title, or at his or her own option, shall conform to the requirements of this Title, and the improvement standards and specifications otherwise adopted in the city code, and shall be installed in accordance with the following procedure:

1. Improvement work shall not commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, plans may be required for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
2. Improvement work shall not commence until after the city is notified, and if work is not continued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection of and to the satisfaction of the public works director. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant such changes.
4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
5. A map showing public improvements as built shall be filed with the technical services department upon creation of the improvements.

**10C-20-10 SPECIFICATIONS FOR IMPROVEMENTS.** Improvements shall be designed and constructed in accordance with detailed specifications contained in Title 8 of the Ontario City Code.

**10C-20-15 REQUIRED IMPROVEMENTS IN SUBDIVISIONS.** Improvements as specified in this chapter shall be installed at the expense of the subdivider and at the time of subdivision.

**10C-20-20 STREETS.** Public streets, including alleys, within the land development, and public streets adjacent to the land development, shall be improved to appropriate design standards, and specifically the following:

1. Any collector or arterial street within or on the perimeter of the land development shall be improved to the proper standard.
2. Catch basins shall be installed or connected to drainage tile leading to storm sewers or drainage ways.
3. Upon completion of the street improvement, monuments shall be reestablished at every public street intersection, and all points curvature, and points of tangency

of their center lines.

4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
5. A map showing public improvements as built shall be filed with the technical services department upon creation of the improvements.

**10C-20-25 DRAINAGE AND STORM SEWER SYSTEM.** Drainage facilities shall be provide within the subdivision, and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision, and to allow extension of the system to serve such areas.

**10C-20-30 SANITARY SEWERS.** Sanitary sewers shall be installed to serve the subdivision, and to connect the subdivision to existing mains. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the following arrangements may be made to equitably distribute the cost:

1. If 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, the commission may recommend to the council construction as an assessment project, with such arrangement with the subdivider as is desirable to assure financing his or her share of the construction.
2. If required sewer mains will directly serve property outside the subdivision or partition, the city may enter into an agreement with the subdivider or partitioner setting forth methods of reimbursement for the proportionate share of the cost for each connection made to the sewer mains by property owners outside the subdivision of partition for a period of ten years from the time of installation of the mains.

**10C-20-35 WATER SYSTEM.** Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system. If required water mains will directly serve property outside the subdivision or partition, the city may enter into an agreement with the subdivider or partitioner setting forth methods of reimbursement for the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision or partition for a period of ten years from the time of installation of the mains.

**10C-20-40 SIDEWALKS.** Sidewalks shall be installed in accordance with all provisions of the city code.

**10C-20-45 BICYCLE ROUTES.** If approximate to the extension of a system of bicycle routes, either existing or planned, the commission may require the installation of a separate bicycle lane within street or separate bicycle paths.

**10C-20-50 STREET NAME SIGNS.** Street name signs shall be installed at all intersections according to city standards, or a deposit made with the city in an amount equal to the cost of the installation, and the installation shall be made by the city.

**10C-20-55 STREET LIGHTS.** All street light poles within the subdivision or development shall be installed at the developer's expense and shall be served from an underground source of supply.

**10C-20-60 IRRIGATION AND DRAINAGE DITCHES.** All the ditches on or abutting the property shall be tiled and covered over. The size and design of the tile shall be approved by the drainage agency with jurisdiction over the ditch.

**10C-20-65 FRANCHISED UTILITIES.** The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the

installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communications, street lighting and cable television shall be placed underground.

**10C-20-70 CURB CUTS.** Curb cuts and driveway installation are not required of the subdivider or partitioner, but if installed, shall be according to City standards. Curb face outlets for rain drains may also be provided.

**10C-20-75 SYSTEMS DEVELOPMENT CHARGE.** The developer shall be subject to applicable provisions of the systems development charges established in the city code.

**10C-20-80 REQUIRED IMPROVEMENTS IN PARTITIONS.** The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission may recommend a variance to except the installation of those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing, or other facility extension policies of the city.

**10C-20-85 ACCEPTANCE OF IMPROVEMENTS BEFORE SERVICE OR OCCUPANCY.** Until all improvements are installed in a development and approved by the public works director, no property within the development shall be entitled to service of any public utilities.

All improvements as approved by the council shall be completed before any occupancy is allowed within the development unless some other arrangement is agreed upon by the commission and council.

The city shall not provide any service or maintenance until such time as all required improvements are completed and accepted by the city.

**10C-20-90 IMPROVEMENT GUARANTEE.** Before council approval of a subdivision plat or partition map, the land developer shall either install required improvements and repair existing streets and other facilities damaged in the development of the property, or execute and file with the city manager an agreement between the developer and the city, specifying the period within 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 developer.

**10C-20-95 SURETY REQUIRED.** The land developer shall file with the agreement to complete improvements, to assure his or her full and faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
2. Cash or marketable securities acceptable to the city.
3. At the council's option, a developer of six lots or less may be asked to supply a letter of credit to insure the money is available to complete the improvements, at which time the council may waive the bond requirement.

**10C-20-100 AMOUNT OF SURETY.** Assurance of full and faithful performance of improvements construction shall be for a sum determined by the public works director as sufficient to cover the cost of improvements and repairs, including engineering and incidental expenses.

**10C-20-105 CITY USE OF SURETY.** If the land developer fails to carry out provisions of the agreement, and the city has un-reimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the land developer shall be liable

to the city for the difference.

## CHAPTER 10C-25 STREET DESIGN STANDARDS

**10C-25-05 GENERAL PROVISION.** 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 the land to be served by the streets. 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. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the commission or council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

**10C-25-10 MINIMUM RIGHT OF WAY AND ROADWAY WIDTH.** Street right of way and roadway widths shall not be less than the minimum width in feet shown in the following table.

<b>Type of Street</b>	<b>Minimum Right of Way Width (feet)</b>	<b>Minimum Roadway Width (feet)</b>
Arterial	60 - 80	48 - 60
Collector Street	50 - 60	36 - 48
Minor Street	50	36
Radius For Turn Around at End of Cul de Sac	50	40

Where conditions, particular topography, or the size and shape of the tract make to impractical to otherwise provide buildable sites, narrower rights of way may be requested through the variance process, ordinarily not less than 50 feet. If necessary, slope easements may be required.

**10C-25-15 RESERVE STRIPS.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the council.

**10C-25-20 ALIGNMENT.** As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in the "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction, and in no case shall be less than 100 feet.

**10C-25-25 FUTURE EXTENSION OF STREETS.** Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn around. Reserve strips and street plugs may be required to preserve the objectives street extensions.



**10C-25-30 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, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

**10C-25-35 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 the land division.

**10C-25-40 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 commission finds it will be practical to require the dedication of the other half when the adjoining property is divided and the other half of the street shall be provided within the other tract at the time of its development. Reserve strips and street plugs may be required to preserve the objective of half streets.

**10C-25-45 CUL DE SACS.** A cul de sac shall be as short as possible and shall have a maximum length of 600 feet and serve building sites for not more than 18 dwelling units. A cul de sac shall terminate with a circular turn around.

**10C-25-50 STREET NAMES.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Numbered streets shall be standard; shall conform to the established pattern in the city, and shall be subject to the approval of the council.

**10C-25-55 GRADES AND CURVES.** Grades shall not exceed six percent on arterial streets, ten percent on collector streets, or 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made to finish street grades having a minimum slope, preferably, of at least one-half percent.

**10C-24-60 STREETS ADJACENT TO RAILROAD RIGHT OF WAY.** Wherever the proposed land division contains or is adjacent to a railroad right of way, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the approximate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross-streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right of way.

**10C-25-65 MARGINAL ACCESS STREETS.** Where a land division abuts or contains an existing or proposed arterial street, the 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.

**10C-25-70 ALLEYS.** Alleys improved to current city standards shall be provided in commercial and industrial zones, unless other permanent provisions for access to off-street parking and loading facilities are approved by the council. The minimum width of an alley shall be 16 feet. The corners of alley intersections shall have a radius of not less than 12 feet.

---

## CHAPTER 10C-30 EXCAVATION AND GRADING

**10C-30-05 PURPOSE.** The purpose of this chapter is to safeguard life, limb, property, and the public welfare by regulating grading on private property. This chapter sets forth regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of plans and inspection of grading construction.

**10C-30-10 HAZARD, ABATEMENT.** Whenever the city determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the city shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter.

**10C-30-15 PERMITS REQUIRED.** No person shall do any grading without first having obtained a grading and excavation permit from the director of public works or his or her designee except for the following:

1. Grading in an isolated, self contained area if there is no danger apparent to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.
9. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

#### 10C-30-20 PERMIT REQUIREMENTS

1. Permits required. Except as exempted in the previous section, no person shall do any grading without first obtaining a grading and excavation permit from the city through the public works department. A separate permit shall be required for each site, and may cover both excavation and fills.
2. Application. Application for grading shall state the location, estimated quantities of work involved, and duration thereof.
3. Plans and specifications. When required by the city, each application for a grading permit shall be accompanied by the two sets of plans and specifications, and supporting data consisting of a soil engineering report and engineering geology report. If required, the plans and specifications shall be prepared and signed by a civil engineer.
4. Information on plans and in specifications. Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform with the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and have the name and address of the owner and the person by whom they are prepared. Plans shall include the following information:
  1. General vicinity of the proposed site.
  2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
  3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.

4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Locations of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations. Specifications shall contain information covering construction and material requirements.

**10C-30-25 SOIL ENGINEERING REPORT.** If required the soil engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city shall be incorporated in the grading plans and specifications.

**10C-30-30 ENGINEERING GEOLOGY REPORT.** If required, the engineering geology report shall include an adequate description of the geology of the site, conclusions and the recommendations regarding the effect of geologic conditions on the proposed development, and the opinions and recommendations covering the adequacy of the sites to be developed by the proposed grading. Recommendations included in the report and approve by the city shall be incorporated in the grading plans or specifications.

**10C-30-35 BONDS.** The city may require bonds in the form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the city in an amount equal to that which would be required in the surety bond.

#### 10C-30-40 CUTS

1. General. Unless otherwise recommended in the approved soil engineering or engineering geology report cuts shall conform to the provisions of this chapter.
2. Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical.
3. Drainage and terracing. Drainage and terracing shall be provided as required by this chapter.

#### 10C-30-45 FILLS

1. General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this chapter. In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures.
2. Fill location. Fill slopes shall not be constructed on the natural slopes steeper than two to one.
3. Preparation of ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top-soil and other unsuitable materials scarifying to provide a bond with the new fill, and where slopes are steeper than five to one, and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five to one shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or paved drain shall be provided.  
Where fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil which, in the opinion of the city or civil engineer or the soils engineer or geologist, is not competent to support other soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.
4. Fill material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the city, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills. The city may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches in maximum dimension shall be ten feet or below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with fines.
5. Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density as determined by the U.B.C. Standard No. 70-1. Field density shall be determined in accordance with U.B.C. Standard No. 70-2 or equivalent as approved by the city.
6. Slope. the slope or fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.
7. Drainage and terracing. Drainage and terracing shall be provided and the area above fill slopes, and the surfaces of terraces shall be graded and paved.

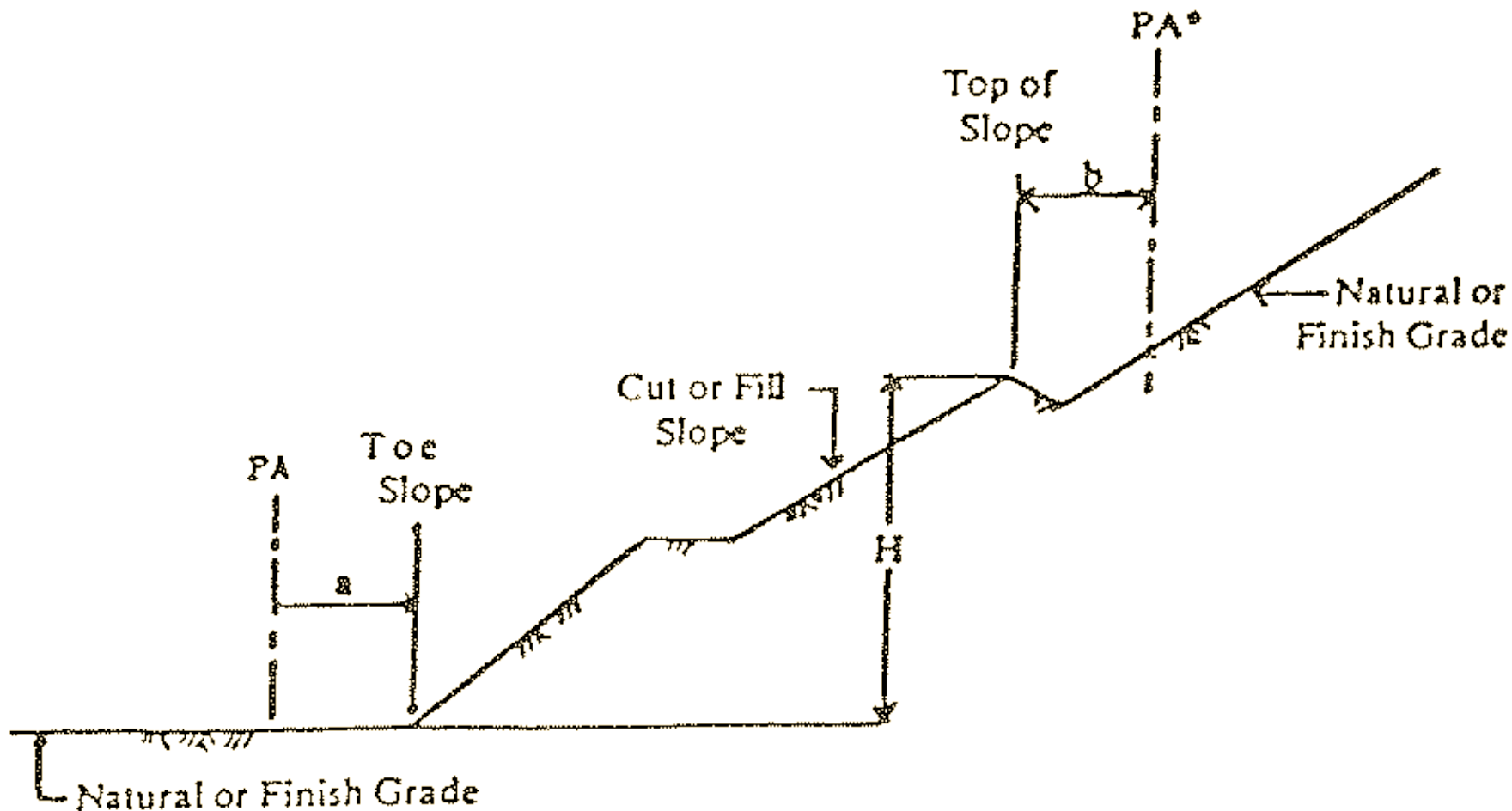
#### 10C-30-50 SETBACKS

1. General. The setbacks and other restrictions by this section are minimum and may be increased by the city or by the recommendations of a civil engineer, soils engineer or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the director of public works.
2. Setbacks from property lines. The tops of cuts and toes or fill slopes shall be set back from the outer boundaries of the permit area, including slope right areas and easements, in accordance with the figures and tables in sections 10C-30-55-01, -02 and -03.

#### 10C-30-55 DRAINAGE AND TERRACING

1. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provision of this Title.
2. Terrace. Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required. It shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the director of public works. Suitable access shall be provided to permit proper cleaning and maintenance. Swales or ditches on terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 feet (projected) without discharging into a down drain.

#### 10C-30-55-01 CUT AND TOE SETBACKS



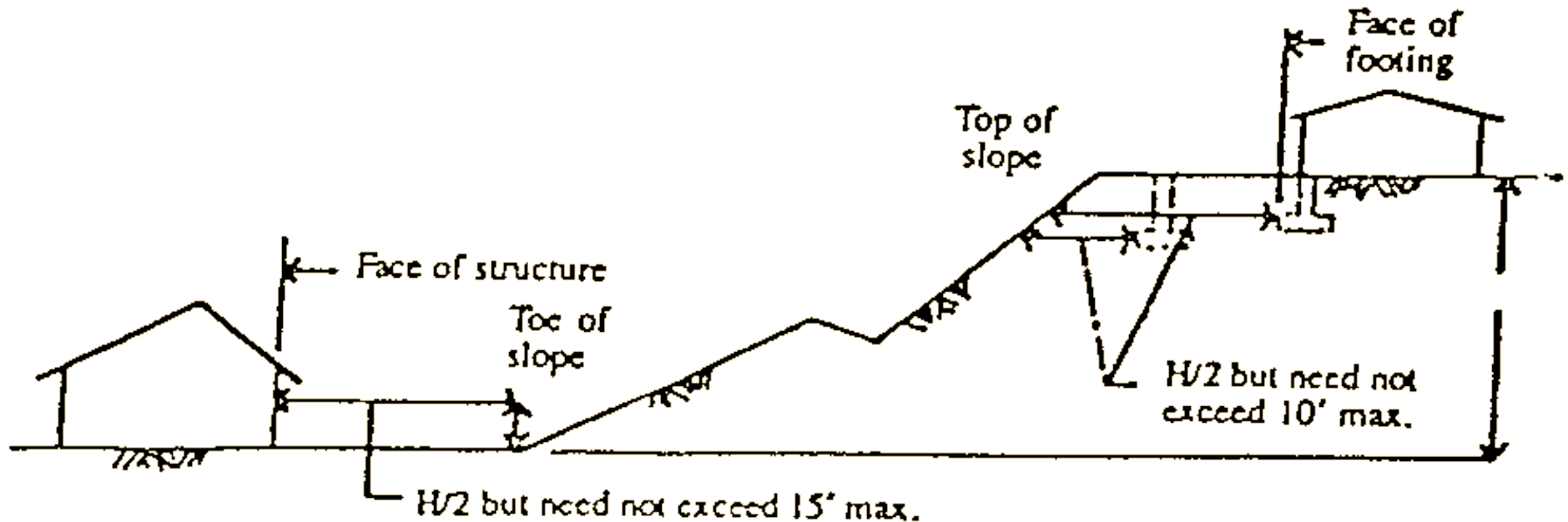
\*Permit Area Boundary

10C-30-55-02 REQUIRED BOUNDARY SETBACKS

		SETBACKS
H	a	b(1)
Under 5	0	1
5 - 30	H/2	5/5
Over 30	15	6

(1) Additional width may be required for interceptor drain.

## 10C-30-55-03 GRADED SLOPE SETBACKS



3. Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
4. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the public works director as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices. Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless a variance is granted. The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:
  1. No proposed fills are greater than ten feet in maximum depth.
  2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.
  3. No existing slope faces, which have a slope face steeper than ten horizontally to one vertically, have a vertical height in excess of ten feet.
5. Interceptor drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of drains shall be approved by the director of public works.

## 10C-30-60 EROSION CONTROL

1. Slopes. the face of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.
2. Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

## 10C-30-65 GRADING INSPECTION

1. General. All grading operations for which a permit is required shall be subject to inspection by the city. When required by the city, special inspection of grading operations and special testing shall be performed.
2. Grading designation. All grading in excess of 5000 cubic yard shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 5000 cubic yards shall be designated "regular grading" unless the permittee, with the approval of the director of public works chooses to have the grading performed as "engineered grading".
3. Engineered grading requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and approval of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area.
  1. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the director of public works. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.
  2. The grading contractor shall submit, in a form prescribed by the director of public works , a statement of compliance to said as-built plan. Soil engineering and engineering reports may be required.
  3. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the director of public works by the soil engineer or the engineering geologist. The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the designs of buttress fills, where required, incorporating data supplied by the engineering geologist. The engineering geologist's area of responsibility shall include, but need be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for sub- drains and other ground water drainage devices.
  4. The director of public works shall inspect the project at the various stages of the work requiring approval and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.
4. Regular grading requirement. The director of public works may require inspection and testing of an approved testing agency. The testing agency's responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the city has cause to believe that geologic factors may be involved the grading operation will be required to conform to "engineered grading" requirements.
5. Notification of noncompliance. If, in the course of fulfilling their responsibility under this Section, the civil engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this Title or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the director of public works. Recommendation for corrective measures, if necessary, shall be submitted.
6. Transfer of responsibility for approval. If the civil engineer, the soil engineer, or the engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

## 10C-30-70 COMPLETION OF WORK

1. Final reports. Upon completion of the rough grading work and at the final completion of the work the director of public works may require the following reports and drawings and supplements thereto:
  1. An as graded grading plan prepared by a civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. Certification shall be provided that the work was in accordance with the final approved grading plan.
  2. A soil grading report prepared by a soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect of the recommendations made in the soil engineering investigation report. Certification shall be provided as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by an engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Certification shall be provided as to the adequacy of the site for the intended use as affected by geologic factors.
  2. Notification of completion. Their permittee or his or her agent shall notify the director of public works when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.
- 

## CHAPTER 10C-50 HISTORICAL LANDMARKS

**10C-50-05 PURPOSE.** The purpose of these historic landmark regulations are; to safe-guard the heritage of the city by providing for the protection of landmarks which represent significant elements of its history; to foster public appreciation of, and civic pride in, the beauty of the city and the accomplishments of its past; to strengthen the economy of the city by protecting and enhancing the city's attractions to residents and visitors; to stabilize and improve property values within the city; and to promote the private and public use of historic resources for the education, prosperity, and general welfare of the people.

**10C-50-10 COMMISSION DUTIES .** The commission shall have the following duties: maintain specific guidelines for the designation of historical landmarks; maintain an inventory of landmarks within the city; review and comment upon the conflicts of land use, housing, municipal improvements, and other programs undertaken by any government agency as they relate to the historic resources of the city; recommend to the council new or amended landmark designations; and approve or disapprove, in whole or in part, applications; for building or demolition permits for all designated landmarks in the city.

**10C-50-15 DESIGNATION CRITERIA.** A site may be designated as an historical landmark by the legislative action procedures set forth in Subtitle 10B if it meets as least one of the following criteria:

1. It exemplifies or reflects special elements of the city's cultural, social, economic, aesthetic, or architectural history.
2. It is identified with persons or events significant in local, state, or national history.
3. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous material or craftsmanship.

**10C-50-20 DESIGNATION PROCEDURES.** Historic landmarks shall be designated by legislative action as set forth in Subtitle 10B, but the following additional procedures apply:

1. Any person may request the designation of a landmark by submitting an application for a legislative action for such designation as specified in Subtitle 10B. The commission or the council may initiate designation action on their own motion.
2. No building, alteration, demolition, or removal permits relative to the proposed landmark shall be issued while the public hearing or any appeal related thereto is pending.

**10C-50-25 BUILDING PERMITS.** No person shall demolish, destruct, alter, remove, or relocate any improvement, or any portion thereof, which has been designated an historical landmark pursuant to the provisions of this subsection, or to alter in any manner any exterior architectural feature of such a landmark, or to place, direct, alter, or relocate any sign on a landmark, without first obtaining a building or demolition permit approved by an administrative review by the commission.

**10C-50-30 PERMIT PROCEDURE.** The following special procedure shall be followed in processing applications for permits on historic landmarks:



1. The building official shall report any application for a permit to work on or demolish a designated landmark to the commission through the planning official.
2. Such application shall be accompanied by such materials as are required by the commission as being reasonably necessary for the proper review of the proposed work.
3. In the review of a permit sought in order to wholly or partially remove or demolish a designated landmark, the commission may approve or disapprove the issuance of said permit for up to 60 days from its filing so that alternative disposition of the property may be considered through interested parties or agencies.

10C-50-35 PERMIT CRITERIA. The Commission, or Council upon appeal, shall issue an approval for any proposed work if it determines: in the case of a designated landmark, the proposed work would not detrimentally alter, destroy, or adversely affect any exterior architectural feature; or in the case of the construction of a new improvement, building or structure upon a designated landmark site, the exterior of such improvement will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings, and structures on said site.

10C-50-40 APPEALS. Decisions made pursuant to this chapter are appealable under the provisions of Title 10B.

10C-50-45 ORDINARY MAINTENANCE AND REPAIRS. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any historical landmark that does not involve a change in design, material, or external appearance thereof; nor does this subsection prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition.

10C-50-50 HARDSHIP. The commission need not disapprove an application for a landmark alteration permit to carry out any proposed work on a designated landmark, or if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the commission that such disapproval will work immediate and substantial hardship on the applicant because of conditions particular to the person seeking to carry out the proposed work, whether this be the property owner, tenant, or resident, or because of conditions peculiar to the particular improvement, building, structure, or other structure involved. If a hardship is found to exist under this chapter, the commission shall make written findings to that effect, and shall specify the facts and reason relied upon in making such a determination.

---

## 10C-50-55 DESIGNATED LANDMARKS

### HISTORIC RESOURCE SITES

<u>Site Name</u>	<u>Location</u>	<u>Comments</u>
J.R. Blackaby House (Wilson Creek House)	717 S.W. 2nd St.	Erected Circa 1908
Union Pacific Railroad Depot (Oregon Short-line Railroad Station)	Southwest 4th Ave.	Erected 1901
I.O.O.F. Lodge Hall	122 South Oregon	Erected 1900-03; housed the city's first fraternal order.
Lackey Building	Se Corner of S.E, 3rd Ave. & South Oregon streets	Erected 1903 by James Lackey
Town-house Motel Office	NW Corner of 3rd & N.W. 1st Ave.	Queen Anne Architectural style. Many Additions

Canfield House (Built by Geary)	323 West Idaho	Second oldest dwelling; oldest dwelling still standing
Guess Building	NW corner of S. Oregon and S.W. 3rd Avenue	
Carter House Hotel / Bicycle Shop	NE corner of S. Oregon and S.W 3rd Avenue	

## INDEX

alley	8, 17
arterial street	7, 11, 16, 17
as graded	26
bedrock	21
bench	3, 21
block	3, 5, 7
building	7-9, 12, 13, 16, 18, 24, 28-31
collector street	15, 16
commercial	8, 17
cul de sac	15
dwelling	16, 31
erosion	22-24, 27
excavation	8, 18, 19
extension	9, 11-13, 16
fill	18, 19, 21-24, 26
flood	3, 4
frontage	17
grade	4, 11, 15, 17, 18, 21, 25
grading	8, 18-22, 24-27
hotel	31
industrial	8, 17
land development	1-11
lot	3-5, 7, 8, 19, 26
lot line	8
major partition	2
minor street	15
motel	31
planning official	2, 6, 29

R-MH	8
residential	8, 17
school	9
slope	3, 15, 17, 19-24
soil	4, 8, 18-21, 25, 26
structure	8, 18, 29, 30
subdivision	2, 7, 10-13, 16
subdivision plat	13
technical review committee	2
tentative plan	2, 4, 8, 10
terrace	22
variance	8, 13, 15, 24
yard	24

The reason this website looks terrible is because you are not using a css-enabled browser. All modern browsers support CSS; if you are using an older browser you should STOP NOW because most older browsers pose significant security threats.