

APPENDIX M
MODIFICATIONS AND APPEALS
OF ALL MATTERS PERTAINING TO STREETS
DUNES CITY CODE OF ORDINANCES
TITLE XV: LAND USAGE, 155.045 -155.999

Modification of any provision of Dunes City Code of Ordinance, Title XV, Chapter 155.045 - 155.999, shall go through the Road Commission for the recommendation to the Planning Commission. Any mediations or appeals that have to do with streets, or any other matters relating to permits that have to do with streets, shall be the standard taken from Dunes City Code of Ordinance 155.045 - 155.999. If the Road Commission and Planning Commission cannot agree on the recommendation of the Road Commission, it shall be automatically be appealed to the Dunes City Council.

The following is excerpted from Dunes City Code of Ordinance, Title XV, Chapter 155.045 - 155.999.

PROCEDURE FOR MAJOR PARTITIONS AND SUBDIVISIONS

A. TENTATIVE PLAN

§ 155.045 SUBMISSION OF TENTATIVE PLAN.

An application for tentative plan approval shall be made by the person proposing the subdivision or major partition or his or her authorized agent or representative in a form prescribed by the city. This form shall be submitted, together with a reproducible sepia and five copies of a subdivision or major partition tentative plan. The plan shall indicate the general program and objectives of the project, including any benefit of public need.
(Ord. 60, § 3.01, passed 6-14-79)

§ 155.046 REQUIREMENTS.

(A) *Drafting.*

- (1) The tentative plan shall show all required and pertinent information drawn to fit standard size sheets of 18 inches by 24 inches. In all cases, the scale shall be standard, being 10 20, 30, 40, 50, or 60 feet to the inch or multiples of ten of any one of these scales.
- (2) Tentative plans for major partitions and subdivisions shall be prepared by a surveyor who is a state registered engineer or registered state land surveyor. An affidavit of the services of the engineer or land surveyor shall be furnished as part of the tentative plan submitted.

(B) *Information required.* The application itself or the tentative plan must contain the following information with respect to the subject area:

- (1) Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced different than, the name of any other subdivision in the county unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

- (2) The date, north point, and scale of the drawing and a sufficient description to define the location and boundaries of the proposed subdivision or major partition area, the names of all recorded subdivisions contiguous to such area, and appropriate identification of the drawing as a tentative plan.
- (3) The names and addresses of the owner and engineer or surveyor.
- (4) The location of existing and proposed right-of-way lines for existing or projected streets as shown on approved plans of the city.
- (5) The locations, names, and widths of all existing and proposed streets, roads, and alleys. The roads, streets, and alleys shall be laid out according to standards established by the Engineer. In general, roads, streets, and alleys should conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction, and in other respects unless it is found in the public interest to modify the street or road pattern.
- (6) Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.
- (7) The elevations of all points used to determine contours shall be indicated on the tentative plan and the points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data used shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
 - (a) Two-foot contour intervals for ground slopes up to 10%.
 - (b) Five-foot contour intervals for ground slopes exceeding 10%.
- (8) The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips required.
- (9) The approximate radii of all curves.
- (10) The general design of the proposed subdivision or major partition, including the approximate dimensions of all proposed lots and parcels.
- (11) The approximate location of areas subject to inundation or storm water overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.
- (12) The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
- (13) The domestic water system proposed to be installed, including the source, quality, and quantity of water if from other than a public water supply.
- (14) An illuminations plan including the location and size of all street lights to be provided, the power source for such lighting, and the level of illumination as outlined by the illuminations engineers society standard.
- (15) A plan for sewage disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways. The location of facilities must be shown on the tentative plan.

- (16) All public areas proposed to be dedicated by the applicant and the proposed uses, conditions, or limitations of such reservations.
- (17) All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- (18) A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part; provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.
- (19) The locations, size, and type of any perennial plantings in public ways.
- (20) A draft of proposed restrictions and covenants affecting the plat.
- (21) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to inundation and slipping.
- (22) A map setting forth the boundaries of stands of evergreens, and how the development of the proposed subdivision will maximize preservation of those evergreens.
- (23) A preliminary identification of those lots which will possess solar access and newly planted trees which will shade lots.

(Ord. 60, § 3.02, passed 6-14-79; Am. Ord. 62, passed 6-28-79; Am. Ord. 89, passed 12-13-84)

§ 155.047 REVIEW BY UTILITY COMPANIES.

The tentative plan application must be submitted by the subdivider or partitioner to the appropriate utility companies, County Surveyor, and other agencies affected. Copies bearing their comments must be returned to the City Recorder no later than 15 calendar days prior to the City Council meeting at which the plan is to be reviewed for approval.

(Ord. 60, § 3.03, passed 6-14-79)

§ 155.048 REVIEW BY PLANNING COMMISSION.

- (A) The Planning Commission shall consider the tentative plan application and all reports and recommendations at a regular meeting no more than 45 full days after submittal of the tentative plan. The Commission shall recommend approval, denial, or, when further information is required, the Commission may postpone a decision on the application.
- (B) Approval must include affirmative findings that:
 - (1) The tentative plan complies in all respects to applicable provisions of state law requirements and city plans and policies and ordinances.
 - (2) The division of the property does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

(Ord. 60, § 3.04, passed 6-14-79)

§ 155.049 REVIEW BY CITY COUNCIL.

The City Council shall consider the tentative plan application, the recommendation of the Planning Commission, and all reports at a regular meeting no more than 45 full days after action by the Planning Commission. The City Council shall approve, deny, or, when further information is required, postpone a decision on the application. Approval of the tentative plan must include the affirmative findings listed in § 155.048.

(Ord. 60, § 3.05, passed 6-14-79)

§ 155.050 FINAL DISPOSITION.

- (A) *Notification of applicant.* The City Recorder shall notify the applicant of any recommendation by the Planning Commission or action by the City Council taken on a tentative plan application within seven days of such action and shall note the nature of the action and the effective date thereof on the tentative map.
- (B) *Tentative plan effective date.*
 - (1) Unless appealed, City Council decisions shall become effective on the sixteenth day after being rendered. The applicant may then proceed with final surveying and with preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for one year, within which time the application and major partition map or application and subdivision plat must be submitted as required by this chapter to the City Recorder. Otherwise, the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.
 - (2) The approval of the City Council of a tentative plan shall be binding upon the city for the purposes of the preparation of the plat or map and the City Council may require only such changes in the plat or map as are necessary for compliance with the terms of its approval of the tentative plan and shall also be binding on the property owner.

(Ord. 60, § 3.06, passed 6-14-79)

B. FINAL MAP OR PLAT REVIEW AND PROCESSING

§ 155.060 SUBMISSION OF PLAT.

Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit a reproducible sepia, five prints, and additional information as prescribed by this section. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must submit a new tentative plan and make any revision necessary to meet changed conditions.

(Ord. 60, § 3.07, passed 6-14-79)

§ 155.061 REQUIREMENTS FOR MAP AND PLAT.

- (A) *Drafting.*

- (1) One original drawing, 18 inches by 24 inches in size, and five copies shall be submitted. Original maps and plats shall be in substantial conformity to the approved tentative plan and shall conform to the County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.
 - (2) Plats and maps shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed on more than one sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer to any edge of any sheet than one inch.
- (B) *Information required.* The application itself or the proposed subdivision plat or the major partition map must contain the following information with respect to the subject area:
- (1) Traverse computation sheets, for subdivisions only. The registered engineer or registered land surveyor signing the surveyor's affidavit on the plat shall submit traverse computation sheets for the use of the City Engineer in checking the plat. The sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the plat which are not completely rectangular in shape. Each course and distance and each latitude and departure shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be shown from a single point or origin.
 - (2) Traverse computation sheets for a major partition map which will create a street.
 - (3) The lengths of all chords, radii, points of curvature, and chord bearings.
 - (4) The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown.
 - (5) Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
 - (6) Where a plat is an addition to a plat previously recorded, numbers of blocks and lots inconsecutive continuation from such previous plat.
 - (7) The description and location of all permanent reference monuments.
 - (8) An affidavit of a surveyor, who is a state registered engineer or state registered land surveyor and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.
 - (9) The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
 - (10) The name of the subdivision.
 - (11) The zoning of, and the comprehensive plan for, the property.
 - (12) The locations, names, and widths of all streets and alleys existing or being created.

- (13) The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this chapter.
- (14) A designation of all areas covered by water, and the location, width, and direction of flow of all water courses showing seasonal fluctuations, if any.
- (15) A designation of all area being dedicated for public use by the applicant, including proposed uses, and an effective written dedication thereof.
- (16) Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.
- (17) A copy of all protective deed restrictions being proposed.
- (18) A title report issued by a title insurance company licensed by the state verifying ownership by the applicant of the real property that is to be dedicated to the public.
- (19) A designation of any special notice, requirement, or restriction required by the city relating to public improvements or as a condition of approval.
- (20) Identification of those lots which will possess solar access and newly planted trees which will shade lots.
(Ord. 60, § 3.08, passed 6-14-79; Am. Ord. 89, passed 12-13-84)

§ 155.062 REVIEW BY UTILITY COMPANIES.

Major partition maps and subdivision plats must be submitted to the appropriate utility companies, and copies bearing their comments must be returned to the City Recorder no later than 15 calendar days prior to the City Council meeting at which the plan is to be reviewed for approval.

(Ord. 60, § 3.09, passed 6-14-79)

§ 155.063 REVIEW BY CITY COUNCIL.

The City Council shall approve, deny, or, when further information is required, postpone a decision on the application. Approval must include affirmative findings that:

- (A) The major partition map or subdivision plat complies in all respects to applicable provisions of state law, requirements and purpose of this chapter, and city plans and policies.
- (B) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public easements.
- (C) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.
- (D) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as previously approved.

- (E) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.
- (F) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been accounted for and referenced on the plat or map.
- (G) There will exist an adequate quantity and quality of water and an adequate approved sewage disposal system to support the proposed use of the land described in the plat.
- (H) Either:
 - (1) Improvements as required by this chapter or as a condition of tentative plan approval have been completed, and a certificate of such fact has been filed with the City Recorder by the City Engineer;
 - (2) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city, has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements; or
 - (3) A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for the improvements.
- (I) Taxes as well as public liens, assessments, and fees with respect to the subdivision or major partition area have been paid, or adequate guarantee has been provided assuring the taxes, liens, assessments, and fees will be paid prior to recordation.

(Ord. 60, § 3.10, passed 6-14-79)

§ 155.064 FINAL DISPOSITION.

Subdivision or major partition approval shall be evidenced by the signature thereon of the Mayor with the date of such approval. In the event of denial, the City Recorder shall cause notice and the reasons for same to be furnished to the applicant.

(Ord. 60, § 3.11, passed 6-14-79)

§ 155.065 EXPIRATION AND APPROVAL.

If the conditions set at the time of approval are not fulfilled and the plat or map is not offered for record by the partitioner or subdivider in the office of the county recording officer within one year, subdivision or major partition approval, as the case may be, is null and void and a new application for plat or map approval must be submitted for reconsideration.

(Ord. 60, § 3.12, passed 6-14-79)

§ 155.066 DELIVERY TO COUNTY RECORDER.

Following the approval by the City Council:

- (A) *Subdivisions.* In the case of a subdivision the owner or his or her agent shall:

- (1) Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid.
 - (2) Obtain on the approved subdivision plat the signature of the surveyor, whose signature shall certify that the platting laws of this state and the requirements of this chapter have been complied with.
 - (3) Obtain the signature on the approved subdivision plat of a majority of the City Council whose signatures shall certify that the plat is approved by them.
 - (4) Deliver the approved subdivision plat to the office of the County Recorder.
- (B) *Partitions.* In the case of an approved minor partition and major partition, the owner or his or her agent shall deliver it to the office of the County Recorder to be offered for record.
(Ord. 60, § 3.13, passed 6-14-79)

§ 155.067 DELIVERY TO CITY.

- (A) *Subdivisions.* In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved subdivision plats, the sub-divider shall furnish the City Engineer one exact reproducible copy thereof, composed of the same material as required by the County Surveyor, or if not so required, such material and specifications as required by the city. The copy shall be furnished to the city within six working days of recordation.
- (B) *Major partitions.* In the case of an approved and recorded major partition map, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the city.
(Ord. 60, § 3.14, passed 6-14-79)

DESIGN AND DEVELOPMENT STANDARDS

§ 155.080 GENERAL PROVISIONS.

All partitions and subdivisions shall conform to the design and development standards specified in the following sections, the Zoning Ordinance, and the Comprehensive Plan. The standards so specified shall be considered as the minimum appropriate for normal partition or subdivision development and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The city may require appropriate higher design and development standards than the minimum required by this section upon a finding by the City Council that the division is located in an area possessing natural conditions which require special consideration or the division is intended for especially intensive development. All divisions shall be evaluated in terms of efficiency in the use of land, protection of natural features, and pleasing, convenient, and functional design. Requirements not otherwise contained in this section may be prescribed when needed to ensure that established criteria and standards of professional subdivision design are maintained in the city.

(Ord. 60, § 4.01, passed 6-14-79) Penalty, see § 155.999

§ 155.081 STREETS.

(A) *Dedication.*

- (1) *Generally.* The city may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the subdivider of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subdivision area in accordance with the purpose of this chapter.
- (2) *Special safety requirements.* Where necessary to insure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subdivision area, the city may require that local streets be so designed as to discourage their use by nonlocal traffic.
- (3) *Road standards.* Standards pertaining to the dedication and improvement of streets, alleys, blocks, and drainage shall be complied with as required by the City Engineer.
 - (a) Adoption of a master road plan. Upon adoption and approval by the City Council of any such plan or amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in city offices for the use and information of the general public.
 - (b) *Effects of adoptions.* Any such plan or plans and amendments thereto adopted by the City Council shall be considered to be a correct designation of the transportation, access, and safety needs of the area or areas included with respect to the streets designated thereon for the purpose of determining design and location of streets, unless convincing evidence to the contrary is presented.

(B) *Width.*

- (1) *Generally.* Widths of street rights-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the subdivision area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.
- (2) *Existing adjacent street.* The widths of street rights-of-way provided in the table below shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision area, and the subdivider shall dedicate additional right-of-way, as determined by the city in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.
- (3) *Slopes easements.* If required, slope easements shall be dedicated in accordance with city specifications.

[Street right-of-way table begins on next page]

TYPE OF STREET	RIGHT-OF-WAY WIDTH	PAVING WIDTH
ARTERIALS	60' - 120' **	24' - 48' **
COLLECTOR STREETS AND ALL BUSINESS STREETS OTHER THAN ARTERIALS	60' - 80' **	24' - 44' **
LOCAL STREETS IN SINGLE FAMILY DENSITY AREAS – Streets which in the judgment of the Planning Commission will never be more than 2400' in length, and which will have a relatively even division of traffic to two or more exits.	50'	22'
CUL-DE-SACS	50'	20'
CIRCULAR ENDS OF CUL-DE-SACS	92' ***	70' ***
ALL STREETS NOT SPECIFICALLY PROVIDED FOR ABOVE	60' **	40' **

(C) *Reserve strips.* The city may require the subdivider to create a reserve strip controlling the access to a street, the strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the city determines that a strip is necessary:

- (1) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.
- (2) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.
- (3) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs have been determined by the city and paid to the appropriate persons by the property owner gaining access.

- (4) To prevent access to land unsuitable for development.
 - (5) To prevent or limit access to roads classified as arterials.
- (D) *Intersections of streets.*
- (1) *Angles.* Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 degrees centerline radius where such angle is not less than 60 degrees. In the case of street intersecting at an angle of less than 60 degrees, then of such minimum as the city may determine in accordance with the purpose of this chapter.
 - (2) *Jogs.* Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog less than 100 feet.
- (E) *Topography.* The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this chapter.
- (F) *Future extension of streets.* Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part where the city determines that such continuation is necessary to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community.
- (G) *Cul-de-sacs.* There shall be no cul-de-sacs more than 500 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table above.
- (H) *Street names.* Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission and shall not necessarily duplicate or resemble the name of any existing or platted street in the city or the surrounding area.
- (I) *Grades and curves.* Unless otherwise approved by the city because topographical conditions will not reasonably permit, grades shall not exceed 7% on all streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collectors, and 100 feet on all other streets.

(Ord. 60, § 4.02, passed 6-14-79; Am. Ord. 111, passed 2-12-87; Am. Ord. 117, passed 5-8-87)
 Penalty, see § 155.999

§155.082 ALLEYS.

- (A) *Dedication.* The city may require adequate and proper alleys to be dedicated to the public by the subdivider of such design and in such location as necessary to provide for the access needs of the subdivision area in accordance with the purpose of this chapter.
- (B) *Width.* Width of right-of-way and paving design for alleys shall be not less than 15 feet, except that for an alley abutting land not in the subdivision area a lesser width may be allowed in the discretion of the city where the subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.
- (C) *Corner cutoffs.* Where two alleys intersect, ten feet corner cutoffs shall be provided.
- (D) *Grades and curves.* Unless otherwise approved by the Planning Commission where topographical

conditions will not reasonably permit, radii on curves shall not be less than 100 feet.

Ord. 60, § 4.03, passed 6-14-79)
Penalty, see §§ 155.999.

§ 155.083 EASEMENTS.

- (A) *Pedestrian and bicycle ways.* When necessary for public convenience and safety, the city may require the subdivider to dedicate to the public pedestrian and bicycle ways up to 15 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas of such design and location as reasonably required to facilitate pedestrian or bicycle travel.
- (B) *Easements for utilities.* Dedication of easement for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance and dedication of easements for other public utilities may be required of the subdivider by the city along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

(Ord. 60, § 4.04, passed 6-14-79)
Penalty, see § 155.999

§ 155.084 LOTS.

- (A) *General dimensional requirements.* The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with lot requirements of the Zoning Ordinance. Where property is zoned and planned for business or industrial use, the 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.
- (1) *Depth.* Each lot shall have an average depth between the lot front line and the lot rear line of not less than the applicable minimum average width requirement for such lot, but in no case shall be less than 80 feet, and not more than two and one-half times the average width between the lot side lines.
- (2) *Frontage.* Each lot shall have frontage of not less than 60 feet upon a street, except that 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. Lots with water frontage shall have a minimum of 50 feet frontage.
- (B) *Key lots and butt lots.* There shall be no key lots or butt lots except where authorized by the city where such lots are necessitated by unusual topographic conditions or previous adjacent layout.
- (C) *Lot side lines.* As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- (D) *Suitability for intended use.* All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision area or of such lot, as determined by the city in accordance with the

purpose of this chapter.

- (E) *Future subdivision of lots.* Where the subdivision will result in a lot two acres or larger in size which in the judgment of the Planning Commission is likely to be subdivided in the future, the Planning Commission may require that the location of lot lines and other details of layout be such that future subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future subdivision.
- (F) *Panhandle divisions.* Panhandle lots shall not be permitted in new subdivisions.
- (G) *Land for public purpose.* When the city, the school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed six months from the date of City Council approval of a subdivision tentative plan.
- (H) *Lake access.* Common access may be provided within a subdivision where maintenance is provided for in deed covenants.

(Ord. 60, § 4.05, passed 6-14-79)
Penalty, see § 155.999

§ 155.085 DRAINAGE.

Where land in the subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream, or creek, the city may require the subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the City Council as adequate for the drainage needs of the area, or, where necessary in the judgment of the City Council for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

(Ord. 60, § 4.07, passed 6-14-79)

§ 155.086 PARTIAL DEVELOPMENT.

Where the subdivision area includes only part of the tract owned by the subdivider, the city may require a sketch of a tentative layout of streets in the remainder of the tract.

(Ord. 60, § 4.08, passed 6-14-79)

§ 155.087 UNSUITABLE AREAS.

No lands shall be subdivided where the intended use may be dangerous to the health and safety of the public or those who would live in such areas.

- (A) Areas subject to flooding shall not be subdivided unless provisions of the National Flood Insurance Program are met.
- (B) Where slopes exceed 16%, the city may require the report of an engineering geologist before land may be subdivided.
- (C) Where slopes exceed 12%, the city will require a site review before land may be subdivided. Where slopes

exceed 16%, proof of the safety of the proposed development must be shown before the land may be subdivided.

- (D) No land subject to landslides shall be subdivided.
- (E) No land shall be subdivided unless a site-specific investigation of sewage disposal capability has been completed according to procedures established by the State Department of Environmental Quality.

(Ord. 60, § 4.09, passed 6-14-79; Am. Ord. 62, passed 6-28-79) Penalty, see § 155.999

§ 155.088 DEVELOPMENT LIMITATIONS.

The limitations upon construction set forth in §§ 3, 4, and 5, or Ordinance 50 with amendments shall also control development within a subdivision. Areas zoned OS-L and OS-S shall not be developed in a subdivision. (Ord. 60, § 4.10, passed 6-14-79; Am. Ord. 62, passed 6-28-79) Penalty, see § 155.999

§ 155.089 ACCESS.

(A) *Restrictions with regard to access points.*

- (1) Each property is entitled to access to a street.
- (2) Direct driveway access to collector and arterial streets shall be avoided where possible. On a corner lot or parcel adjacent to two public roads the applicant may be required to take access from only one road. Access shall normally be taken on the minor of two intersecting streets.
- (3) When appropriate, the use of joint driveways for adjoining properties may be required.
- (4) Exceptions to these access control standards may be permitted by the City Council or its designee in the interest of traffic safety and good engineering and planning practice. Such exceptions may require further restrictions on the use of the driveway.
- (5) The city reserves the right to make or require such changes, additions, and repairs in the right-of-way that at any time are considered necessary to permit relocation, reconstruction, widening, or maintenance of the roadway or to provide proper protection of life or property on or adjacent to the roadway.

(B) *Relation to adjoining road system.*

- (1) A subdivision or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for roads set forth in this chapter. Where the approving authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made.
- (2) Redevelopment plans may be required to show compliance with § 2 (B) of this chapter.

(C) Access.

- (1) Lots or parcels shall have verifiable access by way of a street, either county, local access - public or an easement. Verifiable access shall meet the following criteria:
 - (a) Each lot or parcel abuts on the roadway for a distance of at least 60 feet.

- (b) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:
 - 1. An express grant or reservation of an easement in a document recorded with the County Recorder.
 - 2. A decree or judgment issued by a court of competent jurisdiction.
 - 3. An order of the court establishing a statutory way of necessity or gateway road.
 - 4. An express easement set forth in an approved and recorded subdivision or partition.
- (c) The roadway provides actual physical access to the lots or parcels.
- (2) Public roadways and easements used as access to lots or parcels shall be designed and developed according to the standards of this chapter.
- (3) Easements used as access to lots or parcels shall meet the following criteria:
 - (a) There shall be no more than three lots, parcels, or unsubdivided or unpartitioned tracts of land accessed by any portion of the easement.
 - (b) Easements shall not be approved if the roadway is presently needed or is likely to be needed for access to adjacent properties or to be utilized for a county or public road in the normal development of the area.
 - (c) The minimum width of roadway easements shall be 50 feet.
 - (d) All approved documents creating a roadway easement shall provide for the installation, construction, and maintenance thereof and provide access for all public utilities and facilities which are now or may in the future be needed for the area abutting the roadway easement and the surrounding area.
 - (e) The city may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.
 - (f) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
 - (g) Any roadway easement approved shall be documented on a form acceptable to the city and shall contain the minimum following information: the grantor and grantee, a description of dominant and servient tenements, a description of the intent or purpose of the easement, and a statement of maintenance responsibility.
 - (h) All approved roadway easements shall be recorded in the title of the affected properties and recorded with the county.
 - (i) If the city determines that the access and transportation needs of the public would be better served if the roadway easement being considered would be established as a public road, it may require that a public road dedication be made to a length and width deemed sufficient by the city.

(Ord. 60, §§ 1.09 through 1.11, passed 6-14-79; Am. Ord. 111, passed 2-12-87; Am. Ord. 117, passed 5-8-87)
 Penalty, see § 155.999

§ 155.090 SOLAR ACCESS STANDARDS.

The development shall be designed so that solar access is available to south-facing building walls and rooftops on December 21 at noon, unless not feasible due to property size, configuration, orientation, existing vegetation, topography, or other physical constraints. Application of this standard shall include but not be limited to the placement and orientation of streets, blocks, and lots, the location and orientation of buildings, and the type and location of trees to be planted.

(Ord. 89, passed 12-13-84)

IMPROVEMENTS

§ 155.100 AGREEMENT FOR IMPROVEMENTS.

- (A) Before City Council approval of a subdivision plat or partition map, the city may require the land divider to either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Recorder an agreement between him- or herself and the city.

(Ord. 60, § 5.01, passed 6-14-79)

- (B) The City Council shall consider for approval the final plat or finished plat provided that at the time of submission of such plat or finished plat a petition for improvements as required herein has been properly executed by the subdivider who is effecting the subdivision and will be assessed for the improvements.

(Ord. 60, § 5.13, passed 6-14-79)

§ 155.101 SPECIFICATIONS.

- (A) *Submitting specifications.* The City Council shall cause to have prepared and shall adopt specifications for improvements, including the construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, landscaping, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety, and welfare needs of the city area affected in accordance with the purpose of this chapter.

- (B) *Procedure.* The procedure for preparing, submitting, and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.

- (C) *Adoption of specifications.* Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be adopted by the City Engineer, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the office of the City Engineer and in the City Hall for the use and information of the general public. The city will publish city specifications and typical drawings for sale to the public.

(Ord. 60, § 5.02, passed 6-14-79)

§ 155.102 WATER SUPPLY.

All lots within the subdivision area shall, where needed as determined by the City Council in accordance with the purpose of this chapter, be served by an approved water supply.

(Ord. 60, § 5.03, passed 6-14-79) Penalty, see § 155.999

§ 155.103 SEWAGE.

All lots within the subdivision area shall, as determined by the City Council in accordance with the purpose of this chapter, be served by a sewage system approved by the State Department of Environmental Quality.

(Ord. 60, § 5.04, passed 6-14-79) Penalty, see § 155.999

§ 155.104 DRAINAGE.

Such grading shall be done and such drainage facilities shall be constructed by the subdivider as are adequate for the purpose of proper drainage of the subdivision area or areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision area and the benefit of the general public, in accordance with the specifications of this chapter.

(Ord. 60, § 5.05, passed 6-14-79) Penalty, see § 155.999

§ 155.105 STREETS AND ALLEYS.

The subdivider shall grade and pave all streets and alleys in the subdivision area to the width specified in § 155.081 of this chapter and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision area in accordance with specifications adopted by the City Council under § 155.101. Such improvements shall be constructed to specifications of the city.

(Ord. 60, § 5.06, passed 6-14-79) Penalty, see § 155.999

§ 155.106 SIDEWALKS.

Any sidewalks located and constructed in accordance with the provisions of this chapter shall include handicapped ramps at all street intersections.

(Ord. 60, § 5.07, passed 6-14-79) Penalty, see § 155.999

§ 155.107 PEDESTRIAN WAYS.

A walk strip not less than five feet in width may be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the City Council under § 155.101

(Ord. 60, § 5.08, passed 6-14-79) Penalty, see § 155.999

§ 155.108 UNDERGROUND INSTALLATION OF UTILITY AND SERVICE FACILITIES.

All utility lines, including but not limited to those required for electric, communication, lighting, and cable television services and related facilities, shall be placed underground (in non-metallic conduits), except surface-mounted transformers, surface-mounted connection boxes, and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.

(Ord. 60, § 5.09, passed 6-14-79) Penalty, see § 155.999

§ 155.109 BIKEWAYS AND BIKE PATHS.

The City Council shall consider the need for bikeways or bike paths in the subdivision in relation to adopted plans for bikeways in the community and may require installation and dedication by the subdivider. Construction shall conform to the specifications adopted by the City Council. Bikeways may be built in conjunction with sidewalks and pedestrian ways.

(Ord. 60, § 5.10, passed 6-14-79) Penalty, see § 155.999

§ 155.110 STREET LIGHTS.

The developer may be required to install street lights in a pattern fitting the subdivision and according to the specifications of the Central Lincoln Peoples's Utility District.

(Ord. 60, § 5.11, passed 6-14-79) Penalty, see § 155.999

§ 155.111 FIRE HYDRANTS.

The developer is to install suitable fire hydrants meeting city specifications to serve fire flow requirements of the subdivision.

(Ord. 60, § 5.12, passed 6-14-79) Penalty, see § 155.999

FEES

§ 155.125 FEES.

(A) A land divider shall pay an application fee as established by resolution of the City Council, which shall be in addition to fees to be paid the County Recorder pursuant to O.R.S. 205.350 and other county fees:

- (1) For a subdivision application.
- (2) For a major partition application.
- (3) For a minor partition.
- (4) For a concept review.

(B) If the final subdivision plat does not fully conform with the approved tentative plan, an additional fee of \$50 shall be paid before approval of the plat shall be completed.

(Ord. 60, § 6.01, passed 6-14-79)

MODIFICATIONS AND APPEALS

§ 155.135 MODIFICATIONS.

(A) *Application for modification.*

- (1) *Time for submitting application.* Concurrently with submitting a tentative plan to the City Recorder for initial Planning Commission consideration, a subdivider may submit to the City Recorder an application for a modification of any provision of § 155.045 et seq., § 155.060 et seq., § 155.080 et seq., or § 155.100 et seq.
- (2) *Contents of application.* An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
 - (a) Such provision, if strictly applied, would cause unique and unnecessary hardship to such subdivider in subdividing the subdivision area.
 - (b) Modification of such provision would not be contrary to the purpose of this chapter for the reason that:
 1. Where the application is for a modification of any provision of § 155.080 et seq. or § 155.100 et seq., unusual topographic conditions or previous layout of the subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the best use and value of property in the neighboring area; or
 2. Where the application is for a modification of any provision of § 155.045 et seq. or § 155.060 et seq., the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

(Ord. 60, § 7.01, passed 6-14-79)

(B) *Consideration of application for modification.*

- (1) *Time of consideration.* Application for a modification shall be considered at the Planning Commission meeting at which the tentative plan accompanying the application for a modification is to be considered by the Planning Commission, and at the subsequent meeting where the recommendations of the Planning Commission are considered by the City Council. The City Council may also consider applications for a modification at its discretion.
- (2) *Allowance of modification.* If a majority of a quorum of the Planning Commission determines from such evidence as it deems necessary and competent that the circumstances specified in (A) have been shown to exist, it shall recommend the application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of this chapter. The City Council shall take action to accept or deny the modification prior to or in conjunction with its consideration of the tentative plan.
- (3) *Effect of allowance of modification.* After the procedure provided in (A) has been duly complied with, the Planning Commission shall proceed to consider the tentative plan which accompanied the application for such modification. Such consideration shall proceed under the requirements therefor heretofore provided in this chapter, but the Planning Commission and subsequently the City Council, if it accepts the modifications, may consider any provision of § 155.045 et seq., § 155.060 et seq., § 155.080 et seq., or § 155.100 et seq. to be satisfied to the extent and under the conditions and terms of the modifications allowed.
- (4) *Refusal to allow modification.* If a modification is not allowed by the City Council as provided in this division (B), the application for modification shall be deemed to have been denied and the City Council shall proceed to consider the tentative plan which accompanied the application for such modification under the requirements heretofore provided in this chapter.

(Ord. 60, § 7.02, passed 6-14-79)

§ 155.136 APPEALS.

- (A) *Appeal.* An appeal may be made to the City Council by the applicant, interested person, or by the City Council's own motion if the Planning Commission does not take action required by this chapter within 45 days after such plat is so submitted, and the subdivider believes that such action or failure to take action on such plat is erroneous. Such appeal shall be taken no later than ten days after the Planning Commission's action or the expiration of such 45-day period, whichever the case may be.
- (B) *Notice of appeal.* The appeal notice shall be filed in written form with the City Council and shall include a concise statement of the grounds upon which the appellant claims the decision appealed was erroneous.
- (C) *Response by city.* The city shall notify the appellant by letter confirming the receipt of the appeal and stating the appeal procedures and date the appeal will be heard by the City Council.

(Ord. 60, § 7.03, passed 6-14-79)

§ 155.999 PENALTY.

- (A) A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or confinement in the city jail not to exceed 60 days, or both fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed or continued by such person, firm, or corporation, and shall be punished accordingly.
- (B) Violations of this chapter may be abated as a nuisance according to procedures set forth in Chapter 91.

(Ord. 60, § 10.01, passed 6-14-79)

SUBDIVISIONS APPENDIX: DIAGRAMS

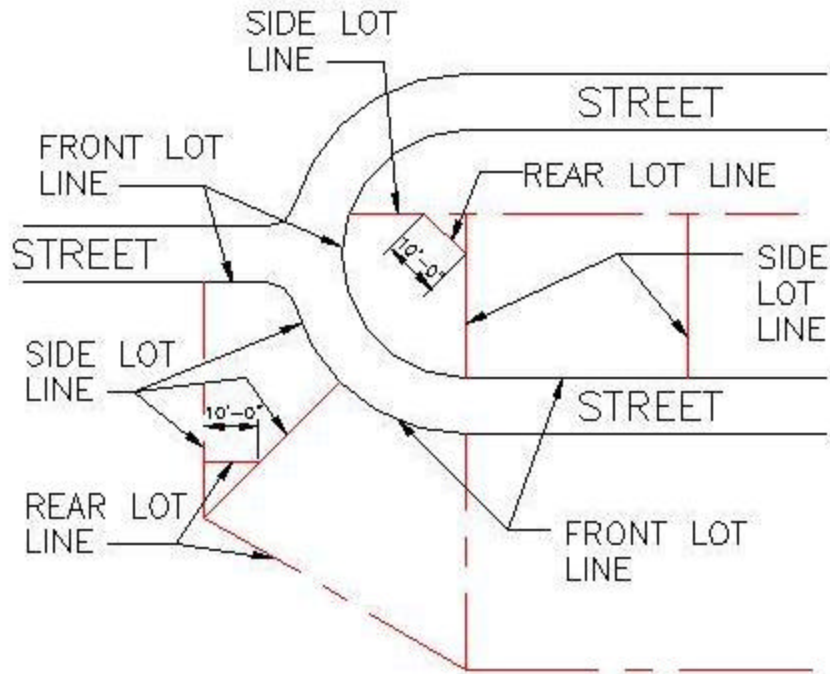
Section

1. Lot lines, depth, and width
2. Corner lots
3. Interior lots
4. Through and double frontage lots
5. Subdivision street types

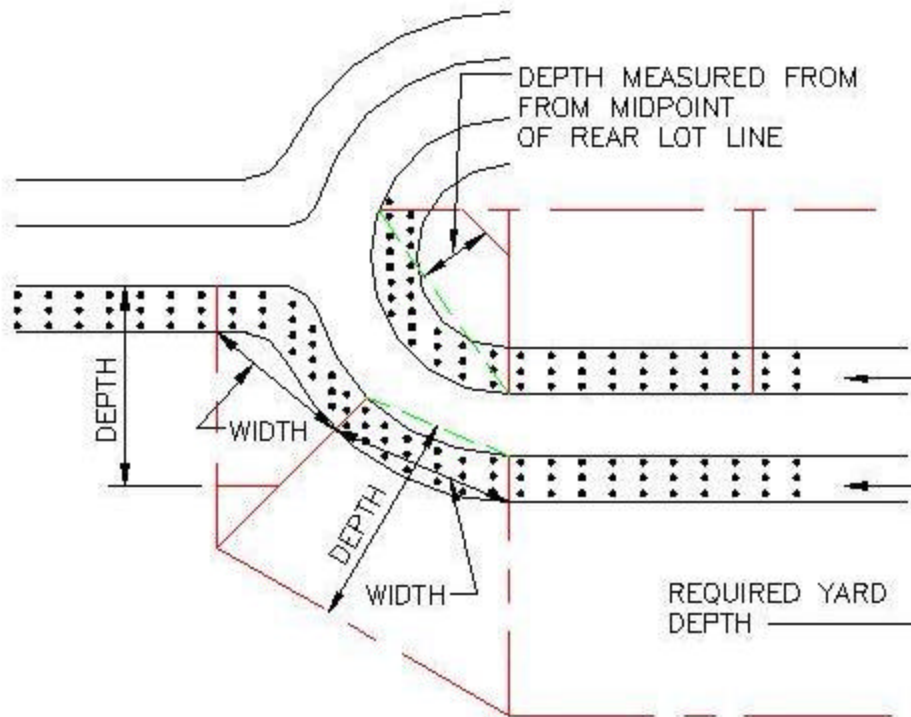
[Diagrams on following pages]

§ 1. LOT LINES, DEPTH, AND WIDTH.

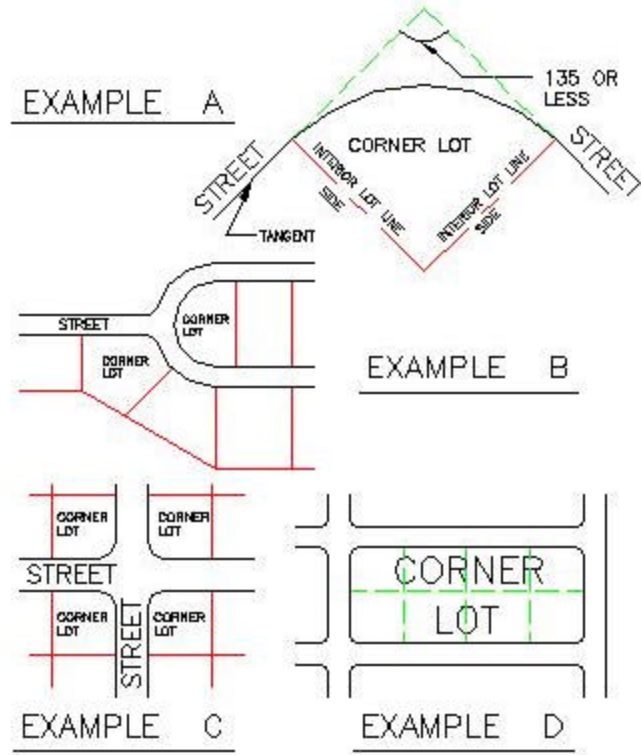
(A) Lot Configurations



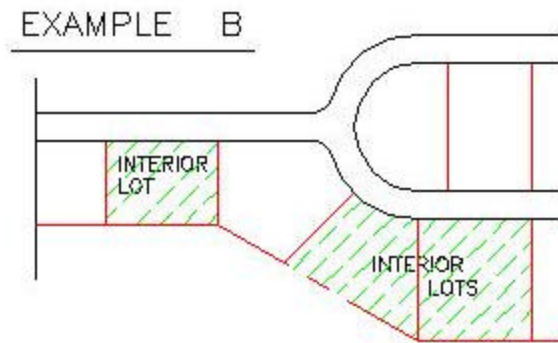
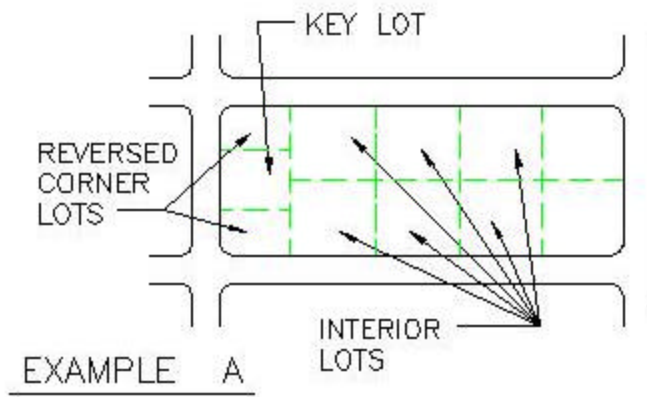
(B) Mid-point Depth of Rear Lot Line, Yard Depth



§ 2. CORNER LOTS.



§ 3. INTERIOR LOTS.



§ 4. THROUGH AND DOUBLE FRONTAGE LOTS.

