

**City of Echo**  
**Subdivision Administrative Regulations**

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# CHAPTER 1

## *Subdivision Provisions*

### SECTION:

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### **8-1-1 SUBDIVISION TITLE PROVISIONS:**

- A. Title: These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the City of Echo.
- B. Enactment: In order that land may be subdivided and partitioned in accordance with these purposes and policy, these regulations are hereby adopted.
- C. Purposes: The purpose of this Title is to provide for the public health, safety, and general welfare of the people of the City by establishing uniform procedures and standards for the partitioning and subdividing of land within the City. These regulations are necessary to:
  - 1. Guide the future development of the City in accordance with the Comprehensive Plan.
  - 2. Insure that public facilities, including but not limited to sanitation systems, water supply systems, streets and fire protection, are adequate to serve the subdivided or partitioned area.
  - 3. Protect and conserve land throughout the City by providing for its most beneficial use and enhancement of the quality of the environment.
- D. Jurisdiction:
  - 1. These subdivision regulations shall apply to all subdivision and partition of lands, as defined herein, located within the corporate limits of the Municipality.
  - 2. The City shall review and comment on plans, plats or maps for subdivision or partitions beyond the corporate limits of the City and within urban growth boundary.
- E. Authority: By authority of ordinance of the Council of the City adopted pursuant to the powers and jurisdictions vested by Oregon Revised Statutes, chapter 92, and other applicable laws of the State of Oregon, the City shall review, approve and disapprove plans, plats and maps for the subdivision and partitioning of land within the corporate limits of the City.
- F. Severability: Where any word, phrase, clause, sentence, paragraph or section, or other part of these regulations is held invalid by a court of competent jurisdiction, this judgment shall affect only that part held invalid, and shall not impair the validity of the remainder of these regulations.

### **8-1-2 AMENDMENTS:**

An amendment to this Subdivision Title may be initiated by the City Council, an affected governmental unit, or by application of a property owner or resident in the City or urban growth area. The procedure to be followed for adoption of the proposed amendment shall be that prescribed by Oregon Revised Statutes, section 92.048.

### **8-1-3 VARIANCES:**

A. The City Council may authorize variances, with conditions, to the requirements of this Title. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan or map. A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property have no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by owners of other property in the same vicinity.
3. The variance would not be materially detrimental to the purposes of this Title, or to property in the same vicinity in which the property is located or otherwise conflict with the Comprehensive Plan.
4. The granting of a variance for city transportation facilities shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
5. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
  - a) Indirect or restricted access cannot be obtained;
  - b) No engineering or construction solutions can be applied to mitigate the condition; and
  - c) No alternative access is available from a street with a lower functional classification than the primary roadway.
6. No variance shall be granted where such hardship is self-created.

B. In granting or denying a variance, the City Council shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

### **8-1-4 APPEAL:**

A person may appeal to the City Council from any decision or requirement made by the City Engineer pursuant to this Chapter. Written notice of the appeal must be filed with the City within thirty (30) days after the decision or requirement is made in the case of subdivision or major partition and ten (10) days in the case of a minor partition, pursuant to Oregon Revised Statutes, sections 92.044(2) and 92.046(3). (Ord. 230-78, 10-18-78)

### **8-1-5 SCHEDULE OF FEES:**

- A. Any application or submission required by this Title shall be accompanied by a filing fee based on the fee schedule of the City; such schedule to be set by resolution of the City Council. (Ord. 230-78, 10-18-78; 1986 Code)
- B. No application required by this Title shall be accepted unless accompanied by all applicable fees.

**8-1-6 VIOLATIONS AND PENALTIES:**

- A. Every final subdivision plat and partition map shall be approved pursuant to this Title and the provisions of chapter 92, Oregon Revised Statutes, before title to the subdivided land can be sold or transferred in any manner. If land is transferred or sold contrary to the provisions of this Title, the City Attorney shall commence action to enjoin further sales or transfers to compel compliance with its provisions. The cost of maintaining this suit shall be imposed against the person transferring or selling the property to be subdivided or partitioned. (Ord. 230-78, 10-18-78)
- B. In addition to the penalties provided by State law, any person violating or failing to comply with a provision of this Title shall, upon conviction thereof, be punished by a fine of not more than two hundred fifty dollars (\$250.00). Every sale or transfer of a parcel of land in violation of this Title shall be deemed a separate and distinct offense. In addition, the City will not give zoning approval on any application for a building permit to be issued by the State of Oregon as to any piece of property owned by a person in violation of the provision of this Title. (Ord. 230-78, 10-18-78; 1986 Code)

# CHAPTER 2

## *Subdivision Definitions*

### SECTION:

#### 8-2-1: Definitions

#### **8-2-1 DEFINITIONS:**

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

- Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- Access Classification. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
- Access Connection. Any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.
- Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
- Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
- Approval.
- A. Tentative: The official action taken by the City Council after a public hearing on the proposed subdivision or partition.
  - B. Final: The final official action taken by the City Council on the proposed subdivision or partition, which had previously received tentative approval.
- Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
- Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
- Bikeway. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of

bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. Multi-use Path. A paved 8 to 10 foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

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| Building Line.             | A line on a plat or map indicating the limit beyond which buildings or structures may not be erected subject to setback requirements in the City's Zoning Ordinance.  |
| City.                      | The City of Echo, Oregon.   |
| City Engineer.             | A registered professional engineer, as defined by Oregon Revised Statutes, section 672.002(6), who is legally contracted to represent the City.   |
| Comprehensive Plan.        | A generalized, coordinated land use map and policy statement of the City that interrelates all functional and natural systems and activities relating to the use of land, and adopted pursuant to Oregon Revised Statutes, section 197.               |
| Corner Clearance.          | The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. |
| Cross Access.              | A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.  |
| Dedication.                | A deliberate appropriation of land by its owner for some public use and accepted for such use by or on behalf of the public.  |
| Easement.                  | A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.  |
| Frontage Road.             | A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.             |
| Functional Area.           | That (intersection) area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.   |
| Functional Classification. | A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.   |

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| Joint Access.                   | A driveway connecting two or more contiguous sites to the public street system (Joint Access).   |
| Lot.                            | A unit of land that is created by a subdivision of land. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, and complies with the dimensional requirements of this code. <ul style="list-style-type: none"> <li>a. Corner Lot: A lot situated at the intersection of two (2) streets, provided the interior angle of such intersections does not exceed one hundred thirty five degrees (1350).</li> <li>b. Reversed Corner Lot: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.</li> <li>c. Through Lot: A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.</li> <li>d. Flag Lot. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line</li> </ul> |
| Lot Line.                       | <ul style="list-style-type: none"> <li>A. Lot Front Line: The line abutting a street. For corner lots the front line is that with the narrowest street frontage. For double frontage lots, the lot front line is that having frontage on a street which is so designated by the developer and approved as part of a final plat or map as provided for in this Title.</li> <li>B. Lot Rear Line: The lot line that is opposite to and most distant from the front lot line.</li> <li>C. Lot Side Line: Any lot line that is not a lot front or rear line.</li> </ul>  |
| Lot Depth.                      | The average distance measured from the front lot line to the rear lot line.  |
| Lot Frontage.                   | That portion of a lot extending along a street right-of-way line.  |
| Map, Partition:                 | A final diagram, drawing or other writing containing all the descriptions, locations, specifications, dedications, provisions and information required by this Title concerning a partition.   |
| Neighborhood Activity Center.   | An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.   |
| Non-conforming Access Features. | Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.   |
| Parcel.                         | A division of land comprised of one or more lots in contiguous ownership.  |
| Partition.                      | An area or tract of land divided into two (2) or three (3) parcels within a calendar year, when this area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year. <ul style="list-style-type: none"> <li>a. Major Partition: A partition that includes the creation of a street.</li> <li>b. Minor Partition: A partition that does not include the creation of a street, but which is subject to approval of the City under this Title.</li> </ul>  |

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| Partition Land.                        | To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year. "Partition land" does not include: <ul style="list-style-type: none"> <li>a. Divisions of land resulting from lien foreclosures.</li> <li>b. Divisions of land resulting from the creation of cemetery lots.</li> <li>c. Divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession.</li> <li>d. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the Zoning Ordinance.</li> </ul> |
| Pedestrian Facilities.                 | A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails  |
| Pedestrian Way.                        | A right of way for pedestrian traffic.   |
| Person.                                | A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any other group or combination acting as a unit.  |
| Plat, Subdivision.                     | An exact and detailed map of the subdivision of land.  |
| Private Road.                          | Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.  |
| Public Road.                           | A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.  |
| Reasonable Access.                     | The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the city.   |
| Reasonably Direct.                     | A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.  |
| Right of Way.                          | Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.  |
| Roadway.                               | The portion of a street right of way developed for vehicular traffic.  |
| Safe and Convenient.                   | Bicycle and pedestrian routes that are: <ul style="list-style-type: none"> <li>a. Reasonably free from hazards, and</li> <li>b. Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.</li> </ul>  |
| Sidewalk.                              | A pedestrian walkway with permanent surfacing.   |
| Significant Change in Trip Generation. | A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities   |

causing an increase in the trip generation of the property exceeding: (1) local-10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State-exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

Sketch Plan.

A sketch preparatory to the preparation of the tentative subdivision plan to enable the subdivider to save time and expense in reaching general agreement with the City as to the form of the plan and the objectives of these regulations.

Street.

A public or private right of way for the use of pedestrian or vehicular traffic, including the terms "road", "highway," "lane," "avenue", "alley" or similar designations.

- a. Alley: A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- b. Arterial: A street of considerable continuity, which is primarily a traffic artery for travel between large areas.
- c. Collector: A street supplementary to the arterial street system and a means of travel between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
- d. Cul-de-Sac: A short street having one end open to traffic and being terminated by a vehicle turnaround.
- e. Half Street: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- f. Local Street: A street intended primarily for access to abutting properties.
- g. Marginal Access Street: A local street parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.
- h. Stub-Out (Stub-Street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Subdivide Land.

To divide an area or tract of land into four (4) or more lots within a calendar year when this area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of that year.

Substantial Enlargements or Improvements. A 10 percent increase in existing square footage or 50 percentage increase in assessed valuation of the structure

Tentative Plan.

A preliminary map, drawing or chart of the subdivision, dedication or portion thereof, containing the elements and requirements set forth within this Title and which the subdivider submits for tentative approval at a public hearing.

Urban Growth Area.

Land between the corporate limits of the City and the urban growth boundary.

Urban Growth Boundary.

The boundary designated in the City's Comprehensive Plan identifying and separating urbanizable land from rural land. (Ord. 230-78, 10-18-78)

Walkway.

A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.



# CHAPTER 3

## ***SUBDIVISION PROCEDURE***

### SECTION:

8-3-1: Application for Subdivision Required

8-3-2: Discussion of Requirements

8-3-3: Sketch Plan

8-3-4: Tentative Plan

8-3-5: Final Subdivision Plat

### **8-3-1 APPLICATION FOR SUBDIVISION REQUIRED**

Before any permit for the erection of any structure in a proposed subdivision is granted, and before any contract for sale of any part thereof is made, the subdividing owner or his authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the following procedure.

### **8-3-2 DISCUSSION OF REQUIREMENTS**

Before preparing the sketch plan as required in Section 8-3-3, the applicant shall discuss with the City Engineer the procedure for adoption of a subdivision plat and the improvement requirements provided for in this Title.

### **8-3-3 SKETCH PLAN**

Prior to subdividing land, an owner of land or his representative shall file an application for approval of a sketch plan.

A. The application shall:

1. Be made on forms available from the City.
2. Include all contiguous holdings of the owner, with an indication of the portion, which is proposed to be subdivided. It shall also be accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Clerk's office. The affidavit shall list the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock.
3. Be accompanied by a minimum of five (5) copies of the sketch plan as described in these regulations, complying in all respects with these regulations and submitted to the City Recorder at least ten (10) days prior to the next regular City Council meeting.
4. Be accompanied by the appropriate fee, based on the fee schedule adopted by the City Council.
5. The application shall include an address and telephone number of an agent located within Umatilla County who shall be authorized to receive all notices required by this Title.

- B. City Council Review of Sketch Plan: At its next regular meeting, the City Council shall study the sketch plan, taking into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particular attention must be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan.
- C. Approval of Sketch Plan: Within fifteen (15) days after the City Council reviews the sketch plan, it shall advise the applicant of the specific changes or addition, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require a prerequisite to the approval of the tentative subdivision plan. The City Council may require additional changes as a result of further study of the subdivision in final form. This approval authorizes the applicant to submit a tentative plan.
- D. Notice to Governmental Units: All affected governmental units shall be notified of the approval of the sketch plan and shall be given a reasonable period of time to review the plan and to suggest revisions in the public interest prior to the public hearing on the tentative plan.

### **8-3-4 TENTATIVE PLAN**

- A. Application Procedure and Requirements: Based upon the approval of the sketch plan, the applicant shall file in duplicate an application for approval of a tentative plan. The application shall:
  - 1. Be accompanied by a minimum of five (5) copies of the tentative plan, as described in Section 8-5-2 of this Title, and submitted to the City Recorder at least thirty (30) days prior to the next regular City Council meeting.
  - 2. Be made on forms available from the City, together with the appropriate fee, based on the fee schedule adopted by the City Council.
  - 3. Include all land which the applicant proposes to subdivide, and if the subdivision pertains to only a part of the tract owned or controlled by the subdivider, then the applicant shall also include a sketch of a tentative layout for streets in the unsubdivided portion,
  - 4. Comply in all respects with the sketch plan, as approved.
- B. Subdivision and site plan review shall address the following access criteria:
  - 1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
  - 2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
  - 3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  - 4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
  - 5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.

- C. Review by City Engineer: Upon receipt of the application for tentative plan approval, the City Recorder shall furnish one copy of the application to the City Engineer. The City Engineer shall review the tentative plan and prepare his report to present to the City Council at its next regular meeting,
- D. City Council Review: The City Council shall hold a Public hearing to review the tentative plan and the City Engineer's report.
- E. Notice and Opportunity to be Heard:
  - 1. Notice:
    - a) Procedure: The City Recorder shall give notice of the public hearing in the following manner:
      - (1) Newspaper: Notice shall be published in at least two (2) issues of a newspaper of general circulation within the City, the first at least ten (10) days in advance of the public hearing, and the second at least one day in advance of the Public hearing.
      - (2) Mail: At least ten (10) days prior to the public hearing, notice of the hearing shall be sent by first class mail to:
        - a) the applicant, and all record owners and contract purchasers of real property within 250 feet of the property which is the subject of the proposed action, and
        - b) All affected governmental units, which have an interest in the proposed subdivision.
      - (3) Posting: At least ten (10) days prior to the public hearing, a notice of such public hearing shall be posted on the closest public streets in visible locations surrounding the proposed subdivision or property to be partitioned.
    - b) Content: The public notices shall contain the following:
      - (1) Date, time, and place of public hearing.
      - (2) General description of the action proposed on the subdivision application.
      - (3) Address, including lot and block number, if any, of the property that is to be subdivided.
      - (4) Notice by mail and posting shall also include an eight and one-half inches by eleven inches (8 1/2 " x 11 ") diagram of the property to be subdivided, to be provided by the applicant, indicating its location relative to adjacent property owners within two hundred fifty feet (250') and at least two (2) clearly marked public streets.
  - 2. Public Hearing:
    - a) The City Council shall hold a public hearing on the tentative plan within thirty (30) days following submission of the tentative plan.
    - b) The public hearing shall be conducted in accordance with the requirements governing the conduct of quasi-judicial hearings on land use matters pursuant to Oregon Revised Statutes, sections 215.412 and 227.170.

- c) If necessary, the City Council may resolve to continue the public hearing giving the date, time and place the hearing will be continued.

F. Action on Tentative Plan:

1. Within fifteen (15) days following the close of the public hearing, the City Council shall give written notice to the applicant of approval, disapproval or conditional approval of the tentative plan. Approval shall be indicated by the signature of the Mayor and the City Recorder on the plan.
2. One copy of the tentative plan shall be returned to the developer with the date of approval, conditional approval or disapproval and the findings and conclusions upon which the City Council's decision was based accompanying the plan.

G. Effective Period of Tentative Approval:

1. The approval of a tentative plan for a subdivision shall be effective for one year.
2. Any plan not receiving final approval within one year shall be null and void, and the developer shall submit a new tentative plan for approval, subject to all current zoning restrictions and land division regulations.

### **8-3-5 FINAL SUBDIVISION PLAT:**

A. Application Procedure and Requirements: Within one year of the approval of the tentative plan, the applicant, in order to receive final approval of the subdivision plat, shall file with the City Council an application which shall:

1. Be made on forms supplied by the City, together with the appropriate fee, based on the fee schedule adopted by the City Council.
2. Include the entire subdivision or section thereof, access to which is via an existing State, County or local government street.
3. Be accompanied by a minimum of ten (10) copies of the subdivision plat, as described in Section 8-5-3 of this Title.
4. Comply in all respects with the tentative plan, as approved.
5. Be presented to the City Recorder, who shall then refer the application to the City Council prior to the next regular meeting of the City Council at which consideration is desired.
6. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks and easements, without any reservation other than reversionary rights upon vacation of any such street or road and easements for public utilities, pursuant to Oregon Revised Statutes, section 92.090(3).
7. Be accompanied by a performance bond or other assurance for completion and maintenance of improvements, as specified in Chapter 8 of this Title, and which includes a provision that the principal of the bond or other guarantee of financial security shall comply with all the terms specified by the City Council as a condition of approval of the final subdivision plat.
8. Be accompanied by written assurance from public utility companies and improvement districts that necessary utilities will be installed and by proof that the applicant has

submitted petitions in writing for the creation or extension of any improvement districts as required by the City Council upon tentative plan approval.

**B. Review of Application:**

1. The City Council shall review the application at the next regular City Council meeting following submission of the application for final plat approval. In order to be considered at the next meeting, the application shall be submitted at least ten (10) working days before the regularly scheduled meeting of the City Council.
2. The application for final plat approval and accompanying documents shall be reviewed by the City Engineer and affected governmental units to determine whether it substantially conforms to the tentative plan, the requirements of law and this Title. The City Engineer may make such checks in the field as are desirable to verify that the subdivision plat is sufficiently correct on the ground and he or his representatives may enter the property for this purpose. If the City Engineer determines that the final subdivision plat does not so conform to the tentative plan, the requirements of law and the Title, then he shall advise the applicant of the changes that must be made and shall afford the applicant an opportunity to make the changes or additions.
3. The Oregon Department of Transportation shall review any application that involves access to the State Highway System for conformance with state access management standards.
4. Upon receipt of the plat with the approval of the City Engineer, the City Council shall consider the application at a regularly scheduled meeting. Within ten (10) days of the meeting the City Council shall approve, disapprove or conditionally approve the application, setting forth in detail any conditions of approval or reasons for disapproval.
5. The final resolution of the City Council approving the application shall stipulate the period of time when the performance bond or other guarantee of financial security shall be filed or the required improvements installed, whichever is applicable. It shall also contain the written findings of fact and conclusions of law which it relied upon in reaching its decision. One copy of the final subdivision plat or major partition map signed by the Mayor and City Recorder shall be returned to the developer with the date of approval, conditional approval or disapproval noted thereon, and the reasons therefor accompanying the plat or map.
6. Filing of Plat: Without delay, the subdivider shall submit the final plat for signatures of other public officials required by the law. Approval of the plat shall be null and void if the plat is not recorded within ninety (90) days after the date the last required approving signature has been obtained, or within one year of approval of the final plat or map, whichever is sooner. (Ord. 230-78, 10-18-78)

## CHAPTER 4

### ***MAJOR AND MINOR PARTITION PROCEDURE***

#### SECTION:

8-4-1: Major Partitions

8-4-2: Minor Partitions

#### **8-4-1 MAJOR PARTITIONS:**

The procedure for approval by the City of a major partition shall be the same as provided for in Chapter 3 of this Title pertaining to subdivision, except that the applicant need not file and obtain approval of sketch plan, procedures for which are specified in Section 8-3-3 of this Title.

#### **8-4-2 MINOR PARTITIONS:**

- A. Application Procedure and Requirements: Prior to creating a minor land partition, an owner of land, or his/her representative shall file with the City Recorder an application for approval of a sketch plan. The application shall:
1. Be made on forms available from the City.
  2. Include all contiguous holdings of the owner, with an indication of the portion, which is proposed to be partitioned. It shall also be accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired together with the book and page of each conveyance to the present owner as recorded in the County Clerk's office. The affidavit shall list the legal owner of the property, the contract owner of the property, the date contract of sale was executed and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock.
  3. Be accompanied by a minimum of five (5) copies of the sketch plan, as described in Section 8-5-1 of this Title, submitted to the City Recorder at least ten (10) days prior to the next regular City Council meeting.
  4. Be accompanied by the appropriate fee, based on the fee schedule adopted by the City Council.
- B. Review by City Engineer: The City Recorder shall refer the application to the City Engineer, who shall determine if dedication of land, easements, or conditions for approval of the sketch plan are required.
- C. Review by City Council:
1. After receipt of the application and report by the City Engineer the City Council shall review the application, sketch plan and recommendations of the City Engineer at its next regular meeting.
  2. If the City Council determines that a public hearing is necessary before taking action on the application, the hearing shall be conducted as required by subsection D of this Section.

- D. Hearing by City Council: The public hearing shall be conducted in accordance with the requirements governing the conduct of quasi-judicial hearings on land-use matters, and notice shall be given in accordance with the requirements of subsection 8-3-4D of this Title.
- E. Action on Application: The City Council shall approve, conditionally approve, or deny the application for creation of a minor land partition and state the reasons therefor within fourteen (14) days after its review is completed or after close of the hearing as appropriate. (Ord. 230-78, 10-18-78)

## CHAPTER 5

### ***SUBDIVISION OR PARTITION PLAN, PLAT AND MAP REQUIREMENTS***

#### SECTION:

8-5-1: Sketch Plan

8-5-2: Tentative Plan

8-5-3: Final Subdivision Plat or Major Partition Map

#### **8-5-1 SKETCH PLAN:**

The following shall be required:

- A. Scale: Sketch plans shall be drawn to a convenient scale of not more than one hundred feet to an inch (100' = 1").
- B. Name: The sketch plan shall show the name of the subdivision if property is within an existing subdivision, and if not, it shall show the proposed name, which does not duplicate the name of any plat previously recorded.
- C. Ownership: The sketch plan shall show:
  1. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
  2. Citation of any existing legal right of way or easements affecting the property.
  3. Existing covenants on the property, if any.
  4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements and for surveys.
- D. Description: The sketch plan shall describe the location of property by government lot, section, township, range and county, graphic scale, north arrow and date.
- E. Features: The following are the required features of the sketch map:
  1. Location of property lines, existing easements, burial grounds, railroad rights of way, watercourses and existing wooded areas or trees eight inches (8") or more in diameter, measured four feet (4') above ground level; location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names and addresses of adjoining property owners from the latest assessment rolls within two hundred fifty feet (250') of any perimeter boundary of the subdivision..
  2. Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights of way.
  3. Approximate topography, with contour intervals of at least twenty feet (20')
  4. The approximate location and widths of proposed streets.

5. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal, preliminary provision for collecting and discharging surface water drainage, accompanied by tentative approval by the Department of Environmental Quality and other appropriate agencies.
6. The approximate location, dimensions, and areas of all proposed or existing lots.
7. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
8. The location of temporary stakes to enable City officials to find and appraise features of the sketch plan in the field.
9. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred feet to the inch (200' = 1"), a sketch in ink of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street system and drainage system of the remaining portion of the tract.
10. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

#### **8-5-2 TENTATIVE PLAN:**

- A. Requirements: The following shall be required of a tentative subdivision plan or major partition map:
  1. Scale: The plan or map shall be drawn on a sheet eighteen inches by twenty four inches (18" x 24") in size or a multiple thereof at a scale of one inch equals one hundred feet (1"= 100') or, for areas over one hundred (100) acres, one inch equals two hundred feet (1"=200').
  2. Name: The plan or map shall show the name of the subdivision or partition if property is within an existing subdivision, and if not, it shall show the proposed name which does not duplicate the name of any plan or map previously recorded, as provided by Oregon Revised Statutes, section 92.01 (1).
  3. Ownership:
    - a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision or major partition giving grantor, grantee, date and land records reference.
    - b) Citation of any existing legal rights of way or easements affecting the property.
    - c) Existing covenants on the property, if any.
    - d) Name and address, including telephone number, of the professional person(s) responsible for subdivision or partition design, for the design of public improvements, and for surveys.
  4. Description: The location of property by government lot, section, township, range and county, graphic scale, north arrow and date.

5. Features:
- a) Scale of drawing.
  - b) Appropriate identification of the drawing as a tentative plan or map.
  - c) 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.
  - d) Contour lines related to some established benchmark or other datum approved by the City Engineer and having minimum intervals as follows:
    - (1) For slopes of less than five percent (5%) show the direction of slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed.
    - (2) For slopes of five percent (5%) to fifteen percent (15%): five feet (5')
    - (3) For slopes of fifteen percent (15%) to twenty percent (20%): ten feet (10')
    - (4) For slopes of over twenty percent (20%): twenty feet (20').
  - e) The location of at least one temporary bench mark within the subdivision or partition boundaries.
  - f) The location and direction of perennial or intermittent watercourses and the location of areas subject to flooding, including informational sources relied on.
  - g) Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
  - h) Existing uses of the property and location of existing structures to remain on the property after platting.
  - i) The locations, width, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets to assure adequate traffic circulation.
  - j) A plan for domestic water supply lines and related water service facilities.
  - k) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
  - l) Proposals for the improvements, such as electric lines, natural gas, sidewalks, cable TV, telephone lines, and so on.
  - m) A donation to the City of all common improvements, including but not limited to streets, parks, sewage disposal and water supply lines, the donation of which shall be a condition of approval of the tentative plan.
  - n) The location, width, and purpose of proposed easements.
  - o) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
  - p) Proposed sites, if any, allocated for purposes other than single-family dwellings.
  - q) Location of existing and proposed access point(s) on both sides of the road where applicable;

- r) Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- s) Number and direction of lanes to be constructed on the driveway plus striping plans;
- t) All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
- u) Parking and internal circulation plans including walkways and bikeways;
- v) A detailed description of any requested variance and the reason the variance is requested.
- w) The location and design of bicycle parking facilities shall be indicated on the site plan. The development shall include the number and type of bicycle parking facilities required in section 8-6-2(E) of this ordinance.
- x) All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.

B. The following may be required at the discretion of the City Council. If the information cannot be shown practicably on tentative plan or map, it shall be submitted in separate statements accompanying the plan or map.

- 1. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision or partition and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- 2. Proposed deed restrictions, if any, in outline form.
- 3. The location within the subdivision and in the adjoining streets of existing sewers, water mains, culverts, drain pipes and electric lines.
- 4. A sketch of a tentative layout for streets in the unsubdivided portion, if the subdivision proposal pertains to only part of the track owned or controlled by the subdivider.
- 5. Approximate center line profiles with extensions for reasonable distance beyond the limits of the proposed subdivision or partition, showing the finished grade of streets and the nature and extent of street construction.
- 6. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

### **8-5-3 FINAL SUBDIVISION PLAT OR MAJOR PARTITION MAP:**

A. Information Required on Final Plat or Map: The final subdivision plat or partition map shall be presented in India ink and shall contain all information, except for any changes or additions required by resolution of the City Council showing on the tentative plan or map. In addition, the following information shall also be shown on the final subdivision plat or partition map:

- 1. Reference points of existing surveys identified, related to the plat or map as follows:
  - a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision or partition.
  - b) Adjoining corners of adjoining subdivisions or partitions,

- c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Subdivision Title.
2. The exact location and width of streets and easements intercepting, the boundary of the tract.
3. Tract, block and lot boundary lines and street right of way and center lines, with dimensions, bearings, or deflection angles, radii, arcs, points and curvature and tangent bearings Normal high water lines and the hundred-year floodplain for any creek or other body of water. Tract boundaries and street bearing shall be shown to the nearest thirty (30) seconds with basis of bearings. Distance shall be shown to the nearest one hundredth foot (0.01'). No ditto marks shall be used.
4. The width of the portion of streets being dedicated and the width of existing right of way. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, 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 number 1 and continuing consecutively without omission or duplication throughout the subdivision. 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 subdivision of the same name shall be a continuation of the numbering in the original subdivision pursuant to Oregon Revised Statutes, section 92.090(1).
8. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
9. Building setback lines, if required, are to be made a part of the subdivision restrictions.
10. Explanations of all common improvements required as conditions of approval of the tentative plan, pursuant to subsection 8-5-2A 5m of this Chapter.
11. The location and design of all proposed pedestrian and bicycle facilities, including accessways.
12. The following certificates, which may be combined, where appropriate:
  - a) 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.
  - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
  - c) A certificate with the seal of and signed by the City Engineer or the surveyor responsible for the survey and final map.

- d) A certificate of approval signed by the City Engineer stating that streets and roads held for private use and indicated on the tentative plan have been approved by the City pursuant to Oregon Revised Statutes, section 92.090(3)(b).
- e) Any other certifications now or hereafter required by law.

B. Supplemental Information Required: The following data shall accompany the final plat or map:

- 1. 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 and their interest in the premises.
- 2. Sheets and drawings showing the following:
  - a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - b) The computation of distances, angles and courses shown on the plat.
  - c) Ties to existing monuments, proposed monuments, adjacent subdivisions, streets corners and state highway stationing.
- 3. A copy of any deed restrictions applicable to the subdivision.
- 4. A copy of any dedication requiring separate documents.
- 5. A list of all taxes and assessments on the tract which have become a lien on the tract.
- 6. A certificate by the City Engineer that the subdivider or land partitioner has complied with the requirements of this Subdivision Title. (Ord. 230-78, 10-18-78)

## CHAPTER 6

### ***RESIDENTIAL SUBDIVISION IMPROVEMENTS***

#### SECTION:

8-6-1: General Regulations

8-6-2: Streets

8-6-3: Curbs, Gutters and Sidewalks

8-6-4: Flood Hazard Areas, Drainage and Storm Sewers

8-6-5: Water Facilities

8-6-6: Sewerage Facilities

8-6-7: Utilities

8-6-8: Parks, Playgrounds and Recreation Areas

8-6-9: Preservation of Natural Features and Amenities

8-6-10: Tables, Design Standards and Improvement Requirements

#### **8-6-1 GENERAL REGULATIONS:**

- A. Conformance to Applicable Rules and Regulations: In addition to the requirements established herein, all subdivisions, minor partitions, or major partitions shall comply with the following laws, rules, and regulations: (Ord. 230-78, 10-18-78; amd. Ord. 244B-81, 2-18-81)
1. The City's Comprehensive Plan, Zoning Ordinance, Capital Improvement Program and other applicable City ordinances.
  2. All applicable Oregon Statutes and administrative rules.
  3. The requirements of the State Highway Division or County Road Department if the subdivision or partition or any lot contained therein abuts a State highway or County road.
  4. Plat approval may be withheld if a subdivision or partition is not in conformity with the above guides or policy and purposes of these regulations established in subsection 8-1-1 D of this Title.
- B. Self-Imposed Restrictions: If the owner places restrictions on any of the land contained in the subdivision or partition greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat or partition map, or the City Council may require that restrictive covenants be recorded with the County Clerk in a form to be approved by the City Attorney.
- C. Monuments: The applicant shall have permanent reference monuments placed in the subdivision or partition as required by ORS 92.050 to 92.070.
- D. Character of Land: Land unsuitable for subdivision, partition or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council, upon recommendation of the City Engineer, to

solve the problems created by the unsuitable land conditions. This land shall be set aside for uses as shall not involve such a danger.

- E. Low Density Residential Area: Subdivision and partitions in low-density residential areas as shown on the Comprehensive Plan shall be designed so that such areas may be further subdivided or partitioned later while still insuring that necessary public facilities can be developed.
- F. Subdivision Name: The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The City Council shall have final authority to designate the name of the subdivision, which shall be determined at the time of tentative plan approval.
- G. Shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
- H. Shall require dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- I. Shall require improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

## **8-6-2 STREET, ROADWAY, AND BICYCLE IMPROVEMENT STANDARDS:**

### **A. General Requirements:**

1. Frontage on Improved Streets: No subdivision or major partition shall be approved unless the area to be subdivided shall have frontage on and access from an existing street. This street shall be suitably improved as required by City, County or State rules, regulations, specifications or orders, or be secured by a performance bond required under these regulations, with the width and right of way required by these regulations.
2. Grading and Improvement Plan: Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
3. Topography and Arrangement:
  - a) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
  - b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right of way as established by the Comprehensive Plan.

4. Road Names: The sketch plan as submitted shall not indicate any names upon proposed streets. The City Council shall name all streets at the time of tentative plan approval, in the case of a subdivision, or preliminary map approval, in the case of a major partition. Names shall be sufficiently different in sound and spelling from other names in the City so as not to cause confusion. A street, which is or is planned as a continuation of an existing road shall bear the same name.
5. Road Regulatory Signs: The applicant shall install all street signs, to be placed at all intersections within or abutting the subdivision or major partition, the type and location of which to be approved by the City Engineer.
6. Streetlights: Streetlights shall be installed by the developer in accordance with design and specification standards approved by the City Engineer.
7. Planting Screen. A planting screen easement at least ten feet (10') wide and across which there shall be no right of access, may be required at the discretion of the City Council adjacent to arterial streets.

**B. Street Design Standards:**

1. General: In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required:

**Table 1 - Road Design Standards**

| Classification                  | Pavement Width | Right-of-Way Width |
|---------------------------------|----------------|--------------------|
| Alley                           | 20 ft. gravel  | 20 ft.             |
| Residential Street              | 30 ft.         | 50 ft.             |
| Residential Collector           | 38 ft.         | 60 ft.             |
| Downtown Arterial               | 52 ft.         | 80 ft.             |
| Commercial/Industrial Collector | 38 ft.         | 60 ft.             |
| Commercial/Industrial Arterial  | 50 ft.         | 80 ft.             |

2. Road Surfacing and Improvements: After sewer, water and other required utilities have been installed by the developer, the applicant shall construct curbs as required by Section 8-6-3 of this Chapter and shall surface roadways to the widths prescribed in these regulations. The surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavements shall be as determined by the City Engineer. Adequate provisions shall be made for culverts, drains, and bridges. All road pavement, shoulder, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City Council upon recommendation of the City Engineer, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
3. Excess Right of Way: Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is

necessary to provide adequate earth slopes. Such slope shall not be in excess of three to one (3:1).

4. Intersections:

- a) Streets shall be laid out to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five degrees (75) shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point,
- b) Proposed new intersections along one side of an existing street shall coincide, wherever practicable, with an existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty feet (150') shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect arterial streets, their alignment shall be at least eight hundred feet (800') apart.
- c) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty feet (20'); and minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut in accordance with standard engineering practice to permit safe vehicular movement.
- d) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent rate (2%) at a distance of sixty feet (60') measured from the nearest right-of-way line of the intersecting street.
- e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent necessary to provide an adequate sight distance.

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

C. Local Street Standards - \*Diagram on pages 49 & 50

1. Alley – The standard for an alley shall be two 10' gravel travel lanes within a 20' right-of-way.
2. Local Residential Street – The standard for a local residential street shall be a 28' paved roadway that includes two 11' travel lanes, 8' parking on one side of the street, 5' planting strip on both sides of the street, and 5' sidewalks on both sides of the street. The paved roadway shall include a flat curb to protect the roadway from deterioration. The right-of-way for a residential street shall be 50'.
3. Residential Collector Street – The standard for the residential collector street shall be a 38' paved roadway that includes two 11' travel lanes, 8' parking on both sides of the street, 5' planting strip on both sides of the street, and 5' sidewalks on both sides of the

street. The paved roadway shall include a flat curb to protect the roadway from deterioration. The right-of-way for a collector street shall be 60’.

4. Downtown Arterial – The standard for the downtown arterial street shall be a 52’ paved roadway that includes two 12’ travel lanes, 6’ bike lanes on both sides of the street, 8’ parking on both sides of the street, 4’ planting strip on both sides of the street, and 10’ sidewalks on both sides of the street. The paved roadway shall include a curb and drainage facilities. The right-of-way for the downtown arterial street shall be 80’.
5. Commercial/Industrial Collector Street – The standard for the commercial/industrial collector street shall be a 38’ paved roadway that includes two 13’ travel lanes, 6’ bike lanes on both sides of the street, 5’ planting strips on both sides of the street, and 6’ sidewalks on both sides of the street. The paved roadway shall include curbs and drainage facilities. The right-of-way for a commercial/industrial collector street shall be 60’.
6. Commercial/Industrial Arterial Street – The standard for the commercial/industrial arterial street shall be a 50’ paved roadway that includes a 14’ center (continuous turning) lane, two 12’ travel lanes, 6’ bike lanes on both sides of the street, 5’ planting strips on both sides of the street, and 10’ sidewalks on both sides of the street. The paved roadway shall include curbs and drainage facilities. The right-of-way for a commercial/industrial arterial shall be 80’.
7. City Council may require existing arterials, collectors, and local streets to be retrofitted to include bike lanes and sidewalks. Less than full standards may be appropriate because of existing land uses (i.e., onstreet parking in a commercial downtown area). The standards in the Oregon Bicycle and Pedestrian Plan can be used as a guide for bike lanes and sidewalks.
8. Corner Clearance
  - a) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
  - b) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
  - c) Where no other alternatives exist, the City Council may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
9. Joint and Cross Access
  - a) Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites whenever feasible.
  - b) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
    - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

- (2) A design speed of 10 mph and a maximum width of 20-feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - (4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- c) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time-periods.
  - d) Pursuant to this section, property owners shall:
    - (1) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
    - (2) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
    - (3) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
  - e) The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
    - (1) Joint access driveways and cross access easements are provided in accordance with this section.
    - (2) The site plan incorporates a unified access and circulation system in accordance with this section.
    - (3) The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
  - f) The City Council may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

#### 10. Access Connection and Driveway Design

- a) Driveways shall meet the following standards:
  - (1) If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10-feet and shall have appropriate signage designating the driveway as a one-way connection.
  - (2) For two-way access, each lane shall have a minimum width of 10-feet.
- b) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

- c) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

#### 11. Requirements for Phased Development Plans

- a) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
- b) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

#### 12. Nonconforming Access Features

- a) Legal access connections existing at the time of adoption that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
  - (1) When new access connection permits are requested;
  - (2) Change in use, enlargements, or improvements that will increase trip generation.

#### 13. Reverse Frontage

- a) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- b) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the City and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

#### 14. Flag Lot Standards

- a) Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.
- b) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:

- (1) Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.
- (2) The flag driveway shall have a minimum width of 10 feet and maximum width of 20 feet.
- (3) In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.
- (4) The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
- (5) No more than one flag lot shall be permitted per private right-of-way or access easement.

#### 15. Lot Width-to-Depth Ratios

- a) To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

#### 16. Accessways.

- a) Accessways for pedestrians and bicyclists shall be 10-feet wide and located within a 20-foot wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.
- b) Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet.
- c) The City Council may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include but is not limited to:
  - (1) Physical or topographic conditions make an accessway connection impractical. Such conditions include but are not limited to freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonable be provided.
  - (2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
  - (3) Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements that preclude a required accessway connection.

#### 17. Shared Access

- a) Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off a secondary street is possible, then access should not be allowed onto the state highway. If access off a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

- b) New direct accesses to individual one and two family dwellings shall be prohibited on all but District-level State Highways.

#### 18. Connectivity

- a) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
- b) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- c) Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

#### 19. Subdivisions

- a) A subdivision shall conform to the following standards:
  - (1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations.
  - (2) Each lot shall abut a public or private street for the required minimum lot frontage for the zoning district where the lots are located.<sup>1</sup>
  - (3) If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.
- b) Further subdivision of the property shall be prohibited unless the applicant submits a plat or development plan in accordance with requirements in this ordinance.

#### 20. Pedestrian Access and Circulation.

- a) Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

#### 21. Commercial Development Standards.

- a) New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.
- b) Off-street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).

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<sup>1</sup> Communities are encouraged to consider reducing lot widths and front yard setbacks to create a more pedestrian friendly street environment. These steps expand development options and can help to slow traffic on residential streets.

- D. Pedestrian and Bicycle Circulation. Safe and convenient pedestrian and bicycle access shall be provided within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts. Bicycle access shall provide safe and convenient connections to adjacent streets, as well as residential areas and neighborhood activity centers within one-half mile of the development. Residential developments shall include streets with walkways and accessways.
1. On-site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Residential developments shall include streets with sidewalks and accessways. Pedestrian circulation through parking lots shall be provided in the form of accessways.
  2. Bikeways shall be required along arterials and collectors with ADTs greater than 3,000. Sidewalks shall be required along arterials, collectors, and most local streets, except that sidewalks are not required along controlled access roadways (freeways).
- E. Bicycle Parking. Unless otherwise specifically established at the time of erection of a new structure, bicycle parking will be provided as follows;
1. A minimum of 2 bicycle parking spaces per use shall be required.
  2. The following Special Minimum Standards shall be considered as supplemental requirements for the number of required bicycle parking spaces.
    - a) Multi-Family Residences. Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room, or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.
    - b) Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
    - c) Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees.
    - d) Downtown. In downtown, bicycle parking for customers shall be provided along the street at a rate of at least one space per use, but may be placed in clusters in appropriate locations. Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Customer spaces are not required to be sheltered.
  3. The following formulas for Calculating the Number of Required Bicycle Parking Spaces are recommended.
    - a) Fractional numbers of spaces shall be rounded up to the next whole space.

- b) For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.

### **8-6-3 CURBS AND SIDEWALKS:**

#### **A. Required Improvements:**

1. Concrete curbs shall be required on all streets.
2. Sidewalks shall be included within the dedicated nonpavement right of way of all streets as given in Table 2, as shown in Section 8-6-10 of this Chapter. Sidewalks may be required at the discretion of the City Council on all streets.

- #### **B. Pedestrian Accesses:** The City Council may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least twenty feet (20') in width. Easements shall be indicated on the plan, plat, or map.

### **8-6-4 FLOOD HAZARD AREAS, DRAINAGE AND STORM SEWERS:**

#### **A. General Requirements:**

1. All subdivisions or major partitions shall have adequate provision for storm or floodwater runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Council and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block. (Ord. 230-78, 10-18-78)
2. The design and development of all subdivisions and partitions shall make provision for the protection of the soil surface from undue water and wind erosion, for minimizing additional runoff due to surfacing of the land for roads, houses, and accessory facilities, and for accommodating runoff from the development in such a way that erosion or siltation is not induced on adjoining or downstream properties. All grading and drainage shall be designed to comply with the requirements of the Echo Zoning Ordinance, including both Sections 9-3-5 and 9-3-6.
3. For all sites with an average slope of seven percent (7%) or greater, the applicant shall develop a conservation plan approved by the Umatilla County Soil and Water Conservation District; such plan to be adopted and implemented as a part and parcel of the subdivision plan.
4. For all sites with an average slope of less than seven percent (7%), the Planning Commission may recommend and City Council require development of an approved conservation plan should it be felt the natural characteristics of the site warrant special treatment. (Ord. 244B, 2-18-81)

#### **B. Nature of Storm Water Facilities:**

1. Location: The applicant may be required to carry away by pipe or open ditch any spring of surface water that may exist either previously to, or as a result of the subdivision or partition. Such drainage facilities shall be located in the road right of way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications recommended by the City Engineer and adopted by the City Council.
2. Accessibility to Public Storm Sewers:
  - c) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions or partitions containing lots less than fifteen thousand (15,000) square feet in area and in business and industrial districts, the City Council may require underground storm sewer systems to be constructed throughout the subdivision or partition and be conducted to an approved outfall. Inspection of facilities shall be conducted by the City Engineer.
  - d) If a connection to a public storm sewer will be provided eventually, the developer shall make arrangements for future storm water disposal at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat or partition map.
3. Accommodation of Upstream Drainage Area: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or partition. The City Engineer shall determine the necessary size of the facility, based on provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
4. Effect on Downstream Drainage Areas: The City Engineer shall also study the effect of each subdivision or partition on existing downstream drainage facilities outside the area of the subdivision or partition. City drainage studies, together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision or partition will overload an existing downstream drainage facility, the City Council may withhold approval of the subdivision or partition until provision has been made for the improvement of said potential condition in such sum as the City Council shall determine. No subdivision or partition shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
5. Areas of Poor Drainage: Whenever a plan, plat or map is submitted for an area which is subject to flooding, the City Council may approve such subdivision or partition provided that the applicant fills the affected area of the subdivision or partition to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve inches (0 2") above the elevation of the maximum probable flood, as determined by the City Engineer. The plan, plat or map of the subdivision or partition shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development will be discouraged in areas of extremely poor drainage.

6. Floodplain Areas: The City Council, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, may prohibit the subdivision or partition of any portion of the property, which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from clearing, grading or dumping of earth, waste material, or stumps, except at the discretion of the City Council. (Ord. 230-78, 10-18-78)
- C. Flood Hazard Areas: Whenever a plan, plat or map is submitted for a site within the designated flood hazard area on the Echo Zoning Map or some other area of poor drainage or potential flood hazard, the following requirements are made:
1. Elevation of Streets and Home Sites: Change the requirements to read "The applicant either constructs fill to place the elevation of streets and building sites at a maximum of one foot (1') below the 100-year flood elevation, utilizing saturation stable materials properly compacted, or so elevates only streets and driveways, leaving the buildings to be elevated on pilings, foundations, or the like"
  2. Overflow Zones: The plan, plat or map of the subdivision or partition shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The overflow zone along the Umatilla River will be the designated "floodway". All mapped overflow areas will be dedicated to the City as floodway rights of way for open space, protection, and flood control use. The boundaries of the overflow zone shall be subject to approval by the City Engineer.
  3. Compliance With Flood Hazard Overlay Zone Requirements: All buildings, structures, plantings, filling, grading, road work, and utility installation conducted for or during the development of a partition or subdivision shall comply with the provisions of the Flood Hazard Overlay Zone of the Echo Zoning Ordinance.
  4. Prohibition of Development: The City Council, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, may prohibit the subdivision or partition of any portion of the property, which lies within areas of extremely poor drainage. These areas shall be preserved from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the City Council.
  5. Development Densities and Lot Areas: Overflow zones, drainage easements or rights of way, and areas within the floodplain or exhibiting poor drainage upon which development is prohibited, may still be used in calculating the number of units allowed on the site based on an average zone density. (Ord. 244B-81, 2-18-81)
- D. Dedication of Drainage Easements:
1. General Requirements: Where a subdivision or partition is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
  2. Drainage Easements:

- a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights of way, drainage rights of way at least fifteen feet (15') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage rights of way shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- b) When a proposed drainage system will carry water across private land outside the subdivision or partition, appropriate drainage rights must be secured and indicated on the plat.
- c) The applicant shall dedicate drainage rights of way along and on both sides of existing watercourses, to a distance to be determined by the City. (Ord. 230-78, 10-18-78; and. Ord. 244B-81, 2-18-81)

E. Irrigation Facilities: If a feed canal or furnish ditch runs through or adjacent to a subdivision or partition, a six-foot (6') high fence shall be installed by the developer on one or both sides of the canal or ditch as appropriate. The type of fence shall be approved by the City Council.

## 8-6-5 WATER FACILITIES:

### A. General Requirements:

- 1. Necessary action shall be taken by the applicant to provide a water supply system capable of adequately meeting domestic water use and fire protection requirements.
- 2. Where a public water main is accessible, the applicant shall install adequate water facilities including fire hydrants subject to the specifications of State law. All water mains shall be at least six inches (6") in diameter.
- 3. All water improvements shall conform to the construction standards and specifications adopted by the City Council, upon recommendation of the City Engineer, and shall be incorporated into the construction plans required to be submitted by the developer for plan approval.
- 4. The location of all fire hydrants and all water supply improvements shall be shown on the tentative plan, and the cost of installing it shall be included in the performance bond or other appropriate guarantee of financial security furnished by the developer.

### B. Individual Wells and Central Systems:

- 1. In low-density residential zones if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water would be available to every lot in the subdivision or partition. Water samples shall be submitted to the (appropriate government agency) for its approval, and individual wells and central water systems shall be approved by (appropriate government agency). Orders of approval shall be submitted to the City Council.
- 2. If the City Council requires that a connection to a public water main eventually be provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat or map has received final approval. Performance or cash bonds may be required to insure compliance.

- C. Fire Hydrants: Fire hydrants shall be required for all subdivisions and partitions except those coming under subsection B above. Fire hydrants shall be located no more than five hundred feet (500') apart and within five hundred feet (500') of any structure and shall be approved by the City and appropriate fire district. To eliminate future street openings, all underground utilities for fire hydrants together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat or partition map.

#### **8-6-6 SEWERAGE FACILITIES:**

- A. General Requirements: The applicant shall install sanitary sewer facilities in a manner prescribed by this Chapter. All plans shall be designed in accordance with the rules, regulations and standards of the City and appropriate State and Federal agencies. Plans shall be approved by such agencies. Necessary action shall be taken by the applicant to provide sewerage facilities to the subdivision.
- B. High-Density Residential and Nonresidential Districts: Sanitary sewerage facilities shall connect with the public sanitary sewerage system. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.
- C. Low and Medium-Density Residential Districts: Sanitary sewerage systems shall be constructed as follows:
  - 1. Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision or partition.
  - 2. Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time (not to exceed ten (10) years), the applicant may choose one of the following alternatives:
    - a) Central sewerage system, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
    - b) Individual disposal systems provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision or partition boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer systems, where such exists, and shall be ready for connection to such public sewer main.
  - 3. Where sanitary sewer systems are not reasonably accessible or will not become available for at least ten (10) years, the applicant may install sewerage systems as follows:
    - a) Medium-Density Residential Districts: A central sewerage system only. No individual disposal system will be permitted. Where plans exist for a public sewer system to be built, for a period in excess of ten (10) years, the applicant shall install all sewer lines,

laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer main.

- b) Low-Density Residential District: Individual disposal systems or central sewerage systems shall be used.
- D. Mandatory Connection to Public Sewer System: If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.
- E. Individual Disposal System Requirements: If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and those of the Department of Environmental Quality of the State of Oregon. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Department of Environmental Quality.

#### **8-6-7 UTILITIES:**

- A. Location: All utility facilities, including but not limited to gas, electric power, telephone and CATV cables, shall be located underground throughout the subdivision or partition. Wherever existing utility facilities are located above ground except where existing on public roads and rights of way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision or partition shall be shown on the tentative plan or map. Underground service connections to the street property line of each platted lot shall be installed at the developer's expense. At the discretion of the City Council the requirements for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- B. Easements:
  - 1. Easements centered on rear lot line shall be provided for utilities (private and Municipal); such easements shall be at least ten feet (10') wide. Proper coordination shall be established between the developer and the appropriate utility companies for the establishment of utility easements established in adjoining properties.
  - 2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plan, plat, or map.

#### **8-6-8 PARKS, PLAYGROUNDS AND RECREATION AREAS:**

- A. Public Uses:
  - 1. Recreation Standards: Land shall be reserved for parks and playgrounds or other recreation purposes. Each reservation shall be of suitable size, dimension, and topography and general character and shall have adequate road access, for the particular purposes envisioned by the City. When recreation areas are required, the number of acres to be reserved shall be determined from Table 2, as shown in Section 8-6-10 of this Chapter, which has been prepared on the basis of providing two (2) acres of recreation area for every one hundred (100) dwelling units. The developer shall

dedicate all such recreation area to the City as a condition of final subdivision or partition approval,

2. **Minimum Size of Park and Playground Reservations:** In general, land reserved for recreation purposes shall have an area of at least two (2) acres. When the percentages from Table 2, as shown in Section 8-6-10 of this Chapter, would create less than two (2) acres, the City Council may require that the recreation area be located at a suitable place on the edge of the subdivision or partition so that additional land may be added at such time as the adjacent land is subdivided or partitioned. The City Council may allow or require provision of tot lots in addition to or instead of parks and playgrounds. Where recreation land in any subdivision or partition is not reserved, or the land reserved is less than the percentage in Table 2, as shown in Section 8-6-10, the provisions of subsection D below shall be applicable.
3. **Recreation Sites:** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the City Council. Such improvements shall be included in the performance bond or other guarantee of financial security, All land to be reserved for dedication to the
4. **City for park purposes** shall have prior approval of the City Council and shall be shown marked on the plat or map, "Reserved for Park and/or Recreation Purposes".
5. **Alternative Procedure: Money in Lieu of Land.** Where with respect to a particular subdivision or partition, the reservation of land required pursuant to this Section does not equal the percentage of total land required to be reserved in Table 2, at the end of this Chapter, the applicant shall deposit with the City Council a cash payment in lieu of land reservation prior to the final approval of the subdivision plat or partition map. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the City Council. Such deposit shall be used for facilities that will be actually available to and benefit the persons in said subdivision or division or partition. The City Council shall determine the amount to be deposited, based on the following formula: two hundred (200) multiplied by the number of times the total area of the subdivision or partition is divisible by the required minimum lot size of the zoning district in which it is located, less a credit for the amount of land actually reserved for recreation purposes, or streets, or both, if any, as the land reserved bears in proportion to the land required for reservation in Table 2 at the end of this Chapter.
6. **Other Recreation Reservations:** The provisions of this Section are minimum standards. None of the above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Chapter.

**B. Other Public Uses:**

1. **Plat to Provide for Public Uses:** Whenever a tract to be subdivided includes a school, recreation uses in excess of the requirements of Table 2, found at the end of this Chapter, or other public uses as indicated on the Comprehensive Plan or any portion thereof, such space shall be suitably incorporated by the applicant into his sketch plan. After proper determination of its necessity by the City Council and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public

agency, the site shall be suitably incorporated by the applicant into the tentative plan and final plat.

2. Referral to Public Body: The City Council shall refer the sketch plan to the public body concerned with acquisition for its consideration and report. The City Council may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
3. Notice to Property Owner: Upon a receipt of an affirmative report the City Council shall notify the property owner and shall designate on the tentative plan and final plat that area proposed to be acquired by the public body.
4. Duration of Land Reservation: The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

#### **8-6-9 PRESERVATION OF NATURAL FEATURES AND AMENITIES:**

- A. General: Existing features which would add value to the development or to the City as a whole, such as trees, watercourses and falls, historic and archaeological sites, and similar irreplaceable assets, shall be preserved in the design of the subdivision or partition. No trees shall be removed from any subdivision or partition nor any change or grade of the land effected until approval of the tentative plan or map has been granted. All trees where required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plan (or tentative plan in the case of a major partition) shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees required along the street side of each lot as required by these regulations.
- B. Trees Planted By Developer:
  1. As a requirement of subdivision or partition approval, the applicant shall plant trees on the property of the subdivision or partition. Such trees are to be planted within five feet (5') of the right of way of the road or roads within and abutting the subdivision or partition, or, at the discretion of the City Council, within the right of way or on the abutting property which in the opinion of the City Council comply with these regulations.
  2. New trees to be provided pursuant to these regulations shall be approved by the City. Such trees shall have a minimum trunk diameter of not less than two inches (2") measured twelve inches (12") above ground level.
    - a) Only long-lived trees which are suited to the City's climate and soils shall be planted.
    - b) On east-west streets, a tree shall mean a deciduous tree which loses its leaves in winter.

c) On north-south streets, a tree shall mean an evergreen tree which retains its leaves or needles throughout the year.

C. Tree Easement and Dedication: The tentative plan or map and final plat or map shall reserve an easement authorizing the City to plant trees within five feet (5') of the required street right of way of the City. No street shall be accepted for dedication until the City Engineer informs the City Council that compliance, where necessary, has been made with this requirement.

**8-6-10 DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS:**

**Table 2 - Sidewalk Standards**

| <u>Type of Street</u>           | <u>Sidewalk Requirements</u> |
|---------------------------------|------------------------------|
| Alley                           | N/A                          |
| Local Residential               | Both sides 5' wide           |
| Collector                       | Both sides, 6' wide          |
| Downtown Arterial               | Both sides, 10' wide         |
| Commercial/Industrial Collector | Both sides, 6' wide          |
| Commercial/Industrial Arterial  | Both sides, 10' wide         |

**Table 3 - Recreation Requirements\***

| <b>Size of Lot</b>    | <b>Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes</b> |
|-----------------------|---|
| 40,000 S.F. or larger | 2.0%  |
| 20,000 S.F.           | 4.0%  |
| 10,000 S.F. or less   | 8.0%  |

\*NOTE: Calculated on the basis of 2 acres of park per 100 dwelling units.

# CHAPTER 7

## ***NONRESIDENTIAL SUBDIVISION IMPROVEMENTS***

### SECTION:

8-7-1: General Requirements

8-7-2: Standards

#### **8-7-1 GENERAL REQUIREMENTS:**

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the City Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, additional standards required by the City Council, and shall conform to the Comprehensive Plan and Zoning Ordinance.

#### **8-7-2 STANDARDS:**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- A. Proposed industrial parcels shall be suitable in area and dimensions to the type of industrial development anticipated.
- B. Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- C. Special requirements may be imposed with respect to street, curb, gutter and sidewalk design and construction.
- D. Special requirements may be imposed with respect to the installation of public utilities, including water, sewer and stormwater drainage.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas. (Ord. 230-78, 10-18-78)

## CHAPTER 8

### ***IMPROVEMENT APPROVAL AND GUARANTEES***

#### SECTION:

- 8-8-1: Completion of improvements
- 8-8-2: Guarantees of Financial Security
- 8-8-3: Cost of Improvements
- 8-8-4: Failure to Complete Improvements
- 8-8-5: Acceptance of Dedication Offers
- 8-8-6: Inspection of Improvements, Fees
- 8-8-7: Certificate of Satisfactory Completion
- 8-8-8: Maintenance of Improvements
- 8-8-9: Deferral or Waiver

#### **8-8-1 COMPLETION OF IMPROVEMENTS:**

Before the final subdivision plat or major partition map is signed by the Mayor and City Recorder, all applicants shall be required to complete, in accordance with City Council's decision and to the satisfaction of the City Engineer, all the street, sanitary and other improvements, as required in these regulations, specified in the final subdivision plat, and as approved by the City Council and to dedicate same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

#### **8-8-2 GUARANTEES OF FINANCIAL SECURITY:**

The City Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant shall provide assurance of financial security at the time of application for final subdivision approval in an amount estimated by the applicant and determined by the City Engineer as sufficient to secure to the City the satisfactory construction, installation and dedication of the incompleting portion of required improvements. The guarantee of financial security shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations, and may take the form of any of the following:

- A. Escrow Account: The subdivider or land petitioner shall deposit cash, or collateral readily convertible to cash at face value, either with the governing body or in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited are subject to the approval of the City Council. Where an escrow account is to be employed, the subdivider shall file with the City Council his agreement with the bank guaranteeing the following:
  - 1. The funds in the escrow account are to be held in trust until released by the governing body and may not be used or pledged by the subdivider as security for any obligation during that period.
  - 2. In the event that the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the City for the completion of these improvements.

- B. Property Escrow: The subdivider may offer as a guarantee land or personal property, including corporate stocks or bonds. A qualified real estate appraiser shall establish the value of any real property so used and in so doing, shall take into account the possibility of decline in the value of said property during the guarantee period. The City Council reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell or when other factors exist which will inhibit the City Council from exchanging the property for an amount of money sufficient to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:
1. Execute an agreement with the escrow agent when it is not the City, instructing the agent to release the property to the City in case of default. The agreement shall be placed on file with the City Recorder.
  2. File with the City Council an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.
  3. Execute and file with the City Council an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the governing body.
- C. Special Improvement District: The City Council may enter into an agreement with the subdivider, and the owners of the property proposed for subdivision or partition, if other than the person subdividing or partitioning the land, that the installation of required improvements will be financed through a special improvement district created pursuant to Oregon law.' This agreement shall provide that no lots within the subdivision or major partition will be sold, rented or leased, and no contract for the sale of lots executed, before the improvement district has been created. An agreement to finance improvements through creation of a special improvement district constitutes a waiver by the subdivider or partitioner, or the owners of the property, of the right to protest or petition against the creation of the district.
- D. Letter of Credit: Subject to the approval of the City Council the subdivider or land partitioner shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the governing body and shall certify the following:
1. The creditor guarantees funds in amount equal to the cost, as estimated by the subdivider or land partitioner and approved by the City Council, of completing all required improvements.
  2. If the subdivider or land partitioner fails to complete the specified improvements within the required period, the creditor will pay to the City immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  3. That this letter of credit may not be withdrawn, or reduced in amount, until released by the City Council.
- E. Surety Performance Bond: The bond shall be executed by a surety company authorized to do business in the State of Oregon and acceptable as a surety to the City Council and countersigned by an Oregon agent. The bond shall be payable to the City and shall be in effect until the completed improvements are accepted by the City Council.

**8-8-3 COST OF IMPROVEMENTS:**

All required improvements shall be made by the applicant, as his expense, without reimbursement by the City, except in the case of a creation of a local improvement district, as provided for in subsection 8-8-2C of this Chapter.

#### **8-8-4 FAILURE TO COMPLETE IMPROVEMENTS:**

For subdivisions or major partitions for which guarantees of performance have not been made, if the improvements are not completed within the period specified by the City Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a guarantee of financial security has been made and required improvements have not been installed within the stated period of time, the City may declare the subdivider or major land partitioner to be in default and require that all the improvements be installed regardless of the extent of the building development at the time that default is declared.

#### **8-8-5 ACCEPTANCE OF DEDICATION OFFERS:**

Acceptance of formal offers of dedication of streets, public area, easements, and parks shall be by ordinance of the City Council. (Ord. 230-78, 10-18-78)

#### **8-8-6 INSPECTION OF IMPROVEMENTS, FEES:**

The City Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City an inspection fee of two percent (2%) of the amount of the estimated cost of required improvements, and the subdivision plat or major partition map shall not be signed by the Mayor unless this fee has been paid at the time of the application. These fees may be amended by resolution of the City Council from time to time. These fees shall be due and payable upon demand of the City, and the City will not give zoning approval on the developer's application for a building permit issued by the State of Oregon until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. (Ord. 230-78, 10-18-78; 1986 Code)

#### **8-8-7 CERTIFICATE OF SATISFACTORY COMPLETION:**

The City Council will not accept dedication of required improvements, nor release or direct the release of property or money held in escrow, or the surety performance bond or letter of credit, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials and other information required by the City, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision or major partition, and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements shall have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure, and shall release all performance guarantees posted by the developer, as provided for in Section 8-8-2 of this Title.

#### **8-8-8 MAINTENANCE OF IMPROVEMENTS:**

A. The applicant shall be required to maintain all improvements on the individual subdivided lots until acceptance of said improvements by the City Council.

- B. The applicant shall be required to file a maintenance bond with the City Council, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the City Council and dedication of same to the City.

**8-8-9 DEFERRAL OR WAIVER:**

- A. The City Council giving its reasons therefor, may defer or waive at the time of tentative plan approval the provision of one or more improvements as, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of lack of connecting facilities.
- B. Whenever it is deemed necessary by the City Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the, future improvements to the City prior to signing of the final subdivision plat, or the applicant may post a bond insuring the completion of said improvements upon demand of the City. (Ord. 230-78, 10-18-78)