

**SUBDIVISION**

**ORDINANCE**

***CITY OF CORVALLIS***

CITY OF CORVALLIS  
SUBDIVISION ORDINANCE  
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SUBDIVISION ORDINANCE  
CITY OF CORVALLIS

ORDINANCE NO. 72-28, AS AMENDED

AN ORDINANCE PRESCRIBING REGULATIONS GOVERNING THE SUBDIVISION OF LAND, AND DIVISION OF LAND, FOR THE PREPARATION, PRESENTATION AND APPROVAL OF SUBDIVISION PLATS AND IMPROVEMENT PLANS, AND PROVIDING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE, WITHIN THE CITY OF CORVALLIS, BENTON COUNTY, OREGON, AND DECLARING AN EMERGENCY.

Article I PURPOSES, ADMINISTRATION, GENERAL PROVISIONS AND DEFINITIONS

Section 1.01 Adoption

There is hereby adopted, as provided herein, a subdivision ordinance for the City of Corvallis, County of Benton, State of Oregon.

Section 1.02 Purposes and Objectives

This subdivision ordinance is adopted to preserve, protect and promote the public health, safety, convenience and general welfare. More specifically this ordinance is adopted in order to achieve the following objectives:

- a. To aid in the implementation of the Comprehensive General Plan of the City of Corvallis, and elements thereof, as adopted by the City Council.
- b. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used.
- c. To provide streets of adequate capacity for the anticipated traffic which would utilize them and insure that they are designed to promote a safe vehicular and pedestrian traffic-circulation system.
- d. To provide water supply, sewage disposal, storm drainage and other utilities and facilities which may be required by conditions of an urban or rural environment.
- e. To accommodate new development in a manner which will preserve and enhance the City's living environment and create new beauty through skilled subdivision design.
- f. To protect and enhance real property values.
- g. To coordinate subdivision policies and regulations of the City with those within the County in order to facilitate transition from County to Municipal jurisdiction that land which is developed first in unincorporated territory and is subsequently annexed to the City; and, to insure unimpeded development of such new urban expansions as are logical, desirable and in accordance

with the goals, objectives and policies of the City's  
Comprehensive General Plan

Section 1.03 Short Title

This ordinance shall be known as the "Subdivision Ordinance."

Section 1.04 Application - Authority for Local Regulations

Pursuant to the provision of Chapter 92 of the Oregon Revised Statutes, referred to herein as the Plats and Subdivision Statute, and in addition to any other regulations provided by law, the regulations hereinafter in this ordinance contained shall apply to all subdivisions or parts of subdivisions hereafter made entirely or partially within the limits of the City of Corvallis and extending beyond the city limits six miles. Land within six miles outside of the corporate limits of the City of Corvallis is under the jurisdiction of the city until such time that Benton County adopts a subdivision ordinance.

- a. Subdivision of land, creation of streets or ways to partition land, or minor land partitioning for certain classifications as defined in Section 6.02 of this ordinance shall be submitted to the Planning Commission for approval in accordance with this ordinance.
- b. At the request of the City, the Board of County Commissioners may establish areas outside the city limits where subdivisions shall conform to the City's subdivision regulations.

Section 1.05 Role of the City Planning Commission

The Planning Commission of the City of Corvallis, County of Benton, State of Oregon, is hereby charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and specified classifications of land partitioning. The Commission shall have such additional powers and duties with respect to subdivision plats and the procedure relating thereto as are prescribed by the Plats and Subdivisions Statute and by this ordinance.

Section 1.06 Relationship to Comprehensive General Plan

A subdivision plat shall take into consideration the policies of the Comprehensive General Plan and elements thereof as adopted by the City Council, with respect to the type and intensity of land use, population densities and distribution, locations and sizes of public areas, rights-of-way and street improvements.

Section 1.07 Relationship to Official Map

A subdivision plat shall take into consideration official maps as adopted by the City Council. In the absence of an official map, the alignment of streets or highways shall conform approximately with the alignments shown on the Comprehensive General Plan or an element thereof.

Section 1.08 Relationship to Zoning Ordinance

A subdivision plat shall conform in all respects with applicable regulations of the zoning ordinance.

Section 1.09 Construction and Definitions

The definitions of words used in this ordinance and the construction of the words in provisions thereof, shall be as follows:

a. Construction

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.

1. TENSE: Words used in the present tense include the future tense.
2. NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.
3. SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.
4. GENDER: The masculine shall include the feminine and neuter.
5. HEADINGS: If there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

b. General Terminology

The word "City" shall mean the City of Corvallis, Oregon. The words "City Council" and "Council" shall mean the City Council of the City of Corvallis. The words "Planning Commission" and "Commission" shall mean the Planning Commission duly appointed by the City Council. The words "Planning Director", "City Engineer", "County Sanitarian", "Tax Collector", and "Assessor" shall mean respectively the Planning Director, City Engineer, County Sanitarian, Tax Collector and Assessor of the City of Corvallis and Benton County.

c. Definitions

For the purposes of this ordinance, certain words and terms used herein are defined as follows:

1. ALLEY - A public way which affords only a secondary means of vehicular access to abutting property.
2. BLOCK - The properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets or street and railroad right-of-way, unsubdivided land or watercourse.
3. BUILDING LINE - A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the zoning ordinance between the front property line abutting a street and the closest point of the foundation of any building or structure related thereto.
4. COMPREHENSIVE GENERAL PLAN - An official public document adopted by the City of Corvallis which is a comprehensive, general and long-range policy guide for the present and future city plan.
5. LOT -
  - a. A single parcel of land for which a legal description is filed on record or the boundaries of which are shown on a subdivision plat filed in the office of the County Clerk.
  - b. The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all of the requirements of this ordinance.
  - c. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.
6. LOT AREA - The total horizontal area within the lot lines of a lot.
7. LOT, CORNER - A lot abutting on two (2) or more intersecting streets other than an alley, and which have an angle of intersection of not more than 135°.
8. LOT DEPTH - The depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

9. LOT, DOUBLE FRONTAGE - shall mean a lot or development site other than a corner lot having frontage on more than one (1) street.
10. LOT, INTERIOR - a lot other than a corner lot and having frontage on only one (1) street.
11. LOT, KEY - The first lot to the rear of a reversed corner lot whether or not separated by an alley.
12. LOT, FRONT - On an interior lot, the side of a lot abutting the street. On a corner lot, the narrowest side shall be the front except where the narrowest side of a lot is a minimum of seventy-five (75) feet there may be a choice of frontage.
13. LOT, REAR - The side of a lot which is opposite and most distant from the front lot boundary.
14. LOT, SIDE - Any lot boundary not a front lot boundary or a rear lot boundary.
15. LOT, REVERSED CORNER - A corner lot the rear line of which borders upon the side yard of another lot, whether or not separated by an alley.
16. LOT, THROUGH - See "lot, double frontage."
17. LOT, WIDTH - The average horizontal distance between the side lot lines.
18. MAJOR PARTITION - A partition which includes the creation of a road or street.
19. MAP - A final diagram, drawing or other writing concerning a major partition.
20. MINOR PARTITION - A partition that is subject to approval by a city or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.
21. OFFICIAL MAP - A map adopted by the City Council on which the planned locations of streets and highways are indicated with detail and exactness sufficient to furnish the basis for right-of-way dedication or acquisition and the acquisition of property related thereto.

22. PARCEL - A unit of land that is created by a partitioning of land.
23. PARTITION - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
24. PARTITION LAND - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.
25. PLAT - This includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
26. RESERVE STRIP - A strip of property, overlaying a dedicated street which is reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.
27. RIGHT-OF-WAY - The area between the boundary lines of an alley, easement, street or highway.
28. ROAD OR STREET - A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

29. STANDARD SPECIFICATIONS - Current specifications of the City for the installation of public improvements which are on file in the office of the City Engineer. These specifications contain the minimum requirements for design and construction of improvements covered by this ordinance.
30. STREET - The entire area between the right-of-way lines of any public way, other than an alley, used or intended to be used for vehicular traffic, including public ways designated as roads, highways, lanes, places, circles, avenues or by other designations.
- a. Major Arterial Street - A street designated as a major arterial or county arterial on the Comprehensive General Plan or an element thereof which is used or is intended to be used as part of the principal network for through traffic within the City.
  - b. Collector Street - A street designated as a Collector Street on the Comprehensive General Plan or an element thereof which is used or is intended to be used principally for the movement of traffic between major arterials and minor streets and roads within the City.
  - c. Minor Street or Minor Road - A street which is used or is intended to be used primarily for providing access to abutting properties.
  - d. Cul-de-sac - A minor street having only one outlet for vehicular traffic, with a turn-around at the opposite end, which is not intended to be extended or continued to serve future subdivisions or developments on adjacent lands.
  - e. Frontage Road - A minor street which is parallel to and adjacent to a major arterial, limited-access highway or freeway, and which provides access to abutting properties while relieving them of the effects of through traffic on the adjacent parallel facility.

- f. Stubbed Street - A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.
- g. Half Street - A street having only a portion of its width provided in one subdivision, with the remainder of its width to be provided through the subdivision of adjacent property.

31. SUBDIVIDE  
LAND -

To divide an area or tract of land into four or more lots 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 such year.

32. SUBDIVISION -

Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

33. SUBDIVISION,  
PLANNED UNIT  
DEVELOPMENT -

A subdivision of land which is designed to provide an open space or recreation area for the direct use and benefit of all the lot owners within the sub-division. A planned unit development includes a "Planned Unit," a "Homes Association" and "Common Property" which are defined as follows:

- a. Planned-Unit - A land area which (1) has both individual building sites and open space known as common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private.
- b. Homes Association - An incorporated, non-profit organization operating under recorded land agreements through which (1) each lot owner of a planned-unit or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

- c. Common Property - Land reserved for the common usage of the residents of the development excluding public rights-of-way.

Section 1.09.c of Ordinance 72-28 as amended by Ordinance 74-69.

## Article II SUBDIVISION CONFERENCE

### Section 2.01 Letter of Intention to Subdivide

Prior to the filing of a tentative plat, a subdivider or his agent may submit a letter to the Planning Director indicating his intention to subdivide. Such letter of intent is to alert City officials and interested public and private agencies of the intention to subdivide so that they may have the opportunity to inform the subdivider of physical conditions, facts and policies of the respective agencies which are or may be pertinent to the preparation of the tentative plat.

### Section 2.02 Subdivision Conference

Prior to the filing of a tentative plat, the subdivider may request a subdivision conference. Within ten (10) days after the date of receipt of such request, the Planning Director shall schedule a subdivision conference with the subdivider. The Planning Director, Public Works Director, Building Inspector and City Engineer (or their representatives) shall attend the conference. Representatives of other public and private agencies affected by the proposed subdivision may attend and shall be encouraged by the Planning Director to attend the subdivision conference. At this conference representatives of the City and other public and private agencies may transmit such information and make such recommendations to the subdivider as they deem desirable for the benefit of the subdivider in preparing the tentative plat. As a result of the discussion during the subdivision conference, the subdivider may request such additional meetings with participants in the subdivision conference or with the Planning Commission or City Council as may be necessary to clarify policies of the City or other public or private agencies which may affect the proposed subdivision.

Ordinance 72-38 as amended by Ordinance 74-69

## Article III TENTATIVE PLAT

### Section 3.01 Filing Procedure

The subdivider shall prepare a tentative plat with other supplementary material required to indicate his general program and objectives. Fifteen (15) copies of the tentative plat and supplementary data shall be submitted to the Planning Office at least fifteen (15) days prior to the Planning Commission meeting at which consideration of the plat is desired.

### Section 3.02 Service Charge

A service charge as established by resolution of the City Council shall be paid to the City Recorder at the time of submitting the tentative plat.

### Section 3.03 Form and Scale of Tentative Plat

The tentative plat shall be clearly and legibly drawn. It need not be a finished drawing, but it shall show all pertinent information to scale in order that the Planning Commission may have adequate understanding of what is proposed during the review process. Scale of the drawing shall be one (1) inch equals one hundred (100) feet. The scale may be increased or decreased if necessary to fit the legal-sized plat of 18" by 24", but in all cases the scale to be used shall be in multiples of ten (10).

### Section 3.04 Information on Tentative Plat

#### a. General Information

1. No tentative plan or plat of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.
2. Date, northpoint, scale of drawing, approximate acreage and boundary lines.

3. Appropriate identification clearly stating the map is a tentative plat.
  4. Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
  5. Names and addresses of the owner, subdivider and engineer or surveyor.
  6. The approximate acreage of the parcel being subdivided, and the minimum size of lots being platted.
- b. Information Concerning Existing Conditions
1. The location, widths and names of both opened and unopened streets within or adjacent to the subdivision, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.
  2. Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows (except the City Engineer may approve the omission of contours when he believes they are unnecessary):
    - (a) For slopes not in excess of ten (10) percent: two-foot contours.
    - (b) For slopes over ten (10) percent: five-foot contours.
  3. The location of at least one temporary bench mark within the plat boundaries.
  4. The location and direction of all water courses and the location of all areas subject to flooding.
  5. Natural features such as rock outcroppings, marshes, wooded area and isolated preservable trees.
  6. Existing uses on the property, including location of all existing structures to remain on the property after platting.
  7. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, sewer and water utility services.

c. Proposed Plan of Land Partitioning

1. The location, width, name and approximate grade and radii of street curves. The relationship of streets to any projected streets as shown on any Comprehensive General Plan adopted by the Planning Commission; or if no Comprehensive General Plan has been adopted, the Planning Commission may suggest, in order to assure adequate traffic circulation, a plan that is appropriate.
2. The location, width, and purpose of easements.
3. The location and approximate dimensions of lots and the proposed lot numbers.
4. Sites, if any, allocated for purposes other than single-family dwellings.
5. The location, approximate acreage and approximate dimensions of areas proposed for public use.
6. An outline of the areas proposed for partial recording of a final plat if phased recording is proposed.
7. The relationship of the proposed subdivision to future streets on adjacent land controlled by the subdivider.

Section 3.05 Statements to Accompany Tentative Plat

The tentative plat shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:

- a. Adequacy and source of water supply.
- b. Proposed method of sewage disposal.
- c. Protective covenants to be recorded, if any.
- d. The time the proposed improvements are to be made or installed.
- e. A statement that the owner of the property or his agent is submitting the tentative plat for approval or that the owner consents to the filing of the map.
- f. Mail delivery facilities.

Section 3.06 Supplemental Plans with Tentative Plat

Approximate center line profiles with extensions, for a reasonable distance beyond the limits of the proposed subdivision, showing the existing grade and finished grade of streets and general information on cut and fill areas. Culvert locations shall be

Section 3.05 revised as required by Ord. 76-46

required by the Planning Commission when the roadways are to be constructed on or across transverse slopes of ten (10) percent or greater. The Planning Commission may require center line profiles for roadways on slopes less than ten (10) percent when terrain or special features of the land present problems of road location.

Section 3.07 Planning Commission Review and Action

a. Procedure

When the tentative plat has been filed, the Planning Office shall furnish one each of the tentative plat and supplementary material to the following officials and agencies:

Public Works Director  
City Engineer  
Utilities Engineer  
Utility Companies - Electric, Gas, Telephone, T.V.  
Cable Co.  
School District 509J  
Planning Office  
County Planning Commission where county road are  
involved in the plat  
State Highway Department, if involved  
Title Insurance Companies

These officials and agencies shall be given a reasonable time, not to exceed ten (10) days, to review the plat and suggest any revisions that appear to be indicated in the public interest.

b. Hearing

Before the Planning Commission may take action on a tentative plat, it shall hold a public hearing. Notification of the hearing shall be by posting the property to be developed with at least one notice of the hearing giving the date and place of the hearing, and notifying by mail, the developer, the abutting property owners which are listed as recorded owners as shown in records of the County Assessor. Notice of the hearing shall be posted and mailed 10 days prior to the time of the hearing.

c. Planning Commission Review

The tentative plat, supplementary information and recommen-

dations of the officials and agencies reviewing the plat shall be submitted to the Planning Commission at the hearing. The Planning Commission shall review the plan of the plat and the reports submitted by officials and agencies, taking action upon the proposal within 40 days from the time of the hearing. They may approve, conditionally approve, or disapprove the proposed subdivision. If the plat is not approved the Commission shall state its reasons. Approval of the tentative plat shall indicate tentative approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with established requirements as set by the Commission. The action of the Planning Commission shall be noted on two copies of the tentative plat, including reference to any attached documents describing conditions imposed by the Commission. One copy shall be returned to the subdivider and the other retained in the Planning Office files.

Ordinance 72-28 as amended by Ordinance 74-69.

## ARTICLE IV FINAL PLAT

### Section 4.01 Submission of Final Plat

Within eighteen (18) months after approval or conditional approval of the tentative map the subdivider may cause the subdivision or any part thereof to be surveyed and a final map to be prepared in conformity with the tentative plat approved. The Planning Commission may extend this time requirement for an additional twelve (12) months upon each request of the subdivider after review of the tentative plat, requiring changes or additions as may be appropriate.

The subdivider shall present to the City Planning Office the completed plat, the exact copy (duplicate transparency) as required by ORS Chapter 92 and five prints.

### Section 4.02 Service Charge

The service charge established by resolution of the City Council shall be paid to the City Recorder at the time of submitting the final plat.

### Section 4.03 Form of the Final Plat

The final plat shall be submitted in the form prescribed by the Plats and Subdivision Statute. The scale of the final map shall be one (1) inch equals one hundred (100) feet. The scale may be increased or decreased if necessary to fit the legal-sized plat of 18" by 24", but in all cases the scale to be used shall be in multiples of ten (10). The plat shall be drafted upon a polyester film of a stable base quality, not less than .005 inch in thickness with a matte surface on both sides.

### Section 4.04 Information on Final Plat

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

- a. The name of the subdivision, the date, scale, north-point, legend and existing features such as highways and railroads.
- b. Legal description of the subdivision boundaries.

- c. Reference by distance and bearings to adjoining recorded surveys.
- d. The exact location and width of streets and easements intersecting the boundary of the subdivision.
- e. Subdivision, block, lot boundary lines, street rights-of-way and center lines with dimensions to the nearest one one-hundredth (1/100) of a foot; bearings or deflection angles, radii, arcs, points of curvature and tangent bearings shall be indicated on the plat. Subdivision boundaries, lot boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- f. The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
- g. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. (If an easement is not definitely located or recorded, there shall be a written statement of the easement.) The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision, must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.
- i. Numbering of lots and blocks as follows:
  - 1. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.
  - 2. 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 and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.

3. Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
- j. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
- k. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the City Council.

#### Section 4.05 Survey Requirement

- a. A complete and accurate survey of the land to be subdivided shall be made by a registered engineer or surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as provided in Section 4.18.

#### Section 4.06. Certificates on Final Plat

The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.

- a. A certificate, signed and acknowledged by the owner of record of the land to be subdivided who is consenting to the following: (1) preparation and recordation of the final plat; (2) offering for dedication all parcels of land, streets, alleys, pedestrian-ways, drainage channels, easements and other rights-of-way intended for public use; and (3) offering for dedication rights of access to and from prescribed streets, lots, and parcels of land.
- b. A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat.
- c. A certificate for execution by the President of the Planning Commission on behalf of the Planning Commission.

- d. A certificate for execution by the City Engineer.
- e. A certificate for execution by the County Tax Collector.
- f. A certificate for execution by the County Assessor.
- g. A certificate for execution by the Board of County Commissioners.

Section 4.07 Supplementary Information with Final Plat

- a. EVIDENCE OF TITLE - The City Planning Commission may require evidence of title accompanying the final plat by a letter or final plat report in the name of the subdivider indicating that the title company has issued a preliminary report for the parcel being subdivided and stating that the final plat being presented has been reviewed. This report will indicate that certificates have been reviewed, listing exceptions, if any, that will be imposed by the company when the final plat is recorded.
- b. RESTRICTIVE COVENANTS - A copy of the restrictive covenants shall be filed with the final plat. In final plats where areas will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as a part of the final plat. For other final plats the covenants are optional with the subdivider.
- c. TRAVERSE DATA - The subdivider shall provide traverse data on standard form work sheets or accurate and complete electronic computations showing the closure of the exterior boundaries of the subdivision and of each block in the subdivision.

Section 4.08 Dedications and Public Utility Requirements

- a. All parcels of land shown on the final plat intended for public use shall be offered for dedication for public use at the time the plat is filed. Exception: Those parcels which are intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants; and also excepted are those parcels of land reserved for public use under the provisions of Section 7.06 of this ordinance.

- b. All streets, pedestrianways, drainage channels, easements and other rights-of-way shown on the final plat intended for public use shall be offered for dedication for public use at the time the final plat is filed.
- c. All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.

Section 4.09 Designation and Conveyance of Reserve Strips

The subdivider shall provide one-foot reserve strips across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land and they shall be designated as such. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

Section 4.10 Drainage Plan

The City Engineer may require that the final plat be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters.

Section 4.11 Improvements

- a. See Section 4.15
- b. Improvements shall conform with the specification of designated materials as provided in the construction standards adopted by the City. The subdivider shall give notice to the engineer prior to the commencement of construction of improvements.
- c. The City Engineer shall have the right to enter upon the sites of improvements for the purpose of inspecting them.

Section 4.12 Monuments

- a. All monuments shall be set according to the provisions of state law.

- b. In making the survey for the subdivision, the survey shall set sufficient permanent monuments prior to the recording of the final plat so that the survey or any part thereof may be retraced according to standards required by the Benton County Surveyor except interior monuments may be delayed with approval of the Planning Commission as provided in Section 4.18.

#### Section 4.13 Procedure - Final Map Review

Upon receipt of the final plat, the exact transparent copy thereof, and accompanying data, the staff of the Planning Office shall review the final map and documents to determine that the plan conforms with the approved tentative plat, and that there has been compliance with provisions of the law and of this ordinance. The staff shall forward copies of the final plat to the City Engineer, to the County Assessor, to the County Tax Collector, and to the City Planning Commission President who is being requested to sign the plat. The City Engineer shall examine the plat for compliance with requirements for accuracy and completeness. The City Engineer may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If the City Engineer determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the plat.

#### Section 4.14 Approval of Final Plat

If the City Engineer and the staff of the Planning Commission determine that the final plat conforms fully with all applicable regulations and standards, the Planning Office shall so advise the President of the Planning Commission. The President of the Planning Commission may then sign the plat without further action by the Planning Commission. If the final plat is not in full conformance, it shall be submitted to the Planning Commission. If the final plat is referred to the President of the Planning Commission for signature without submission to the Planning Commission, the President may elect to submit the plat to the Planning Commission for further review. When submitted to the Planning Commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the Planning Commission, the action shall be reported to the Planning Commission at the next regular meeting. In the

absence of the President his duties and powers with respect to action on final plats shall be vested in the Vice-President.

Section 4.15 Agreement for Improvements

The subdivider shall improve, agree to improve, or have requested the formation of an improvement district for lands dedicated for streets, alleys, pedestrianways, drainage channels, easements and other rights-of-way as a condition precedent to acceptance thereof and approval of the Final Plat, subject to the exceptions that apply where access to a street is limited. These three procedures are more fully described as follows:

- a. The subdivider may elect to construct the improvements for the subdivision prior to the recording of the Final Plat. If this procedure is to be used, the plat shall contain all the required certifications except the Board of County Commissioners. The plat shall be retained by the City until the improvements have been completed and approved by the City Engineer. Upon approval, the City shall forward the Final Plat for certification by the Board of County Commissioners and to the County Clerk for recording.
- b. The subdivider may elect to execute and file with the City Council an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed. The agreement shall state should the work not be completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. A performance guarantee as provided in Section 4.16 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.
- c. The subdivider may elect to have all or part of the improvements constructed under an assessment district procedure. Under this procedure the subdivider shall enter into an agreement with the City proposing the establishment of the district for the improvements to be constructed proposing a schedule when improvements are to be installed and the extent of the plat to be improved. The City reserves the right, under the assessment district procedure, to limit the extent of the improvements in a subdivision during a construction year and may limit the area of the Final Plat to the area that is to be improved. A developer performance guarantee may be required under the assessment district procedure.

Section 4.16 Developers Performance Guarantee

- a. When required under provisions of Section 4.15, the subdivider shall file with the agreement a performance guarantee to assure his full and faithful performance thereof, one of the following:
  1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  2. In lieu of said bonds, (a) the subdivider may deposit with the City Clerk cash money in an amount fixed by the City Engineer; (b) certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses, said money to be released only upon authorization of the City Engineer as in the case of cash; or (c) bonds, in amount fixed by the City Engineer and in a form approved by the City Attorney.
- b. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- c. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the City for the difference.

Section 4.17 Filing of Final Plat

The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the Final Plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required signature has been obtained.

Section 4.18 Monumentation

- a. The minimum requirements for monumentation and accuracy for a plat or land partition shall be as follows:
  1. Relative ties: All relative, prior monumentation for boundaries common to the land being platted or partitioned shall be tied to the survey of the parcel.
  2. Accuracy: Field measurements shall be taken using methods suitable to attain relative closure accuracies of one foot to five thousand feet, or better.
  3. Subdivision perimeter monuments: Spacing between exterior boundary angle points should not exceed five hundred feet. Intermediate lot corners falling upon the boundary, in instances of delayed interior monumentation, shall be set during the initial survey, except when construction will disturb such lot corners.
  4. Referencing: All angle points of the boundary and all traverse angle points relative to either exterior or interior shall be durably referenced, in instances of delayed monumentation. Auxiliary sub-surface monuments may also be required by the City Engineer when deemed necessary.
  5. Stake Identification: All monuments set for subdivisions, interior as well as exterior, shall be marked with caps, washers, tags, or other acceptable means, to provide continued identification of the surveyor that set the monuments.
  6. Offset monumentation: With the approval of the City Engineer, monuments may be placed in locations offset to true corners or angle points. These monuments may be placed along boundary or lot lines and the offset distance from the true corner or angle point shall be specified upon the plat or map.

b. Interior "Post Monumentation"

Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the tentative plat or upon special request prior to filing the final plat subject to the following:

1. The developer has shown that it is necessary and practical to delay the interior monumentation.
2. The developer of the plat agrees to furnish a bond or cash deposit in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monuments.
3. That the developer, will sign an agreement with his surveyor and the City Engineer as to the amount of the bond or cash deposit to be furnished at the time of submitting the final plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation as provided in ORS 92 shall be followed; establish a date when the monumentation will be completed, and set out other particulars that may be necessary to insure the completion of the monumentation at a later date.

Ordinance 72-28 as amended by Ordinance 74-69.

## Article V APPROVAL OF STREETS AND WAYS

### Section 5.01 Creation of Streets

1. The creation of all streets shall be in conformance with the requirements for subdivision except the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
  - a. The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street.
  - b. The subdivision in which the street is to be dedicated is an isolated ownership of one acre or less.
  - c. The subdivision in which the street is to be dedicated is an isolated ownership of such size and has such special existing physical conditions as make it impractical to develop more than three lots.

The Planning Commission may require as a condition of approval any of the design standards adopted in the subdivision ordinance that are applicable when creating rights-of-way to partition land.

2. In those cases where approval of a street is to be without compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the Planning Office at least ten (10) days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Article VI and VII of this ordinance, shall be approved with such conditions as are necessary to preserve these standards.

### Section 5.02 Creation of Ways

Any easement of way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership of building development, whether immediate or future, shall be in the form of a street in a subdivision as provided in this article.

1. Any such easement providing access to a parcel of land used for agriculture, horticulture, grazing or timber growing and where said parcel exceeds five (5) acres in size, shall be approved by the Planning Commission.

2. A private easement of way to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method to provide access to a rear portion of an unusually deep lot large enough to warrant partitioning into two parcels. If the existing lot is large enough so that three (3) or more parcels meeting the lot size minimums of these regulations may be created, and two or more of such parcels would not have frontage on an existing street, this exception will not apply. A copy of the proposed document to create the easement shall be submitted to the Planning Office at least ten (10) days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and shall be approved if assurance of adequate utility access as well as vehicular access is indicated.

## Article VI LAND PARTITION

### Section 6.01 Purpose and Objective

This article prescribes procedures and standards governing the partition of land into two or three parcels within a calendar year when such area on tract of land exists as a unit or continuous units of land under a single ownership at the beginning of such year. This provision is established to accomplish the following objectives:

- a. To promote the orderly development of the urbanizing areas of the City by providing an alternate procedure for dividing land where it is impractical to develop a "subdivision" in accordance with the provisions of this ordinance.
- b. To insure that adequate public access and related utilities and facilities will be provided to parcels of land created by a division of land into three parcels or less, consistent with the purposes and objectives expressed in Section 1.02 of this ordinance.

### Section 6.02 Major Partition

The partitions of land that are within the definition of a major partition shall be submitted to the Planning Commission for their review and approval. The application for approval of a plan map for a major partition shall include the following:

#### 1. Tentative Plan Map

- a. A survey map of the land area from which the parcel is to be partitioned, including name and address of owner and area of the ownership.
- b. Identification of the parcel proposed with dimensions.
- c. Location of buildings, slope of land, drainageways, trees, easements and any other feature of the land important to its development.
- d. Identification of the street area to be dedicated and its relation to existing streets serving the property.
- e. Existing and proposed utilities to serve the property.
- f. Vicinity map showing the street pattern in the general vicinity and indicating the lotting and subdivisions abutting the ownership or parcels not in subdivisions.
- g. Improvements proposed such as pavement, curbs and gutters, sidewalks, grading or filling and other major improvements to develop the parcel.

Five copies of the tentative application map shall be submitted to the Planning office 10 days prior to the Planning Commission meeting. The affected County, State and Federal agencies and all affected special districts shall be notified of the application requesting their review and recommendations to the Planning Commission. The County shall be notified when the access is by a County maintained road, the State Highway District Office when access is from a State maintained highway, the University when the parcel is adjacent to OSU lands and the County Sanitarian when the parcel is to be developed without connecting to either or both the city's sewer or water systems. The application shall also be submitted for review by the City Engineer, the Utilities Engineer and the City Recorder.

Upon approval by the Planning Commission, three copies of the map shall be signed, dated and conditions of approval noted. One map returned to the applicant, one forwarded to the Public Works Committee of the Council, and one retained in the Planning office files.

## 2. Major Partition Plan Map

The final plan shall be the survey map that is proposed for recording in the county recording office. An exact transparent copy for filing with the county surveyor and five (5) prints.

The final plan shall include the following:

- a. The survey map of the parcel being offered for sale.
- b. A legal description of the parcel being offered for sale.
- c. A signed and notarized deed for the street area being dedicated and including any other easement rights being granted to the city related to the parcel.
- d. A notarized signature of the owner declaring the ownership and consenting to recording of the map.
- e. A designated space for approval signatures for the Chairman of the Planning Commission, the City Engineer, and the County Surveyor.

## Section 6.03 Standards and Improvements

The design standards for a subdivision in Article VIII and the Improvement Requirements of Article VIII shall apply to major partitions. In cases of an application for an exception to these standards, it shall be according to the procedure established in Article IX.

#### Section 6.04 Procedure for Approving Final Map

The final map shall be filed with the Planning office which shall coordinate the process of final map review and approval.

1. All final maps accepted shall include the information and the signature required by Section 6.02 Part 2.
2. A print of the final map for review and approval shall be forwarded to the City Engineer, the Public Works Director and the County Surveyor.
3. The final map may be approved by the chairman of the Planning Commission upon approval of the City Engineer without further Planning Commission review if he finds that the map is consistent with the approved tentative map and meets all the conditions of approval set by the Planning Commission. If he finds inconsistencies in the final map, he may place the question of approval on the agenda of the next regular Planning Commission meeting.
4. When the final map has been approved by the City Engineer and the chairman of the Planning Commission, it shall be submitted to the City Council requesting acceptance of the dedication that has been offered.
5. The signed final map and the signed exact copy shall be forwarded to the County Surveyor for approval and signature.
6. The applicant within 10 days of final approval shall record the final map with the County Recorder.

#### Section 6.05 Minor Partition

The land partitions that do not contain a street dedication which are not considered major partitions located within the city shall be submitted for review and approval.

##### 1. Minor Partition Map

The minor partition map shall include the following information:

- a. The map shall be a survey map that meets the requirement of the County Surveyor for filing the survey of the parcel.
- b. The survey information to locate the parcel and the monuments set to identify its location.
- c. The dimension and area of the parcel proposal for approval.
- d. A legal description of the parcel.
- e. The name of the owner of the property.

- f. The street that serves the parcel, its width, and improvements.
- g. Location of services to the parcel including sewer, water, drainage, power and telephone.
- h. Location of buildings, slope of land, drainage ways, trees, easements and any other features of land important to its development.

## 2. Application for Approval

Application shall include the original map and five copies filed with the Planning office. The map shall be reviewed by the City Engineer and the Planning Director. They shall determine that the proposed parcel is consistent with the zoning ordinance, the subdivision regulations and that it has adequate city services and that, upon request, the proposed parcel could be issued a building permit.

If these conditions are met, three copies and the original map shall be signed. The original shall be forwarded to the County Surveyor for filing as a recorded survey, a signed copy returned to the applicant, a signed copy filed in the Planning office and a signed copy forwarded to the Building Department.

If the above conditions are not met, the map shall not be signed and the original parcel map shall be returned to the applicant with a letter stating the reasons for refusal. The applicant may modify the map or improve the parcel to meet the requirements or he may within 10 days, request review by the Planning Commission at its next regular meeting. The Commission may uphold the decision of the staff, establish conditions of approving the application, or approve the application as proposed.

Ordinance 72-28 as amended by Ordinance 74-69.

## Article VII SUBDIVISION DESIGN AND STANDARDS

Subdivisions shall conform to the objectives of the Comprehensive General Plan and to adopted development plans as well as take into consideration preliminary plans made in anticipation of developing comprehensive plans. Subdivisions shall conform to the requirements of state law and the standards established by this ordinance.

### Section 7.01 Streets

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to the public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a Comprehensive General Plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood as approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
  - a. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty five (125) feet.
  - b. Alleys. Alleys shall be provided in commercial and industrial districts to serve abutting properties unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
  - c. Cul-de-sacs. A cul-de-sac, in general, shall not exceed six hundred (600) feet in length, and serve no more than eighteen (18) family dwellings. All cul-de-sacs shall terminate with a turn-around with a radius of forty-five (45) feet or greater.
  - d. Existing Streets. Whenever existing streets adjacent to or within a subdivision are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

- e. Frontage Roads and Reversed Frontage Lots. Where a residential subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require frontage roads or reversed frontage lots. The lots shall be designed with adequate depth for screen plantings and fencing, and may where desirable or necessary, include reservations restricting access to the arterial street plus other requirements found necessary to adequately protect residential properties and to afford separation of through and local traffic.
- f. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting deadend streets may be approved without a turn-around. Reserve strips may be required to preserve the objectives of street extensions.
- g. Grades and curves. Grades shall not exceed six (6) percent on arterials, ten (10) percent on collector streets, or fifteen (15) percent on any other street. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, or one hundred (100) feet on other streets. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- h. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle; but in no case less than sixty (60) degrees unless there is a special intersection design. The intersection of arterial or collector streets with other arterial or collector streets shall have at least one hundred (100) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twenty (20) feet.
- i. Minimum right-of-way widths. Unless otherwise indicated on a development plan, the width of streets in feet shall not be less than the minimum shown in the following table:

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY<sup>a</sup></u>	<u>MINIMUM ROADWAY</u>
Secondary Arterials	80	Varies <sup>b</sup>
Collector streets and continuing residential streets	60	40/34 <sup>c</sup>
Discontinuous minor streets not extending or expected to exceed over 1800 feet in length	50	34
Minor Cul-De-Sac Street	40	28
Radius for turn-around at end of Cul-De-Sac	45	37
Alley	20	20

j. Partial Streets. Partial streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when (1) in conformity with the other requirements of these regulations, and when (2) the Planning Commission finds it will be practical to require the dedication of the remaining portion at the time the adjoining property is subdivided. Whenever a partial street has been accepted, the abutting property, upon development, shall be required to dedicate the remaining portion of the right-of-way. Reserve strips may be required to preserve the objectives of partial streets.

k. Reserve Strips. Reserve strips or street plugs controlling the access to streets shall be required on all stub streets to protect the public welfare and property rights. The reserve strip or street plug shall be reserved to the City for control of the access and be a special reservation over a designated portion of the dedicated right-of-way. The reserve strip shall be indicated on the plat and included in the provisions of the dedication.

l. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and shall be subject to the approval of the Planning Commission.

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a Exclusive of side slope easements which may be required in addition for cuts or fills in rough terrain.

b Width standards will be defined in improvement specifications adopted by the City.

c Depending on type of street.

- m. Utility Easements. Utility easements are required adjacent to right-of-way on both sides of the street for underground power service.

## Section 7.02 Blocks

- a. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width recognizing the limitations of the topography.
- b. Size. No block shall be more than twelve hundred (1200) feet in length between corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is eighteen hundred (1800) feet.
- c. Easements.
  - 1. Utility Lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line.
  - 2. Water courses. If a subdivision is traversed by a water course such as a drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such additional width as will be adequate for the drainage system. Streets or parkways parallel to major water courses may be required.
  - 3. Pedestrianways. When desirable for public convenience, pedestrianways not less than ten (10) feet wide may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

## Section 7.03 Lots

- a. Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots in a subdivision shall be buildable, and the depth shall not exceed two and one-half (2 1/2) times the average width. Lot sizes shall not be less than the size required by the zoning ordinance. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

- b. Access. Each lot shall abut upon a street other than an alley for a width of at least twenty-five (25) feet.
- c. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across to which there shall be no rights of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
- d. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- e. Lot grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.
  - 1. Cut slopes shall not be steeper than one (1) foot vertically to two (2) feet horizontally.
  - 2. Fill slopes shall not be steeper than one (1) foot vertically to two (2) feet horizontally.
  - 3. The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.
- f. Building lines. Building setback lines may be established in the subdivision and shown on the final plat or included in the covenants recorded as a part of the plat.

#### Section 7.04 Large Lot Subdivision

In subdividing tracts into large lots which at some future time are likely to be subdivided, the Planning Commission may require that the blocks shall be of such size and shape, be so divided into lots and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

#### Section 7.05 Left-Over Land

Islands, strips, or parcels of property unsuited for subdivision and not accepted by the City for public use shall be included within the subdivision.

#### Section 7.06 Land for Public Purposes

If the City has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the City has

been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed two (2) years.

#### Section 7.07 Partial Recording Based on Preliminary Plat

Where a final plat is proposed to be recorded on only a part of the area included within an approved preliminary plat, the preliminary plat shall be prepared in such a manner that such partial recording will result in compliance with all of the applicable provisions of the improvement requirements and the design standards of this ordinance.

#### Section 7.08 Planned Unit Developments

Where, in accordance with provisions of the zoning ordinance, a planned development area has been authorized by the Commission, the plan of the subdivision shall conform with the plan of the planned development. Exceptions to the subdivision ordinance which are necessary to execute the planned development, as approved, may be authorized as provided in Article IX.

#### Section 7.09 Ponding Areas and Flood Hazards

Areas which are subject to the ponding of surface water or flooding shall not be subdivided until necessary measures have been taken or are required to be taken as a condition of approval of the preliminary or final plat. The City Engineer shall make an investigation and report to the Planning Commission on the adequacy of measures taken or proposed to be taken by the subdivider. The existence of a flood hazard may be cause for the disapproval of a proposed subdivision.

#### Section 7.10 Mail Delivery Facilities

The location of sidewalks, bikepaths and roadways and the safety of the public shall be considered when establishing the location of mail delivery facilities. Mail delivery facilities shall conform to standards of specifications of design and construction adopted by the City. This design and construction shall preserve the vision clearance area and be in keeping with the character of the subdivision. A sketch and/or narrative description of the mailbox configuration and the proposed locations within the subdivisions shall accompany the tentative plat. It shall be the obligation of the subdivider to erect either group or individual mail facilities. The arrangement of mail delivery facilities in a subdivision shall not interfere with or hinder the use of public walkways or roadways. Individual facilities shall be permitted only where property-line walks are constructed or where special design features are specifically approved. The group facilities shall be placed behind the sidewalk in the case of curblinewalks but may be placed at the curb in the case of property-line sidewalks where a parking strip of adequate space is designed. Group facilities shall provide individual boxes placed on a structure specifically designed for the intended use.

## Article VIII PHYSICAL IMPROVEMENTS REQUIRED

### Section 8.01 Improvement Procedures

In addition to other requirements, improvements shall conform to the requirements in Section 8.02a of this ordinance and construction standards or specifications adopted by the City. Improvements shall be installed in accordance with the following procedure:

- a. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City Engineer.
- b. Work shall not be commenced until the City Engineer has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City Engineer has been notified.
- c. Required improvements shall be inspected by and constructed to the satisfaction of the City Engineer. The City Engineer may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- d. Underground utilities, sanitary sewers and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb improvements when service connections are made.

### Section 8.02 Specifications and Improvements Required

- a. Improvements in a subdivision for sewers, storm sewers, water systems, street improvements, pedestrianways and other public required on or off site improvements shall be constructed in accordance with City policies and standards and in a manner acceptable to the Public Works Director.
- b. Underground Utility Distribution Facilities. The provisions of this section are intended to promote and provide for underground utility distribution facilities in new subdivisions that will benefit both the residents of such subdivisions and the public; in general, through enhanced views and scenic attributes, the improvement of the general living environment and through the prolonged economic life of said subdivisions.
  1. All utility distribution facilities supplying electric, communication or similar or associated service, installed

in and for the purpose of supplying such service to any residential subdivision shall be placed underground; provided, however, that the word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substation, or facilities used to carry voltage higher than thirty-five thousand (35,000) volts.

2. The installation of street lights shall be the responsibility of the subdivider. The street lights shall be on city-approved standard poles, (placed as to location) and provide the illumination as approved by the City Engineer in accordance with the policies of the City Council. The subdivider shall make the necessary arrangements with the serving electric utility for the installation of a (underground serving) utility-owned and operated street lighting system to be served at the lowest applicable rate available to the City.
3. The subdivider is responsible for complying with all the requirements of this Section and shall make the necessary arrangements with the utility companies involved for the installation of the facilities required by this section.
4. Overhead utility distribution lines may be permitted when terrain, soil or other conditions make underground installation infeasible or impractical. Location of such overhead utilities shall be along rear or side lot lines wherever feasible.

## Article IX EXCEPTIONS

### Section 9.01 Exceptions Authorized

Exceptions and conditional exceptions to the regulations prescribed by this ordinance may be authorized by the Planning Commission.

### Section 9.02 Application

Application for an exception will be made to the Planning Commission on a form prescribed by the Commission. The subdivider shall state fully the grounds of the application, the supporting facts and any other data pertinent to the findings prerequisite to the granting of an exception prescribed in Section 9.04 of this Article. The application shall be filed at the time of filing the preliminary plat of a subdivision.

### Section 9.03 Referrals

The Planning Director shall transmit copies of the application for an exception to the Public Works Director, City Engineer and Building Inspector, together with requests for recommendations on the proposed exception. Any exceptions requested by the subdivider shall be made the subject of study and report by the Planning Director.

### Section 9.04 Action of Planning Commission

The Planning Commission shall consider the application for and exception at the same meeting at which it considers the preliminary map. An exception may be granted unqualifiedly, or may be granted subject to prescribed conditions, provided that the Commission shall establish the following findings:

- a. That there are special circumstances or conditions affecting the property.
- b. That the exception is necessary for the proper design and/or function of the subdivision.
- c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- d. That the granting of the exception is in accordance with the purposes and objectives prescribed in Sections 1.02, 1.06, 1.07 and 1.08.

- e. That exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.

The Planning Commission shall deny an application for an exception if the Commission cannot establish any of the above findings.

#### Section 9.05 Appeal to City Council

The Planning Commission's action on an application for an exception may be made the subject of an appeal by the subdivider to the City Council. The appeal shall be filed with the Council in writing and shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission. The Council shall act on the appeal, and at the same time, review the preliminary plat. The Council may sustain, reject or overrule any recommendations or rulings of the Planning Commission, provided, however, that such action shall not be inconsistent with the provisions of this ordinance.

#### Section 9.06 Planned Unit Development

##### a. Purposes and Utilization

1. Planned-unit developments, involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living environment within the City than might be achieved by the development of planned units which do not conform with the more conventional standards of subdivision design and improvement prescribed by this ordinance.
2. A planned-unit development approach may be utilized in the design and development of a City subdivision.
3. A planned-unit development may include lots, blocks, streets and other improvements in an arrangement which will accommodate a variety of dwelling types and a variety of land uses which are made to compliment each other and harmonize with existing or planned uses in the vicinity by innovation in design.
4. A planned-unit development subdivision includes, without exception, an open space or recreational area designed for the use and benefit of all the dwelling units in the development.

##### b. Authority of Planning Commission

In order to provide for the design and location of such well-planned developments, the Planning Commission is empowered to grant exceptions to the regulations of this ordinance in the manner prescribed by this Article and this Section.

c. Standards

1. A planned-unit development subdivision may involve a plan and program for the development of a complete community or unit thereof.
2. The standards or rights-of-way, street improvement and subdivision design may vary from those prescribed for design requirements in Article VII, and improvements required in Article VIII of this ordinance, provided that the subdivider can demonstrate by his design proposal and such additional evidence as may be submitted that the purposes of this Article and the objectives of this ordinance will be achieved.
3. The minimum area, width, depth and frontage of lots may be less than those prescribed by the zoning ordinance, provided that the overall gross density of development created does not exceed that which would be created by strict adherence to the minimum standards thereof.
4. Maintenance of Open Space. As a condition of approving the subdivision of a planned-unit development and granting modifications to the standard subdivision requirements, the subdivider shall present in writing with the tentative maps the means by which the preservation and permanent maintenance of open spaces or recreational areas, which includes all private driveways, walkways and other areas owned in common, is to be accomplished and the payment of taxes thereon assured. No exceptions to the standard subdivision requirements shall be permitted unless the Planning Commission determines that the subdivider has adequately provided for permanent maintenance and payment of taxes.

Article X PENALTIES, ENFORCEMENT, CONSTITUTIONALITY, ENACTMENT, AMENDMENT

Section 10.01 Penalties

Violation of any provision of this ordinance or any amendment thereto is punishable, upon conviction, by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars or imprisonment in the municipal jail for not less than twenty-five (25) days nor more than fifty (50) days, or both.

Each violation of a provision of this ordinance shall constitute a separate offense.

Section 10.02 Severability

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.03 Interpretation

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance or another ordinance, the provisions which are more restrictive shall govern.

Section 10.04 Amendments

1. An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Director using forms provided by the Planning Director.
2. The Planning Commission shall conduct a public hearing on the proposed amendment after publishing notice of the hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation within the City of Corvallis. The notice shall specify the time, place and purpose of the hearing.
3. Within ten (10) days after such hearing, the Planning Commission shall recommend to the City Council approval, disapproval, or modified approval of the proposed amendment.

Upon receiving a recommendation of approval from the Planning Commission, the City Council shall hold a public hearing on the proposed amendment following the same procedures as prescribed for the Planning Commission in Subsection 2 of this section.

4. No applications of a property owner for an amendment to the text of this ordinance shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
5. A copy of the subdivision ordinance and any amendment adopted to such ordinance shall be filed with the recording officer of Benton County.

Section 10.05 Administrative and Enforcement Provisions

1. The City Engineer shall have the power and duty to enforce the provisions of this ordinance.
2. An appeal from a ruling of the City Engineer regarding a requirement of this ordinance may be made only to the Planning Commission.
3. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within thirty (30) days after the Planning Commission has rendered its decision.

Written notice of the appeal shall be filed with the City Engineer. If the appeal is not filed within the above specified period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendations thereon from the Planning Commission and shall hold a public hearing on the appeal.

Section 10.06 Effective Date

Passed by the Council this 15th day of July, 1974.

Approved by the Mayor this 15th day of July, 1974.

Effective this 25th day of July, 1974.

/s/ Cecil Barker  
Mayor

ATTEST:

/s/ Jerry A. Hortsch  
City Recorder

10-2

Ordinance 72-28 as amended by Ordinance 74-69

