

TITLE XV: LAND USAGE

Chapter

- 150. ADOPTION BY REFERENCE**
- 151. BUILDING CODE**
- 152. MOBILE HOMES/CAMPING VEHICLES**
- 153. SIGN REGULATIONS**
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CHAPTER 150: ADOPTION BY REFERENCE

Section

- 150.01 Comprehensive Plan
- 150.02 Zoning ordinance adopted

§ 150.01 COMPREHENSIVE PLAN.

The Comprehensive Plan and the Comprehensive Plan Background Report of the city are hereby adopted by reference and incorporated into this code as fully as if set out at length herein. (Ord. passed 12- -1979; Ord. 2008-03, passed 6-17-2008; Ord. 2010-02, passed 1-19-2010)

§ 150.02 ZONING ORDINANCE ADOPTED.

The zoning ordinance of the city is hereby adopted by reference and incorporated into this code as fully as if set out at length herein. (Ord. 79-2, passed 12-28-1979; Ord. 2003-01, passed 10-21-2003; Ord. 2005-02, passed 3-15-2005; Ord. 2007-02, passed 2-20-2007; Ord. 2007-05, passed 9-18-2007; Ord. 2008-04, passed - -2008; Ord. 2010-01, passed 1-19-2010; Ord. 2010-04, passed 5-18-2010; Ord. 2012-04, passed 10-16-2012)

CHAPTER 151: BUILDING CODE

Section

CABO One- and Two-Family Dwelling Specialty Code; Uniform Building Code

- 151.01 Purpose
- 151.02 Adoption
- 151.03 Unlawful actions
- 151.04 Stop-work orders

Uniform Plumbing Code; Structural Specialty Code

- 151.15 Adoption
- 151.16 City Manager to keep copies

- 151.99 Penalty

CABO ONE- AND TWO-FAMILY DWELLING SPECIALTY CODE; UNIFORM BUILDING CODE

§ 151.01 PURPOSE.

This subchapter is for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city, providing for the issuance of permits and collection of fees therefor, providing for penalties for the violation thereof, repealing prior ordinances and resolutions and declaring an emergency.

(Ord. 97-06, passed 6-17-1997)

§ 151.02 ADOPTION.

(A) The city hereby adopts the Council of American Building Officials (CABO) One- and Two-Family Dwelling Specialty Code of 1996, and all future updates for one- and two-family dwellings in the city, and the Uniform Building Code of 1994 and all future updates for all other construction in the city.

(B) The city hereby adopts § 118, "Stop Work Orders" of the 1996 edition of the CABO One- and Two-Family Dwelling Specialty Code, and any later editions.
(Ord. 97-06, passed 6-17-1997) Penalty, see § 151.99

§ 151.03 UNLAWFUL ACTIONS.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, rise, occupy or maintain any building or structure, or cause or permit the same to be done in violation of this code.
(Ord. 97-06, passed 6-17-1997) Penalty, see § 151.99

§ 151.04 STOP-WORK ORDERS.

The City Manager is hereby authorized to issue stop-work orders on any project which is not in compliance with city ordinances and regulations.
(Ord. 97-06, passed 6-17-1997)

UNIFORM PLUMBING CODE; STRUCTURAL SPECIALTY CODE

§ 151.15 ADOPTION.

The city adopts the Uniform Plumbing Code of 1988 and the Plumbing Specialty Code of 1990, and all future updates, as the plumbing ordinance for the city.
(Ord. 92-1, passed 1-21-1992) Penalty, see § 151.99

§ 151.16 CITY MANAGER TO KEEP COPIES.

The City Manager shall keep a current copy of these codes on file at City Hall for public inspection.
(Ord. 92-1, passed 1-21-1992)

§ 151.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

Building Code

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(B) Any violation of the CABO One- and Two-Family Dwelling Specialty Code (§§ 151.01 through 151.04) or the Uniform Building Code will result in a civil penalty not to exceed \$100. Each day of continuation of the violation in a separate violation.

(C) Any violation of these codes may result in a civil penalty not to exceed \$1,000. Each day of a continuation of a violation is a separate violation.
(Ord. 92-1, passed 1-21-1992; Ord. 97-06, passed 6-17-1997)

CHAPTER 152: MOBILE HOMES/CAMPING VEHICLES

Section

- 152.01 Definitions
- 152.02 Mobile home parks
- 152.03 Regulations outside of mobile home parks

§ 152.01 DEFINITIONS.

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

CAMPING VEHICLE. Either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is being used for vacation and recreational purposes, but is not intended for residential purposes, and is equipped with plumbing, sink or toilet. The term shall also include similar equipment without wheels, intended to be transported on a pickup or flatbed truck, and not permanently attached thereto.

MOBILE HOME. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. The minimum size for any vehicle included in this category shall be 500 square feet.

MOBILE HOME PARKS. Any place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep a space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such person.

(Ord. 108, passed 7-21-1970)

§ 152.02 MOBILE HOME PARKS.

(A) *Requirements.* Any mobile home park situated within the city limits must conform in all requirements to the regulations set forth in O.R.S. 446.003 through 446.200, and all amendments thereto. These regulations and all future amendments thereto are hereby adopted as the regulations of the city for the maintenance and operation of mobile home parks.

(B) *Application for license.*

(1) Persons desiring to maintain or operate a trailer park shall make written application to the City Council for a license to operate such park.

(2) Each application for a license, except for renewals, shall be accompanied by an application fee of \$25, together with two copies of a plot plan of the park and floor plans of all park buildings. Together with such additional information as the City Council may require, the following must accompany the application for license:

- (a) Name and location of the mobile home park;
- (b) Name of owner or owners; and
- (c) Name of individual preparing plans.

(3) The plans must clearly show the scale used in their preparation and an explanation of any and all symbols used, and must clearly identify proposed work and any existing installations.

(C) *Hearings on application for license.*

(1) Within 30 days after receiving application for a license, the City Council shall hold a public hearing on the matter of granting the license. The City Manager shall post written notice of such hearing in at least four conspicuous places within 600 feet of the site of the proposed park.

(2) Not later than 15 days following the public hearing, the City Council shall enter a written report either granting or rejecting the license. The report shall describe the probable effect of the proposed mobile home park upon the overall program for the development of the city, including, but not limited to, its effect on the following service: sewage disposal service, water supply, drainage, traffic problems and property values in the surrounding area. When based on this report, and bearing a reasonable relation to it, the decision of the City Council to accept or reject an application shall be final.

(D) *Licenses.*

(1) Each authorized trailer park shall pay a yearly license fee of \$75 for the first ten spaces provided, or fraction thereof, and \$5 for each additional space.

(2) License certificates shall be conspicuously posted in the office of the mobile home park.

(3) The above provisions shall be followed when the owner or operator of any mobile home park seeks to increase the number of spaces in the park or seeks to reinstate a license which has been revoked or to reopen any park which has not been in operation for more than one year.

(4) Licenses may be renewed annually by application to the City Manager, accompanied by the license fee, not less than 30 days before expiration of the current license. There will be an additional charge of \$5 for any license renewed after its expiration date.

(E) *Revocation of license.*

(1) The City Council may summarily revoke the mobile home park license when the licensee has been convicted in any court of the violation of any provision of this chapter, or of the state laws relating to the operation of mobile home parks. Following such revocation, the license may be reinstated only upon satisfactory showing of compliance with all existing laws and ordinances.

(2) The City Council may also summarily revoke a license upon showing by any law enforcement agency of the county or state of evidence satisfactory to the Council sitting in a public meeting that the park is being habitually used for activities that are detrimental to the health, safety and welfare of the community, and that the owner or operator of the park is aware of the situation and cannot or will not control it. Such activities may include, but are not limited to, prostitution, use and sale of narcotics, illegal use and sale of alcoholic beverages, and the harboring of runaway juveniles.
(Ord. 108, passed 7-21-1970)

§ 152.03 REGULATIONS OUTSIDE OF MOBILE HOME PARKS.

(A) *Parking on public streets.* It shall be unlawful to park or place any mobile home or camping vehicle on a public street for a time exceeding 24 hours if it is being used for human occupancy.

(B) *Temporary parking.* It shall be unlawful to cook in, or use the facilities of a mobile home or camping vehicle parked outside of a licensed park, unless a permit has been obtained from the City Manager. Such a permit may be issued without charge for use for temporary sleeping quarters for not more than five days in a specific location, with the consent of the property owner.

(C) *Removal of wheels of camping vehicles.* It shall be unlawful to remove the wheels of any camping vehicle, except for repairs, nor shall camping vehicles be otherwise permanently fixed to the ground in a manner that would prevent its ready removal.

(D) *Placement on lots.*

(1) It shall be unlawful to place more than one mobile home on any platted lot nor on one of which the owner of the mobile home is not the owner of record.

(2) It shall be unlawful to place any mobile home upon a lot until arrangements have been made to connect the mobile home to the city sewer system, if the lot is served by the sewer, or to an approved septic tank system, if the lot is not served by the city sewer. No mobile home shall be occupied until it is connected to the required sanitary facility.

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(3) It shall be unlawful to place any mobile home upon a lot until arrangements have been made to connect the mobile home to the city water system or to occupy it until such connection is made.

(4) It shall be unlawful to place on a city lot any mobile home which does not bear the state seal of approval, except that a variance may be granted by the City Manager for those mobile homes which were purchased by their current owners prior to the passage of the state statutes establishing the seal of approval.

(5) It shall be unlawful to place a mobile home on any lot which does not conform to the setback requirements for a residence, or to construct, add or place additions or outbuildings on the lot which do not conform in all respects to the City Building Code. No accessory building or addition shall exceed in height a one-story building, which for purposes of this chapter is established as 15 feet, or the roofline of the mobile home, whichever is higher. The height of the mobile home shall not be construed to include any antenna or cooler.

(6) It shall be unlawful to place any mobile home on a lot after the wheels have been removed, unless such mobile home is placed on a continuous concrete or concrete block foundation. If the wheels are not removed, then within 90 days after the home is placed upon the lot, a skirt of fire-resistant material must be placed entirely around it, from the floor level of the mobile home to a concrete slab upon which the home must be parked.

(E) *Permits.*

(1) It shall be unlawful to place any mobile home upon a city lot until a permit to do so has been obtained from the City Manager. The application for such permit shall contain the following information:

- (a) Description of the lot and name of the owner;
- (b) Description and identifying information about the mobile home and the name of the owner;
- (c) Diagram showing the proposed location of the home on the lot;
- (d) Evidence of the required arrangements for water and sewage connections; and
- (e) Evidence of the state seal of approval or authorized variances. Required deposit and hookup fees for city utilities must accompany the application.

(2) The required registration fee must accompany the application. A permit shall not be issued unless the applicant can show that the proposed use will comply with all applicable standards of sanitation, water, plumbing and electrical and sewerage installations prescribed by the laws of this state and the rules issued thereunder, or by city ordinance.

(3) Three classes of permits shall be issued by the City Manager:

(a) Class A, for permanent residency for mobile homes only. A permit shall be issued upon a showing that the mobile home has been enrolled upon the tax records of the county. Such permit shall be valid so long as the mobile home remains in the possession of the holder of the permit. Change of ownership or replacement of the vehicle shall terminate the permit;

(b) Class B, for permanent residency, for mobile homes or camping vehicles which do not appear on the tax rolls of the county, but which were used for permanent occupancy within the city limits prior to the effective date of this chapter. Renewable annually upon payment of a registration fee of \$36;

(c) Class C, for periodic occupancy, for both mobile homes and camping vehicles. Permits shall be good for a period of 30 days upon payment of a registration fee of \$5; and

(d) Class D, for occupation during the construction of a permanent house, for both mobile homes and camping vehicles. These permits will be issued only after the owner has obtained a city building permit and the number of such permit is filed with the City Manager. Permits shall be valid for a period of six months upon payment of a registration fee of \$20, and may be renewed at the discretion of the City Manager.

(F) *Storage of vehicles.* It shall be unlawful to store any camping vehicle within the city unless it is parked or placed in accordance with the lot coverage, yard setback and area standards for structures required by the city building ordinances and is maintained in a structurally safe condition, and not permitted to become unsafe or a hazard, or the vehicle is parked within a garage or carport.

(G) *Exempt vehicles.* The foregoing provisions shall not apply to trailer houses legally parked in the city at the effective date of this chapter, provided they conform to all rules of safety and sanitation in effect at that time. It shall, however, be unlawful for such mobile home or camping vehicle to remain in the city unless it conforms to this chapter if it is moved to a different location, is transferred to a new owner, or is permitted to deteriorate to an unsafe condition. In the event a different unit or vehicle is substituted for one permitted under this clause, the new unit or vehicle must meet all the regulations in effect on the date on which the substitution is made.

(H) *Violations.* Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and punished as provided by law for such offenses. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 108, passed 7-21-1970; Ord. 71-4, passed 11-16-1971) Penalty, see § 10.99

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CHAPTER 153: SIGN REGULATIONS

Section

- 153.01 Purpose
- 153.02 Definitions
- 153.03 General provisions
- 153.04 Permit and application procedures
- 153.05 Permit allowances
- 153.06 Illumination
- 153.07 Height restrictions
- 153.08 Materials and construction methods
- 153.09 Maintenance
- 153.10 Signs not requiring permits
- 153.11 Signs prohibited
- 153.12 Variances and appeals
- 153.13 Enforcement

- 153.99 Penalty

§ 153.01 PURPOSE.

(A) The purpose of this chapter is to regulate the indiscriminate use of both on-premises and off-premises signage, thereby preserving the natural beauty and aesthetic features of the city and its adjacent areas.

(B) It is the policy of the city to promote public safety, and accordingly, this chapter regulates such factors as the type, size, number, location, illumination, construction and maintenance of signs within the city.

(Ord. 99-02, passed 8-17-1999)

§ 153.02 DEFINITIONS.

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

EVENT. An activity or form of entertainment not offered during the normal course of business by the sponsoring business or organization, during regular or extended business hours, and not of a continuing nature. Sales, clearance and specials are not considered **EVENTS**.

FRONTAGE. The linear feet of a building that adjoins a public road or road right-of-way.

PREMISES. The land upon which any building is situated, including the building itself and any business housed therein.

SIGN. Any identification, description, illustration, banner, mural, symbol, logo or device sited within the city, and which directs attention to a product, place, service, activity, event, person, real estate, institution or business.

(1) **EXTERIOR.** Any permanent or temporary sign displayed outside of a building, whether on the building itself, the land on which the building is situated, or on vacant land.

(2) **ILLUMINATED.** A permanent or temporary sign which radiates light by transmission or is purposely illuminated by any other means and is visible from any public property or right-of-way.

(3) **INTERIOR.** A permanent or temporary sign displayed within a building or structure.

(4) **MULTI-FACED.** A permanent or temporary sign having more than two faces and not exceeding 24 square feet in total sign area.

(5) **NONCONFORMING.** A sign existing at the effective date of this chapter, and subject to, but not in compliance with, the provisions of this chapter.

(6) **PERMANENT.** A sign affixed to land, a building or structure, or represented thereon and intended by design, purpose or actual usage to exist for a long, indefinite period, not a temporary sign as defined below, and not exceeding 24 square feet in total sign area.

(a) **BENCH.** A permanent sign, not exceeding 12 square feet in total sign area, represented on the surface of or forming an integral part of the bench design.

(b) **OFF-PREMISES.** A permanent or temporary exterior sign not exceeding 24 square feet in total sign area, and which advertises or directs attention to a business, product, service, event or activity that is conducted, sold, offered or takes place on premises other than that upon which the sign is located.

(c) **READERBOARD** or **DIRECTORY.** A permanent exterior sign not exceeding 24 square feet in total sign area and comprised of several signs which can be removed individually, or whose copy can be changed without damaging the integrity of those remaining.

(7) **TEMPORARY.** A sign not affixed to land, a building or structure, or represented thereon, and intended by design, purpose or actual usage to exist or function for a short, limited duration, and not exceeding 24 square feet of total sign area.

(a) **EVENT-RELATED.** A temporary sign advertizing an event sponsored by a non-profit and tax-exempt organization, service group or a licensed commercial or industrial business, not exceeding 24 square feet in total sign area, and displayed for a period of no more than three consecutive days, at anytime during regular or extended business horns. See § 153.05(E).

(b) **SANDWICH BOARD or A-BOARD.** A temporary sign triangular in profile, having two faces and not exceeding 24 square feet in total sign area.

SIGN AREA. The overall dimensions of the surface(s) displaying the advertising or informational message.

(Ord. 99-02, passed 8-17-1999)

§ 153.03 GENERAL PROVISIONS.

(A) It shall be unlawful for any person, business or organization to place, erect or maintain any sign within this city, except as specifically provided for herein. If any aspect of the sign is not clearly provided, a variance application must be made to the City Manager, who will forward the application to the Planning Commission for its consideration of the variance request in accordance with § 153.12.

(B) No sign shall be sited on public (city) property, except as specifically provided for herein. Signs shall not extend over a city street right-of-way, except over public sidewalks, in which case the bottom of the sign must be at least 80 inches above the sidewalk.

(C) Nonconforming signs:

(1) Any nonconforming sign used by a business or a business complex must be brought into conformance with the requirements of this chapter prior to any expansion or change in use of the business or business complex concerned. No building permit for new construction shall be issued without full compliance with this provision;

(2) If any nonconforming sign is damaged or altered by any cause to an extent exceeding 50% of its replacement cost, it shall be reconstructed in conformance with the provisions of this chapter;

(3) All permanent signs must comply with the provisions of this chapter within three years of the effective date of this chapter;

(4) All temporary signs shall come into conformance with the provisions of this chapter 60 days from the effective date of this chapter; and

(5) Signs for which a variance has been granted by the city are exempt only from the provisions of this chapter for which the variance was granted.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.04 PERMIT AND APPLICATION PROCEDURES.

(A) At the time of application for a business license, the applicant will also receive an application for a sign permit and a handout summarizing sign criteria. No sign permit shall be issued by the City Manager until the applicant has filed for or received a business license, unless the applicant is not required to be licensed.

(B) Application for a sign permit shall be acquired from and made with the City Manager, who is responsible for the review, approval or denial of the application.

(C) Applications for signs located on Highway 101 right-of-way within the city limits must be made to the Oregon Department of Transportation (ODOT) and a copy of their approval placed on file with the City Manager.

(D) Required information for a permit: an accurate rendition of the sign drawn to scale and indicating dimensions, colors, materials, letter style, lighting, location on building or property, the size, dimensions and location of all other sign(s) located on the applicant's building or property, and the applicant's name, address and telephone number.

(E) Sign permit fee: the fee for a sign permit shall be based on the city fee schedule, and shall be paid when the permit application is filed with the City Manager.

(Ord. 99-02, passed 8-17-1999)

§ 153.05 PERMIT ALLOWANCES.

(A) The issuance of a sign permit to organizations not required to be licensed, yet sited within the city's Commercial or Industrial Zones, and licensed businesses within Residential Zones, limits the display of signage to that described within the approved permit application, provided the total sign area does not exceed that of the sign's type described in § 153.02.

(B) The issuance of a sign permit to other licensed businesses or organizations sited within the city allows the licensee to display any of the signs described in this section, provided the total sign area of the signs displayed does not exceed 48 square feet.

(C) Permanent signage:

(1) One or more permanent on-premises signs, not exceeding 24 square feet per sign, displaying the name or type of business or service offered by the licensee;

(2) One directory or readerboard sign, on-premises, per building occupied by a group of licensees on the same premises. An additional individual permanent sign identifying the licensee and not exceeding eight square feet is also permitted in this instance;

(3) One permanent off-premises sign only shall be allowed a licensee;

(4) One bench sign only shall be allowed a licensee. If sited off-premises, it shall be defined as a permanent off-premises sign;

(5) Within the city, banners, pennants, streamers, spinners, wind-socks, kites, balloons and the like, which move or are supported as a result of air pressure, may be part of the permanent signage allowed a licensed commercial or industrial business if the business sells them and their business license so reflects; and

(6) Such devices may be part of the temporary signage of any licensed or permitted business sited in a nonresidential zone.

(D) Temporary signage:

(1) One temporary sign (on-premises only) plus two event-related signs shall be allowed a licensee;

(2) A temporary sign displayed to identify a newly licensed business or organization until a permanent sign is acquired may be permitted by the City Manager. The applicable permit fee will be required, as though a permanent sign were being permitted; and

(3) Two event-related signs only shall be allowed a licensee. They shall be displayed only on the days the event is conducted, on-premises or other private property with the owner's permission. Non-profit and tax-exempt licensees may display event-related signs two days prior to and during the event, on-premises or other private property with the owner's permission.

(E) Temporary event-related signage to be sited on public (city) property: two event-related signs not exceeding 48 square feet each in total sign area may be displayed on public (city) property by a registered non-profit and tax-exempt organization, provided an application is filed with the City Manager 30 days prior to the proposed event and said event, its site, theme, sign siting, hours and duration are approved by the City Council.

(1) Such signs may be temporarily affixed to public (city) land, and shall not be displayed prior to 14 days before the event and must be removed within two days following completion of the event.

(2) Incidental booth and informational signs sited within the approved site of the event are allowed only during the duration of the event.

(Ord. 99-02, passed 8-17-1999)

§ 153.06 ILLUMINATION.

(A) Light from or illuminating a sign within the city shall be directed away from a residential use or zone, shall not move or flash, create or reflect excessive glare, and shall not be located so as to detract from or impair a motorist's vision or view of traffic signs or signals, or vehicular or pedestrian traffic.

(B) Light from illuminating signs of licensed businesses or permitted organizations located within a residential zone shall not move or flash, create or reflect excessive glare, and shall not be located so as to detract from or otherwise impair the enjoyment and aesthetic quality of the neighborhood.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.07 HEIGHT RESTRICTIONS.

No sign shall exceed the height restrictions of the zone in which it is located.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.08 MATERIALS AND CONSTRUCTION METHODS.

(A) Signs shall be constructed of durable material.

(B) Construction methods shall be per the Uniform Building Code.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.09 MAINTENANCE.

(A) The licensed business or business complex is required to keep its sign(s) clean, readable and well-maintained.

(B) The city shall notify the owner of the real property where a sign has been abandoned or allowed to fall into disrepair, and shall require reasonable repair, replacement or removal within 30 days. If compliance does not occur within the 30-day period, the city is authorized to cause removal or repair of such signs at the expense of the party so notified.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.10 SIGNS NOT REQUIRING PERMITS.

(A) Public memorial tablets, cornerstones or plaques and on-premises signs identifying certified historical sites;

(B) All publicly-owned and maintained street traffic, warning, directional and regulatory signs;

- (C) Oregon Department of Transportation signs and Travel Information Council signs;
- (D) Government and other public organizations' identification, informational and directional signs;
- (E) Flags of national and state governments displayed on premises by public facilities, non-profit and tax-exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags, attached or unattached to any structure, shall not exceed five feet by seven feet, shall not exceed the height restrictions of the zone in which it is located, and shall be limited to one each of international, national or state governments;
- (F) Political signs advertising a candidate or an issue involved in a scheduled public election. Such signs shall not be placed on public property, shall not exceed nine square feet in area, and shall be removed within two days following the election;
- (G) Incidental exterior signs, not exceeding two square feet individually and six square feet of total sign area displayed by a licensed commercial or industrial business for the direction and safety of the public, such as those which identify public restrooms, telephones, parking areas, open, closed exits and other public facilities;
- (H) Informational signs, not exceeding two square feet individually and six square feet of total sign area, whose purpose is to provide pertinent information concerning services offered by the licensee, such as vacancy signs, product identification, menus, business horns or credit cards accepted;
- (I) Bulletin boards, on-premises or window space, not exceeding 12 square feet, for use by the public to advertise community or regional events, the non-commercial (private) sale of miscellaneous items not related to the licensee providing the space, or other notices of public interest;
- (J) One temporary garage sale sign located only on the premises of the sale, and not exceeding 12 square feet and two directional garage sale signs, off-premises on private property, not exceeding four square feet each. Such signs shall not be placed prior to two days before the sale, and shall be removed within two days following completion of the sale;
- (K) One permanent non-illuminated ground or wall sign, on-premises, identifying a residential area or multi-family structure, and not exceeding 12 square feet;
- (L) One non-illuminated wall sign for a licensed home occupation, or cottage industry, on-premises, and not exceeding two square feet of the total sign area;
- (M) Signs within a building that are not intended to be visible from the exterior of the building;
- (N) One real estate sign and/or "open house" sign on-premises and two related directional off-premises signs, on private property, during the period of the sale. These signs shall not exceed six square feet each in sign area;

(O) Two signs not exceeding four square feet in area at the site of construction to identify a prime building contractor and architect. Such signs may be displayed only after the building permit has been properly posted, and may remain as long as the building permit is in effect. Such signs must be removed when the project is completed;

(P) One permanent on-premises sign not exceeding 24 square feet identifying the name of the building on which it is located, provided it does not include, in whole or in part, the name of any business situated therein; and

(Q) Seasonal lights and decorations displayed on-premises by a licensee, as well as other traditional signs or decorations for traditional holidays.

(Ord. 99-02, passed 8-17-1999)

§ 153.11 SIGNS PROHIBITED.

(A) Signs that contain or are illuminated by flashing, intermittent, revolving, moving or rotating light, or has any animated or moving parts;

(B) Signs placed so that the sign extends above a flat roof or the ridge of a pitched roof;

(C) Signs that interfere with, imitate or resemble any official city identification, informational or directional sign;

(D) Off-premises signs within estuarine waters, intertidal areas or tidal wetlands; and

(E) No part of this chapter is intended to permit a person, business or organization to erect, display or maintain any sign that is prohibited by the Oregon Department of Transportation or federal government.

(Ord. 99-02, passed 8-17-1999) Penalty, see § 153.99

§ 153.12 VARIANCES AND APPEALS.

(A) A request for a variance may be initiated by a licensee by filing an application with the City Manager. The City Manager may request drawings or materials essential to an understanding of the circumstances underlying the request for the variance, before referring the variance request to the City Planning Commission.

(B) No variance shall be granted by the City Planning Commission unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary circumstances apply to the premises upon which the licensee's business is located and over which the licensee has no control;

(2) The variance is necessary for the preservation of a right of the applicant substantially the same as owners of other businesses in the same zone possess; and

(3) The variance would not be materially detrimental to the purposes of this chapter, the Comprehensive Plan, to other businesses in the same zone or otherwise conflict with the objectives of any city policy, or state and federal statutes.

(C) An appeal from a ruling by the City Manager regarding a requirement of this chapter may be made to the Planning Commission.

(D) The City Council may consider any action or ruling of the City Manager or Planning Commission on its own initiative, provided two or more members of the Council file a written request for such consideration with the Mayor within 15 days after the City Manager, or Planning Commission has rendered a decision.

(Ord. 99-02, passed 8-17-1999)

§ 153.13 ENFORCEMENT.

(A) It is the responsibility of the City Manager to interpret and enforce this chapter.

(B) Any sign that fails to comply with the provisions of this chapter following its effective date, except those subject to the provisions of § 153.03(C)(3) and (C)(4), is hereby declared to be a public and private nuisance.

(1) In addition to the penalties provided by § 153.99 for violation thereof, such a sign may be removed or caused to be removed by the City Manager, who may enter upon private property and remove a sign without liability therefor.

(2) The cost of removal of such a sign shall be borne by the owner of the sign or, if the sign has been abandoned, by the owner of the property upon which the sign is located.

(Ord. 99-02, passed 8-17-1999)

§ 153.99 PENALTY.

A person, licensee or organization violating this chapter shall, upon conviction, be punished by a fine of not more than \$250 per violation. A violation of this chapter shall be considered a separate offense for each day the violation continues.

(Ord. 99-02, passed 8-17-1999)

CHAPTER 154: SUBDIVISION AND LAND PARTITIONING

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GENERAL PROVISIONS

§ 154.001 TITLE.

This chapter shall be known and may be cited as the "Subdivision and Land Partitioning Ordinance of the City of Wheeler, Oregon".
(Ord. 77-1, passed 4-19-1977)

§ 154.002 PURPOSE.

The purpose of this chapter is to enact subdivision and land partitioning regulations for the city, which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people of the city.
(Ord. 77-1, passed 4-19-1977)

§ 154.003 COMPLIANCE REQUIRED.

No person shall subdivide or partition an area or tract of land without complying with the provisions of this chapter.

(A) No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by the provisions of this chapter until such approval is obtained and the plat thereof has been acknowledged and recorded with the County Clerk's office.

(B) No person may dispose of, transfer, sell or agree to sell any parcel in a major partition or in a minor partition prior to approval as required by the provisions of this chapter.

(C) No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for

public or common use, unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this chapter.

(Ord. 77-1, passed 4-19-1977) Penalty, see § 10.99

§ 154.004 DEFINITIONS.

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

BUILDING LINE. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.

CITY. The City of Wheeler, a municipal corporation of the state, where the provision involves a duty owed the city in either its governmental or its corporate capacity; otherwise, that officer, department or agency of the city indicated by the context, or, where the context does not clearly indicate a specific officer, department or agency, then the City Manager.

CITY ENGINEER. The duly appointed City Engineer of the City of Wheeler.

CITY MANAGER. The duly appointed administrative officer of the city, or a person designated by the Mayor to fulfill the obligations set forth in this chapter.

COMPREHENSIVE PLAN. Plans, maps, reports or any combination thereof, adopted by the city Council for the guidance of, growth and improvement of the city, including modifications or refinements which may be made from time to time.

EASEMENT. A grant of the right to use a strip of land for specific purpose.

LOT. A unit of land that is created by a subdivision of land.

(1) **CORNER LOT.** A lot of which at least two adjacent sides abut intersecting streets for their full length.

(2) **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.

(3) **THROUGH LOT.** A lot having frontage on two parallel or approximately parallel streets other than an alley.

LOT LINE ADJUSTMENT. Adjustment of an existing platted lot line in such a way that the size of two adjacent platted lots is changed, but no additional lot is created.

MAP. A final diagram drawing or other writing concerning a major or minor partition.

O.R.S. Oregon Revised Statutes (state law).

PARCEL. A unit of land that is created by a partitioning of land.

PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

(1) **MAJOR PARTITION.** A partition which includes the creation of a street or road.

(2) **MINOR PARTITION.** A partition that does not include the creation of a street or road.

PARTITION LAND.

(1) 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.

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

(3) **PARTITION LAND** does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.

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 group or combination acting as a units.

PLANNING COMMISSION. The Planning Commission of the City of Wheeler, Oregon.

PLAT. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

RIGHT-OF-WAY. The area between boundary lines of a street or other easement.

ROAD. 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.

ROADWAY. The portion of a street right-of-way developed for vehicular traffic.

SIDEWALK. A pedestrian walkway with permanent surfacing.

STREET. A public or private way being the entire width from lot line to lot line that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and including the terms **ROAD, HIGHWAY, LAND, AVENUE, ALLEY** or similar designations.

(1) **ALLEY.** A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.

(2) **ARTERIAL.** A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(3) **COLLECTOR.** A street supplementary to the arterial street system and a means of intercommunication between this system and smaller area; used to some extent for through traffic and to some extent for access to abutting properties.

(4) **CUL-DE-SAC (DEAD-END STREET).** A short street having one end open to traffic and being terminated by a vehicle turnaround.

(5) **HALF STREET.** The dedication of a portion only of the width of a street, usually along the edge of a subdivision where the remaining portion of a street has been or could later be dedicated in another subdivision.

(6) **MAJOR STREET.** A street intended primarily for access to abutting properties.

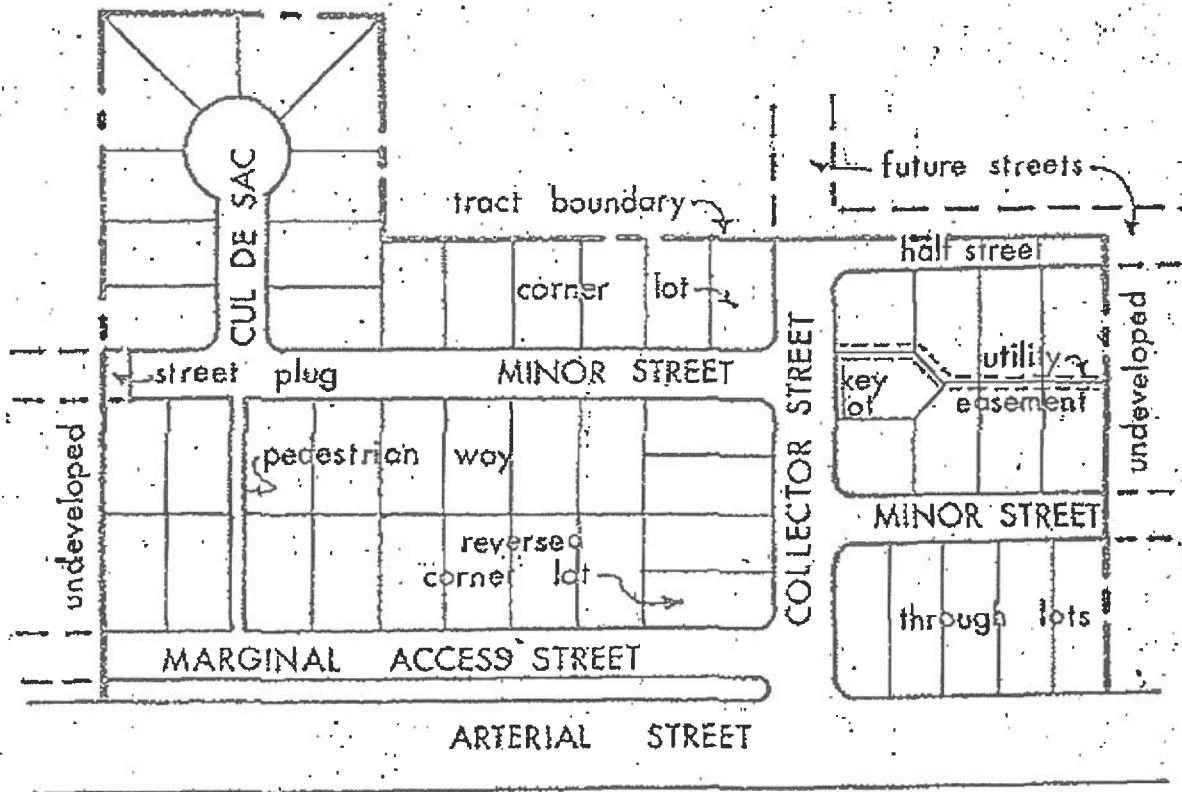
(7) **MARGINAL ACCESS STREET.** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

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.

SUBDIVIDER. Any individual, partnership, firm or group which undertakes the subdividing of a lot, tract or parcel of land for the purpose of transfer of ownership or development and including changes.

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

DIAGRAM OF DEFINITIONS



(Ord. 77-1, passed 4-19-1977)

§ 154.005 APPEAL TO COUNCIL AUTHORIZED.

Appeal may be made to the City Council from any decision determination or requirement of the Planning Commission, City Engineer or City Manager issued pursuant to the provisions of this chapter. The appeal and hearing procedure shall be as follows.

(A) Appeal may be made to the City Council from any decision or requirement of the Planning Commission, or City Manager. Written notice of the appeal must be filed with the City Manager within ten days for a minor partition, and within 30 days for a major partition or subdivision, after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(B) The City Council, following the filing of an appeal, shall set a time for a hearing on the appeal and shall give notice to the Planning Commission or officer and applicant. The hearing may, for good cause, be continued by the City Council. Following the hearing, the Council may overrule or modify the decision or requirement made by the Planning Commission or officer if the decision of the City Council complies with the intent and purpose of these requirements. The disposition of the appeal shall be final.

(C) The City Council may also consider any action or ruling of the Planning Commission on its own initiative, provided two or more members of the City Council file a written request for such consideration with the City Manager within 15 days after the Planning Commission has rendered its decision. Such request shall be treated as an appeal in division (B) above.
(Ord. 77-1, passed 4-19-1977)

SUBDIVISION OF LAND; TENTATIVE PLAN

§ 154.020 INITIAL SUBMISSION.

(A) Ten copies of a tentative plan and a statement of any proposed subdivision shall be submitted to the City Manager at least 30 days prior to the meeting of the Planning Commission at which consideration is desired together with an initial fee as established for the process.

(1) The total filing fee shall be the initial fee plus reasonable and actual expenses incurred by the city during the process of technical evaluation of the tentative plan. The reasonable and actual expenses shall be based upon the average hourly labor rate of those personnel participating in the technical evaluation, less the initial fee.

(2) Upon completion of technical evaluation the total fee, less the initial fee, shall be computed by the City Manager and notice sent to the subdivider five days prior to the date set for Planning Commission consideration of that preliminary plat.

(3) The Planning Commission shall not consider any preliminary plat until the total filing fees are paid.

(4) Regardless of Planning Commission action, the filing fees are nonrefundable.

(B) Optional preliminary procedure: prior to the filing of a tentative plan, a subdivider may submit to the City Planning Commission plans and other information concerning a proposed or contemplated development.

(1) The Planning Commission shall, within 35 days, schedule a conference with the subdivider on the plans and other data and make such recommendations to the subdivider as shall seem proper regarding them.

(2) It shall recommend consultation by the subdivider with other public or private agencies if the proposed plans indicated these others would have an interest in the proposed development.

(3) This subdivision conference is an optional procedure which may be elected by the subdivider and is not required by this chapter.
(Ord. 77-1, passed 4-19-1977)

§ 154.021 PRELIMINARY REVIEW.

(A) The subdivider shall submit to the Planning Commission a preliminary plat showing generally the nature of the design contemplated, including the lot or tract sizes, street layout, location of public services, easements for utilities and general specifications for the construction of roadways, water lines and such other facilities as may be planned or contemplated.

(B) The Commission shall review the same and make such recommendations in accordance with the standards herein set forth that to the Commission appear desirable, necessary and in the public interest and for the protection of the health, peace and safety of the citizens of the community.
(Ord. 77-1, passed 4-19-1977)

§ 154.022 TENTATIVE PLAN SCALE.

Tentative plans shall be to a scale of one inch equals 50 feet, and shall be clearly and legibly reproducible. Map size shall not exceed 24 inches by 36 inches. Any variance of map scale or map size requires the consent of the Planning Commission.
(Ord. 77-1, passed 4-19-1977)

§ 154.023 INFORMATION ON TENTATIVE PLAN.

The tentative plan shall contain the following information:

- (A) Proposed name, date, north point and scale of drawing;
- (B) Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries;
- (C) Name and address of the subdivider;
- (D) Appropriate identification of the drawing as a tentative plan;
- (E) Name, business address and number of the registered, engineer or licensed surveyor who prepared the plan of the proposed subdivision;

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(F) The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision;

(G) Names of the record owners of all contiguous land;

(H) The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto;

(I) The location and approximate dimensions of each lot and each to be numbered;

(J) Setback lines, if any, proposed by the subdivider;

(K) The outline of any existing buildings and their use showing those which will remain;

(L) Contour lines having the following minimum intervals:

(1) Grades of 1% or less will require not less than six spot elevations per acre;

(2) Two-foot contour intervals for ground slopes 5% or less; and

(3) Five-foot contour intervals for ground slopes over 5%.

(M) The location of at least one temporary bench mark within the subdivision boundaries;

(N) City boundary lines crossing or bounding the subdivision;

(O) Approximate location of all areas subject to foundation of storm water overflow and the location, width, known high water elevation flood flow and direction of flow of watercourses;

(P) If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and watercourses;

(Q) Indicate all areas to be cut or filled;

(R) If impractical to show on the tentative plan, a key map for domestic water supply lines and related water service facilities; and

(S) The proposals for sewage disposal, storm water drainage and flood control.
(Ord. 77-1, passed 4-19-1977)

§ 154.024 PARTIAL DEVELOPMENT.

If the subdivision proposal pertains to only part of the tract owned or controlled by a subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

(Ord. 77-1, passed 4-19-1977)

§ 154.025 INFORMATION IN STATEMENT.

The statement to accompany the tentative plan shall contain the following information:

(A) A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed;

(B) Deviations from subdivision ordinance, if any;

(C) Public areas proposed, if any;

(D) Tree planting proposed, if any;

(E) A preliminary draft of restrictive covenants proposed, if any; and

(F) A site-specific investigation by a qualified geotechnical expert for all created parcels.

(Ord. 77-1, passed 4-19-1977)

§ 154.026 SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN.

Any of the following may be required by the Planning Commission to supplement the plan of subdivision:

(A) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction; and/or

(B) Proposals for other improvements such as telephone, electric utilities and sidewalks, if any.

(Ord. 77-1, passed 4-19-1977)

§ 154.027 PLANNING COMMISSION DETERMINATION.

(A) The Planning Commission shall determine whether the tentative plan is in conformity with the provisions of law and of this chapter.

(B) The Planning Commission may approve the tentative plan as submitted or as it may be modified.

(C) If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefor.

(D) The action of the Planning Commission shall be noted on two copies of the preliminary plat, including reference to any attached documents describing any conditions.

(E) One copy shall be returned to the subdivider and the other retained by the Planning Commission.

(Ord. 77-1, passed 4-19-1977)

SUBDIVISION PLAT

§ 154.040 SUBMISSION OF SUBDIVISION PLAT.

(A) Within one year after approval, of the tentative plan, the subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved.

(B) An original reproducible drawing and five blueline or blackline prints of the plat shall be submitted to the City Manager within one year after approval or conditional approval.

(C) The tracing and prints are in addition to those required by state statutes.

(D) If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must submit a new tentative plan and make any revision necessary to meet changed conditions.

(Ord. 77-1, passed 4-19-1977)

§ 154.041 FORM OF PLAT.

(A) The subdivision plat shall be prepared in accordance with the provisions of this chapter and state laws, including, but not limited to, O.R.S. 92.080.

(B) All tracings required shall be in accordance with state standards, including, but not limited to, O.R.S. 92.120.

(Ord. 77-1, passed 4-19-1977)

§ 154.042 INFORMATION ON FINAL PLAT.

The final plat shall, in addition to other information required by law, show the following:

(A) The date, scale, north point (generally jointing up), legend and controlling topography (i.e., creeks, highways, railroads and the like);

(B) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(1) All stakes, monuments or other evidence found on the ground and used to establish the initial point of the subdivision boundary and to otherwise determine the boundaries of the subdivision;

(2) Adjoining corners of all adjoining subdivisions;

(3) Ties into any established or adopted system of coordinates, wherever coordinate monuments are conveniently located. In the absence of such a system township and section and donation land claim lines shall be shown within or adjacent to the plat;

(4) Whenever the city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset; and

(5) All other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this chapter.

(C) Tract boundary lines, right-of-way lines and centerlines of streets, and lot and block lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of one foot in 5,000 feet;

(D) The location of additional monuments which are to be set upon completion of improvements;

(E) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius, and central angle. Block corner curb data to be shown separately;

(F) All easements clearly labeled, and identified and if already of record, the recorded reference, if any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely 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 certificate of dedication;

(G) Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions;

(H) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be 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; and

(I) Appropriate words, symbols or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case.

(Ord. 77-1, passed 4-19-1977)

§ 154.043 CERTIFICATIONS.

The following certificates shall appear on the plat as submitted; the certificates may be combined where appropriate:

(A) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat;

(B) A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

(C) A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his or her seal; and

(D) Provisions for additional, certificates and acknowledgments required by law.
(Ord. 77-1, passed 4-19-1977)

§ 154.044 SUPPLEMENTAL DATA.

At the time of the submission of the final plat, the subdivider shall also submit the following:

(A) A preliminary title report issued not more than 30 days in advance by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

(B) Sheets and drawings showing the following:

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

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

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

(4) Coordinates of all block corners and all street center points; and

(5) All areas subject to flooding.

(C) A copy of any deed restrictions applicable to the subdivision; and

(D) A list of all taxes and assessments on the tract which have become a lien on the tract.
(Ord. 77-1, passed 4-19-1977)

§ 154.045 TECHNICAL REVIEW.

(A) Upon receipt of the final plat and accompanying data, the staff of the city shall review the plat and documents to determine that it conforms with the approved tentative plans and that there has been compliance with provisions of the law and of this chapter.

(B) An engineer or surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by state law. He or she may make checks in the field to verify that the map is sufficiently correct on the ground, and he or she may enter the property for this purpose. If he or she determines that there has not been full conformity, he or she 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.

(C) If the engineer or surveyor determines that full conformity has been made, he or she shall so certify and transmit the plat to the Planning Commission.
(Ord. 77-1, passed 4-19-1977)

§ 154.046 FINAL APPROVAL OF PLANNING COMMISSION.

(A) The Planning Commission shall examine the plat to determine whether it conforms with the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance.

(B) If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him or her an opportunity to make the same.

(C) If the Planning Commission determines that the plat conforms to all requirements, it shall approve the same, but before certifying its approval thereof, it shall require the subdivider to file the agreement and bond, or make the deposit, required in §§ 154.047 and 154.048, and when the agreement and bond have been filed and approved as prescribed, the Planning Commissions approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law.

(D) The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

(Ord. 77-1, passed 4-19-1977)

§ 154.047 AGREEMENT FOR IMPROVEMENTS.

Before Planning Commission approval of a final plat, the subdivider shall either install required street improvements and repair existing streets and other existing public facilities damaged in the development of the property or execute and file with the City Manager an agreement between himself or herself and the city, specifying the period within which required improvements and repairs shall be completed, and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city of the improvements to be installed. The agreement may also provide for the construction of the required improvements in units and for an extension of time under the conditions therein specified.

(Ord. 77-1, passed 4-19-1977)

§ 154.048 BONDS.

(A) The subdivider shall file with the agreement, to assure his or her full and faithful performance thereof, one of the following:

(1) A personal bond cosigned by at least an additional person who shall not be related to the subdivider by consanguinity. The subdivider and cosigner shall submit evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement;

(2) A surety bond executed by a surety company authorized to transact business in the state;
or

(3) Cash.

(B) The assurance of full and faithful performance shall be for a sum approved by the City Council sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision, and must be approved by the city attorney as to form.

(C) In the event the subdivider fails to complete all improvement work in accordance with the provisions of this chapter, and the city has to complete same, or if the subdivider fails to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. The city shall release the remainder of the bond or cash deposit if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the city. If the amount of the surety bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

(Ord. 77-1, passed 4-19-1977)

§ 154.049 FILING OF FINAL PLAT.

A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

(Ord. 77-1, passed 4-19-1977)

MAJOR LAND PARTITIONING

§ 154.060 MINIMUM STANDARDS.

(A) The minimum standards for design and improvements in a major land partitioning shall conform to §§ 154.101 through 154.125.

(B) 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:

(1) The establishment of the public street is initiated by the City Council or Board of County Commissioners, 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;

(2) The tract in which the street is to be dedicated is a major partition under single ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units; and

(3) The street is the only reasonable access to the rear portion of an extraordinarily deep land parcel which should be divided into not more than two parcels.
(Ord. 77-1, passed 4-19-1977)

§ 154.061 SUBMISSION OF TENTATIVE MAP FOR MAJOR PARTITIONING.

A tentative map for the major partitioning of land shall be submitted to the City Manager for approval in conformance with these regulations.
(Ord. 77-1, passed 4-19-1977)

§ 154.062 SCALE.

The tentative map shall be drawn to a scale of one inch equals 50 feet, and shall be clearly and legibly reproducible. Map size shall not exceed 24 inches by 36 inches. Any variance of map scale or map size requires the consent of the Planning Commission.
(Ord. 77-1, passed 4-19-1977)

§ 154.063 INFORMATION ON TENTATIVE MAP.

The tentative map shall contain the following information:

(A) Date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;

(B) Names and addresses of the owner, partitioner, engineer and/or a surveyor, if any, or any other professional person employed in the preparation of the major partition;

(C) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;

(D) The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed major partition and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions and partitions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed major partition;

(E) Contour lines where the data is made available by the city;

(F) Outline and location of existing buildings to remain in place;

(G) For land adjacent to and within the tract to be partitioned, the location and size of sewer and water lines and drainageways;

(H) Names of record owners of all contiguous land;

(I) Parcel layout, showing size and relationship to existing or proposed streets and utility easements and any proposed lot numbers;

(J) If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and watercourses;

(K) A site-specific investigation by a qualified geotechnical expert for proposals when the average slope of created parcels is 15% or greater; and

(L) A preliminary excavation and grading plan.
(Ord. 77-1, passed 4-19-1977)

§ 154.064 SUPPLEMENTAL DATA WITH TENTATIVE MAP.

The following may be required by the Planning Commission to supplement the map of a major partition:

(A) Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction; and

(B) A preliminary excavation and grading plan.
(Ord. 77-1, passed 4-19-1977)

§ 154.065 PRELIMINARY REVIEW OF TENTATIVE MAP.

The provisions of § 154.021(A) shall apply to the review of a major partition.
(Ord. 77-1, passed 4-19-1977)

§ 154.066 PLANNING COMMISSION DETERMINATION.

Review by the Planning Commission shall conform to the requirements of § 154.027.
(Ord. 77-1, passed 4-19-1977)

§ 154.067 SUBMISSION OF FINAL MAP.

(A) Not more than one year following approval of the tentative map, the partitioner shall prepare a final map in conformance with the tentative map as approved.

(B) If the final map is not submitted within one year of approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations.
(Ord. 77-1, passed 4-19-1977)

§ 154.068 FORM OF FINAL MAP.

(A) All final maps shall be drawn in black India ink on good quality white, cold-pressed, double mounted drawing paper 18 inches by 24 inches in size with muslin extending three inches on one end for binding purposes.

(B) An exact copy of the final map shall also be submitted. This copy shall be made in black India ink on good linen tracing cloth; or photocopy or black India ink on good quality Mylar or similar plastic film to the same size, scale and degree of legibility as the original copy of the final map.
(Ord. 77-1, passed 4-19-1977)

§ 154.069 INFORMATION ON FINAL MAP.

The final map shall show the following:

(A) The date, scale, north point (generally pointing up), legend and controlling topography (i.e., creeks, highways, railroads and the like);

(B) Reference points of existing surveys identified, related to the map by distances and bearings, and referenced to a field book or map as follows:

(1) All stakes, monuments or other evidence found on the ground and used to establish the initial point of the partitioned area boundary and to otherwise determine the boundaries of the partitioned area;

(2) Adjoining corners of all adjoining developed areas;

(3) Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the map;

(4) Whenever the city has established the centerline of a street adjacent to or within the proposed partitioned area, the location of this line and monuments found or reset; and

(5) All other monuments found or established in making the survey of the partitioned area or required to be installed by the provisions of this chapter.

(C) Tract boundary lines, right-of-way lines and centerlines of streets, and lot lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of one foot in 5,000 feet;

(D) The center and side lines of all streets, the width of the portion being dedicated the width of existing rights-of-way, and the widths each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius, and central angle. Block corner curb data to be shown separately;

(E) All easements clearly labeled, and identified and if already of record, the recorded reference.

(1) If any easement is not definitely located of record, a statement of the easement.

(2) Easements shall be denoted by fine dotted lines.

(3) The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the partition must be shown.

(4) If the easement is being dedicated by the map, it shall be properly reference in the owner's certificate of dedication; and

(F) Lot numbers beginning with the number "1" and numbered consecutively in a clockwise direction.

(Ord. 77-1, passed 4-19-1977)

§ 154.070 SUPPLEMENTAL DATA.

Such supplemental data shall be submitted with the final map as is required by § 154.044.
(Ord. 77-1, passed 4-19-1977)

§ 154.071 TECHNICAL REVIEW.

Review of the final map shall conform to the requirements of § 154.045.
(Ord. 77-1, passed 4-19-1977)

§ 154.072 FINAL APPROVAL OF PLANNING COMMISSION.

Final approval of a major partition by the Planning Commission shall be pursuant to the provisions of § 154.046.
(Ord. 77-1, passed 4-19-1977)

§ 154.073 AGREEMENT FOR IMPROVEMENTS AND BONDING REQUIREMENTS.

Prior to approval of the final map the developer shall complete improvements as proposed or enter into an agreement for improvements together with a bond pursuant to the provisions of §§ 154.047 and 154.048.

(Ord. 77-1, passed 4-19-1977)

§ 154.074 FILING OF FINAL MAP.

Approval of the final map shall be null and void if the map is not recorded within 90 days after approval is obtained.

(Ord. 77-1, passed 4-19-1977)

MINOR LAND PARTITIONING**§ 154.085 GENERAL.**

(A) The map of a minor partition shall conform to zoning ordinance standards and the requirements of this chapter.

(B) The map of a minor partition need not be recorded; however, it shall be filed with the City Manager.

(C) All descriptions shall be by proper survey and not by reference to lot and block; however, the partitioner may assign lot numbers for convenience and reference.

(D) No tentative map need be filed; however, in approving the map of a minor partition, the Planning Commission may require modifications in the proposal. Such modifications shall not be greater than would have been required under subdivision procedures.

(E) (1) The person proposing the partition or his or her authorized agent or representative shall make an application in writing to the City Manager. Each application shall be accompanied by one reproducible copy of the map.

(2) The filing fee of \$25 shall be paid at this time.

(Ord. 77-1, passed 4-19-1977)

§ 154.086 MINIMUM STANDARDS.

The minimum standards for design and improvements in a minor land partitioning shall conform to §§ 154.102 through 154.111. The city may impose all or any part of § 154.125 for a minor land partitioning.

(Ord. 77-1, passed 4-19-1977)

§ 154.087 PROCEDURES FOR SUBMISSION OF MAP.

(A) The map shall be drawn with India ink on substantial tracing paper and show legibly all pertinent information to scale. The scale shall be standard, being ten, 20, 30, 40, 50 or 60 feet to the inch, and shall be so selected as to fit the finished drawing not to exceed a sheet 24 inches by 36 inches.

(B) The map shall contain the following information:

- (1) North point, scale and date of application;
- (2) Names and addresses of the partitioner and of the engineer or surveyor employed to make the survey and map;
- (3) Written legal description of the entire property and of the proposed partitions;
- (4) Description and location of all permanent and reference monuments found or set within the area;
- (5) Names of existing streets and the planned location of any future proposed streets on land retained by partitioner;
- (6) Location and outline of existing buildings on the lots being partitioned;
- (7) Approximate acreage of the lots and of adjacent property retained by the partitioner;
- (8) Location of all existing and proposed utilities, easements, sewer and water lines and power poles;
- (9) Zoning districts and restriction in that area; and
- (10) Vicinity map.

(C) A site-specific investigation by a qualified geotechnical expert for proposals when the average slope of a created parcel is 15% or greater.

(D) In addition, any of the following information may be required:

(1) Drainage plan;

(2) Any topographical, geological or flood features; and

(3) A statement indicating the number of lots sold from the same tract within the calendar year.
(Ord. 77-1, passed 4-19-1977)

§ 154.088 ACTION BY CITY MANAGER AND PLANNING COMMISSION.

(A) Upon such filing, the City Manager shall transmit to the Planning Commission within ten days the proposed minor partition.

(B) After receipt of the proposed minor partition, the Planning Commission shall take action on the proposal at a regular meeting.

(C) Within ten days after the decision, the Planning Commission shall by letter express its approval or disapproval of the map. If the map is rejected, the reasons shall be stated in writing. If appeal is taken, the ultimate resolution thereof will constitute the final approval or disapproval.

(D) Upon final approval, the partitioner may proceed to sell the lots without further action or filing on his or her part.

(E) The City Manager shall maintain a file properly indexed for all applications and plans. One copy of such shall be marked "file copy", and shall be permanently filed.

(1) Each such permanent copy shall show the date of filing, name of person filing the same and amount of fee paid.

(2) In addition, there shall be a record of the action of the Planning Commission, and any appeal from any decision thereof and the ultimate decision on the application with appropriate dates.

(F) The remaining approved copies shall be distributed as follows:

(1) One copy for use by the Public Works Superintendent;

(2) One copy to the Planning Commission; and

(3) One copy to the County Surveyor and one to the County Assessor, each indicating the same has been approved.

(Ord. 77-1, passed 4-19-1977)

GENERAL REGULATIONS AND DESIGN STANDARDS

§ 154.100 PRINCIPLES OF ACCEPTABILITY.

(A) A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this chapter.

(B) In the event that development plans depart from a platted layout of an area under development, the City Council, upon recommendation with findings from the Planning Commission, may request that the development plans be revised, or the City Council may vacate the existing plat for the area under application.

(C) Subsequent to vacation of an existing lot and street plat, the City Council may direct the developer to revise and resubmit the development plans, in accordance with the applicable provisions of the subdivision ordinance.

(D) In the event that the City Council does so direct, all ordinances applicable to the submitted development plans shall be complied with.
(Ord. 77-1, passed 4-19-1977)

§ 154.101 STREETS.

(A) *General.* The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

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

(B) *Street widths.*

(1) Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform with city standards, except where it can be shown by the land divider, to

the satisfaction of the Planning Commission, that the topography or the small number of lots or parcels served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant.

(2) Approval or determination of street classification shall be made by the Planning Commission taking into consideration the zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

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

(D) *Future street extension.* Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

(E) *Intersection angles.*

(1) Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees, unless there is a special intersection design or the corner radius is increased to allow for safe turning.

(2) An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection, unless topography or other unusual circumstances requires a lesser distance.

(3) Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography or other unusual circumstances requires a lesser distance.

(4) Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

(5) Ordinarily, the intersection of more than two streets at any one point will not be approved.

(F) *Existing streets.* Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

(G) *Reserved strips.* No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required.

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

(H) *Half streets.*

(1) Half streets shall be prohibited, except that they may be approved where essential to the reasonable development of the subdivision or partitions when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided.

(2) Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.

(I) *Cul-de-sac.* A cul-de-sac shall be as short as possible, and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround with a minimum radius to the curb line of 40 feet.

(J) *Alleys.* When any lots or parcels are proposed for commercial or industrial usage, alleys at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

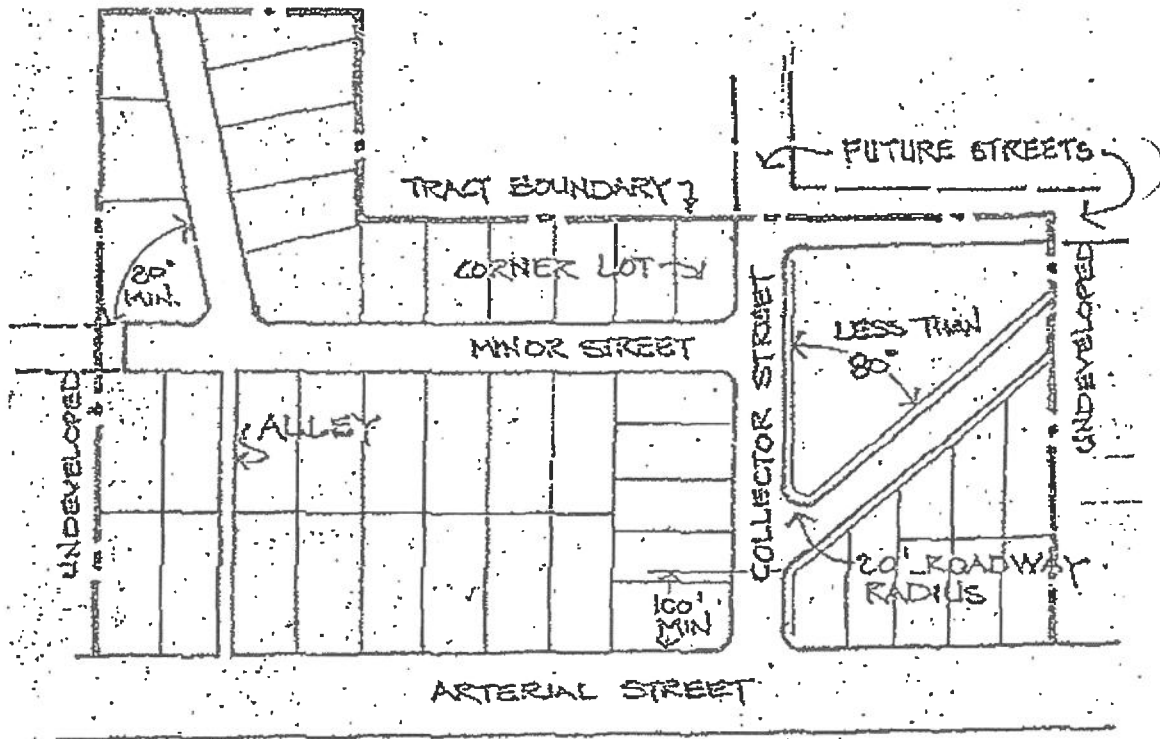
(K) *Grades and curves.* Grades shall not exceed 6% on arterials, 10% on collector streets or 12% on other streets. Grades in excess of these requirements require approval of the Planning Commission. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets, and shall be to an even ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5%.

(L) *Marginal access streets.* Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through, and local traffic.

(M) *Street names.* All street names shall be approved by the Planning Commission for conformance with the established pattern and to avoid duplication and confusion.

(N) *Private streets.* The design and improvement of any private street shall be subject to all requirements prescribed by this chapter for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major partition.

DIAGRAM OF ANGLE DEFINITIONS



(Ord. 77-1, passed 4-19-1977)

§ 154.102 UTILITY EASEMENTS.

Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five feet on each side of rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of lesser width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the city.

(Ord. 77-1, passed 4-19-1977)

§ 154.103 BUILDING SITES.

(A) *Size and shape.* The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance. The building site size and

shape may be adapted to terrain conditions in a manner which meets applicable zoning ordinance standards. Final configuration of the sites and the interpretation of the applicable ordinance shall be under the jurisdiction of the Planning Commission.

(B) *Access*. Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

(C) *Through lots and parcels*. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.

(D) *Lot and parcel side lines*. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street-upon which they face, except that on curved streets they shall be radial to the curve. (Ord. 77-1, passed 4-19-1977)

§ 154.104 BLOCKS.

No block shall be more than 500 feet in length between street corner lines, unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,000 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

(Ord. 77-1, passed 4-19-1977)

§ 154.105 LARGE BUILDING SITES.

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

(Ord. 77-1, passed 4-19-1977)

§ 154.106 WATERCOURSES.

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes of at least 15 feet either side of the drainageway conforming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the subdivision partition, or at the option of the land divider, with the approval of the Planning Commission, provide by dedication further and sufficient easements or construction or both to dispose of the surface and storm waters.

(Ord. 77-1, passed 4-19-1977)

§ 154.107 LAND FOR PUBLIC PURPOSES.

The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year, providing the city or another public agency has acquired those areas for a public purpose and has given substantial assurance that positive steps will be taken within one year.

(Ord. 77-1, passed 4-19-1977)

§ 154.108 UNSUITABLE LAND.

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or, if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities.

(Ord. 77-1, passed 4-19-1977)

§ 154.109 LAND SUBJECT TO INUNDATION.

If any portion of any land proposed for development is subject to overflow, inundation or flood hazard by storm waters, an adequate system of storm drains, levees, dikes and/or pumping systems shall be provided.

(Ord. 77-1, passed 4-19-1977)

§ 154.110 SLOPE/DENSITY REQUIREMENT.

(A) In the evaluation of subdivision or partitioning requests, the Planning Commission may require limitations on the size of lots based on the percentage slope, according to the following guidelines.

<i>Slope</i>	<i>Density</i>
0 to 15%	Limited by the zoning ordinance
16 to 25%	Four dwelling units per acre
26% and over	Two dwelling units per acre

(B) The above densities may be subject to increase or decrease depending on findings by an engineering geologist or a structural engineer.

(Ord. 77-1, passed 4-19-1977)

§ 154.111 LOT LINE ADJUSTMENTS.

(A) Application requesting a lot line adjustment shall be made to the City Manager on a form provided by the city.

(B) The city shall review the request to determine compliance with the standards of this chapter and the city zoning ordinance. The city shall approve or deny the request in writing based on the criteria of this chapter and the zoning ordinance within 30 days of submittal of the request.

(C) A request must meet the following two criteria:

(1) Neither lot affected by the lot line adjustment shall be reduced below the minimum lot size for the zone in which they are located; and

(2) The adjustment shall not cause any structure on either lot to be in violation of the city zoning ordinance requirements for the zone in which the lot is located.

(D) The applicant may appeal the decision of the city to the Planning Commission within 20 days of the decision.

(Ord. 77-1, passed 4-19-1977)

IMPROVEMENTS; MONUMENTS

§ 154.125 IMPROVEMENT STANDARDS AND APPROVAL.

In addition to other requirements, all improvements shall conform to the requirements of this chapter and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure.

(A) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. All plans shall be prepared in accordance with requirements of the city.

(B) Improvement work shall not be commenced until the city has been notified, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.

(C) All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such changes.

(D) All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

(E) A map showing all public improvements as built shall be filed with the City Manager upon completion of the improvements.
(Ord. 77-1, passed 4-19-1977)

§ 154.126 IMPROVEMENT REQUIREMENTS.

Improvements to be installed at the expense of the subdivider or partitioner and at the time of subdivision or partition:

(A) *Streets*. Public streets or portions of public streets, including alleys, within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature;

(B) *Structures*. Structures specified as necessary by the city, for drainage, access and public safety shall be installed;

(C) *Curbings*. Curbings shall be required on one or both sides of the street as determined by the City Engineer;

(D) *Sewers*. Sanitary sewer facilities shall be installed connecting with the existing city sewer system and storm water sewers, of design, layout and location approved by the city and North Tillamook County Sanitary Authority;

(E) *Water*. Water mains and fire hydrants of design, layout and locations approved by the city shall be installed;

(F) *Railroad crossings*. Provision shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision or partition, including the preparation of all documents necessary for application to the State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or partitioner;

(G) *Underground utilities*. All utilities shall be installed underground if determined economically feasible upon review by the Planning Commission, and all such installation shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner;

(H) *Street lighting.* Street lighting of an approved type shall be installed on all streets at locations approved by the city;

(I) *Street name signs.* All streets shall be legibly marked with street name signs, not less than two in number at each intersection, according to specifications furnished by the city;

(J) *Improvement of easements.* Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city; and

(K) *Off-site street repair.* Damage to public streets related to the development of a subdivision or minor partition, as determined by the Public Works Director, shall be restored to existing conditions before the damage.

(Ord. 77-1, passed 4-19-1977)

§ 154.127 MONUMENTS.

(A) In addition to requirements of state law and other provisions of this chapter, permanent monuments of a type approved by the city shall be set in the following locations:

(1) At each boundary corner of the subdivision, at the beginning and end of the property line curves and at any other points as may be required by the city; and/or

(2) At intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom.

(B) Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

(C) Complete field notes in a form satisfactory to the city, showing references, ties, locations, elevations and other necessary data relating to monuments and bench marks set in accordance with the requirements of this chapter shall be submitted to the city, to be retained by the city as a permanent record.

(Ord. 77-1, passed 4-19-1977)

VARIANCES AND ENFORCEMENT

§ 154.140 VARIANCE APPLICATION.

(A) When necessary, the Planning Commission may recommend to the City Council conditional variances to requirements and regulations of this chapter.

(B) Application for a variance shall be made by a petition of the subdivider or partitioner stating fully the grounds of the application and the facts relied upon by the petitioner.

(C) The petition shall be filed with the tentative plan of the subdivision or tentative map of the partition.

(D) In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary for the Planning Commission and City Council to find the following facts with respect thereto:

(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 since enactment of this chapter have had no control;

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess;

(3) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy; and

(4) The variance requested is the minimum variance which would alleviate the hardship.
(Ord. 77-1, passed 4-19-1977)

§ 154.141 VARIANCE PROCEDURE.

(A) In recommending any variance under the provisions of this section, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance recommended and the conditions designated. A report and recommendation for approval or disapproval of a variance application shall be submitted to the City Council.

(B) The City Council shall consider the report and recommendation of the Planning Commission and make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted or denied and conditions designated.

(C) The city shall keep the findings on file as a matter of public record.
(Ord. 77-1, passed 4-19-1977)

§ 154.142 ENFORCEMENT.

This chapter may be enforced in any manner now or hereafter authorized by state law.
(Ord. 77-1, passed 4-19-1977)

§ 154.143 ADOPTION.

These regulations shall be and are hereby declared to be in full force and effect from the date of passage; regularly passed and adopted by the City Council of the city on 4-19-1977.
(Ord. 77-1, passed 4-19-1977)

