This is Walt’s document.

~~Strikethroughs are what I would eliminate.~~

Green is my additions (sometimes from present Zoning Ordinance)

Blue is my comment

SECTION 4.03 OFF-STREET PARKING AND LOADING

**Section** **4.03.01** **Purpose**

The purpose of this Chapter is to provide adequate areas for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City of Wheeler.

**Section** **4.03.02** **Scope**

(A) Application. Except as modified or restricted elsewhere within this Chapter, the provisions of this Chapter shall apply to the following types of development:

1. Any new building or structure erected after the effective date of this Chapter.

2. The construction ~~or provision~~ of additional floor area, seating capacity, or other expansion of an existing building or structure.

(B) ~~Change of Use Exception~~**~~.~~** ~~A change in the use of an existing building to another use identified in the zone shall not require additional parking spaces or off-street loading areas, if according to the parking space requirements, the new use requires no more than 150% of the same amount of parking as the existing use~~. Nothing like this in the present ordinance.

**Section** **4.03.03** **Location**

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

(A) Alternate Location - Residential.In residential zones, automobile parking for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure, or use. ~~In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking~~. This requirement may be modified in a high density development where one vehicle is parked near the dwelling and addition vehicles are parked more than 200’ from the dwelling. I see this coming and being mandated by the legislature in the future based on what HB2001 does.

(B) Alternate Location - Non-Residential.In non-residential zones, parking may be located off the site of the main building, structure or use if it is within 500 feet of such site. In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking. This is new, but makes some sense.

**Section** **403.04** **Joint** **Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used.

(A) Parking areas may be shared between uses where ~~hours of operation or use are staggered such that~~ peak demand periods do not occur simultaneously. The requirements of this Section may be reduced accordingly by the Planning Commission based on the combined peak hour vehicular traffic of the joint use owners. Such joint use shall not be approved unless satisfactory evidence is presented by a recorded deed, lease, contract or similar written instrument establishing the joint use.

This is similar to present, but focuses on peak demand instead of hours of operation which is more realistic.

(B) Multiple Use Facilities**.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking. ~~pursuant to Section 4.xx.~~

**Section** **4.03.05** **General** **Provisions** **Off-Street** **Parking** **and** **Loading**

(A) Parking Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter. New, but ok

(B) Interpretation of Parking Requirements**.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the ~~City Manager~~ Planning Commission based upon the requirements of comparable uses listed and expectations of parking and loading need. Planning Commission is what the current Zoning Ordinance says.

(C~~) Multiple Use Facilities~~**~~.~~** ~~In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Section 4.xx.~~ Move to Joint Use above

(D) Storage Prohibited. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials. Same as Current

(E) Parking Adjacent to Residential Areas. Except where vision clearance is required, non- residential parking and loading areas adjacent to or within residential zones or uses shall install a minimum five-foot sight-obscuring fence or wall between said uses. Current agrees but also says no more than 6’. In a steep slope area the required retaining wall could be greater than 6’.

(F) Parking Spaces on Boundaries. Except for parking to serve single‑family dwelling uses Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.

Green is present Zoning Ordinance.

(G) Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way. Similar to present, but better; present doesn’t deal with glare to a road.

(H) Driveway Required. Groups of more than four parking spaces shall be served by a driveway to avoid backing movements onto a street, other than an alley. Walt is more concise than present, but says the same.

(I~~) Loading. Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. This initial loading space may incorporate the parking area. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet high~~.

Loading of merchandise, materials, or supplies. Building or structures which receive and distribute material or merchandise by truck shall provide and maintain off‑street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off‑street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during a period of the day when not required to take care of parking needs.

Present Ordinance

(J) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all‑weather use and be drained so as to avoid flow of water across public sidewalks or adjacent property.

Present Ordinance; I think Walt has it elsewhere, but I like it here.

**Section** **4.03.06** **Vehicle** **Parking** **Standards**.

(A) Minimum Requirements. The minimum number of required off-street vehicle parking spaces shall be determined based solely on the standards contained within this section. Off-street parking spaces may include spaces in garages, carports, parking lots and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency access lanes), public rights-of-way, pathways or landscaped areas. New by Walt

(B) Employee Parking. Where parking calculation includes number of employees, it shall be based on the largest shift. New by Walt but I used it below to keep from saying it every time in my table.

(C) Calculation. All minimum parking requirements that result in a fractional number shall be rounded up to the next whole number for a fractional space of “0.5" or greater; and rounded down for a fractional space of less than “0.5". New by Walt

(D) Availability of Facilities Signage*.* Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. New by Walt

(F) ~~Maximum Number of Parking Spaces.~~

~~1. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 50%.~~

2. ~~Spaces provided within the building footprint of structures, such as in rooftop or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces.~~

3. ~~Parking spaces provided through “joint parking” do not apply toward the maximum number.~~

(G) Bicycle Spaces. When provided, ~~bicycle parking development requirements~~

~~1. Space Size.~~ Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle. New by Walt Bicycle spaces may be required by the Planning Commission for projects likely to attract bicycle riders either as employees or consumers of services.

2. ~~Location. All bicycle parking shall be within 100 feet of a building entrance(s) and~~

~~located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.~~

(H) Parking Space Requirements. Unless otherwise modified by other provisions in this Code, the following parking space requirements shall apply: Present code does not address Bicycles or Measurements; Walt’s original is listed first, then my comparison:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Land Use Activity** | **Vehicle Spaces** | **Bicycle****Spaces** | **Measurement** |
| 1. | 1 and 2 family dwellings | 2 spaces per dwelling unit | 0 | None |
| 2. | Multi-family dwellings | Studio – 1 space1 bedroom – 1.5 spaces/unit | 0.25 | Per dwelling unit |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | (3 or more units) | 2-bedroom – 1.75 spaces/unit3+ bedroom – 2 spaces/unit |  |  |
| 3. | Hotel, motel, boarding house | 1 space per guest room plus1 space per two employees | 1 | Per 20 guest rooms |
| 4. | Day Care Center | 1 space per employee *plus two spaces New by Walt* | 2 | None |
| 5. | Club, lodge | Spaces sufficient to meet the combined minimumrequirements of the usesbeing conducted, such as restaurant, auditorium, etc. | 1 | Per 20 vehicle spaces |
| 6. | Hospital | 1 space per 3 beds plus1 space per two employees | 0.5 | Per 10 beds |
| 7. | Nursing home, assisted living,residential homesand facilities | Greater of 1 space per three beds or 1 space perapartment unit | 0.5 | Per 10 beds |
| 8. | Library | One space per 400 sq. ft. of floor area plus one spaceper two employees | 1 | Per 20 vehicle spaces |
| 9. | Churches, auditorium,stadium, theaterChapel/mortuary | 1 space per 4 seats, or, every 8 feet of bench length,or, 36 sq. ft. of area w/ofixed seats | 1 | Per 40 vehicle spaces |
| 10. | Schools | Greater of 1 space per classroom or auditoriumrequirements in “7.” | 0.50 | Per classroom |
| 11. | Retail store and eating and drinkingestablishments | 1 space per 200 sq. ft. of floor area plus one spaceper two employees | 1 | Per 20 vehicle spaces |
| 12. | Office building; bank; all forms of medical clinics; art studio | 1 space per 600 sq. ft. of gross floor area plus one space per two employees | 1 | Per 20 vehicle spaces |
| 13. | Service or repair shop, retail storehandling exclusively bulkymerchandise such as automobiles orfurniture | 1 space per 800 sq. ft. of gross floor area plus onespace per two employees | 1 | Per 30 vehicle spaces |
| 14. | Warehousing | 1 space per 1,000 sq. ft. of gross floor area plus one | 1 | Per 20 vehicle spaces |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | space per employee |  |  |
| 15. | Manufacturing | One space per employee | 1 | Per 20 vehicle spaces |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|   |   |  **Walt**  |  **Present**  |  **My Recommendation**  |
|   |  **Land Use Activity**  |  **Vehicle Spaces**  |   |   |
|  1.00  |  1 and 2 family dwellings  |  2 spaces per dwelling unit  |  Same  |   |
|  2.00  |  Multi-family dwellings  |  Studio – 1 space 1 bedroom – 1.5 spaces/unit  |  Not Addressed  |  Walt's  |
|   |  (3 or more units)  |  2-bedroom – 1.75 spaces/unit  |  Not Addressed  |  Walt's  |
|  3+ bedroom – 2 spaces/unit  |  Not Addressed  |  Walt's  |
|  3.00  |  Hotel, motel, boarding house  |  1 space per guest room plus 1 space per two employees  |  Same  |   |
|  4.00  |  Day Care Center  |  1 space per employee plus two spaces  |  1 space per employee  |  1 space per employee plus 1 space  |
|  5.00  |  Club, lodge  |  Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as restaurant, auditorium, etc.  |  One space for each six seats, or one space for each 50 square feet of floor area used for assembly  |  Walt's  |
|  6.00  |  Hospital  |  1 space per 3 beds plus 1 space per 2 employees  |  Same  |   |
|  7.00  |  Nursing home, assisted living, residential homs and facilities  |  Greater of 1 space per three beds or 1 space per apartment unit  |  Greater of 1 space per three beds pl;us 1 space per 2 employees  |  Present  |
|  8.00  |  Library  |  One space per 400 sq. ft. of floor area plus one space per 2 employees  |  Same  |   |
|  9.00  |  Churches, auditorium, stadium, theater, Chapel, Mortuary  |  1 space per 4 seats, or, every 8 feet of bench length, or 36 sq ft of area w/o fixed seats  |  For Church only; rest not addressed: One space for each six seats, or one space for each 50 square feet of floor area used for assembly.  |  Walt's  |
|  10.00  |  Schools  |  Greater of 1 space per classroom or auditorium requirements in “7.”  |  Not Addressed  |  Greater of 1 space per classroom or auditorium  |
|  11.00  |  Retail store and eating and drinking establishments  |  1 space per 200 sq. ft. of floor area plus one space per 2 employees  |  Same  |   |
|  12.00  |  Office building; bank orart studio  |  1 space per 600 sq. ft. of gross floor area plus one space per two employees  |  Same  |  Walt combined 12 & 12a; I think present is better  |
|  12a  |  All forms of medical clinics  |  1 space per 600 sq. ft. of gross floor area plus one space per two employees  |  1 space per 400 sq. ft. of gross floor area plus one space per two employees  |
|  13.00  |  Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or firniture  |  1 space per 800 sq. ft. of gross floor area plus one space per employee  |  Same  |   |
|  14.00  |  Warehousing and Wholesale Business  |  1 space per 1,000 sq. ft. of gross floor area plus one space per employee  |  Same  |   |
|   |  Storage  |  Not addressed  |  One space for each storage unit plus one space for each employee  |  Adequate space to park in front of each storage unit plus one space per employee  |
|  15.00  |  Manufacturing  |  One space per employee  |  Same  |   |
|   |  Marina  |  Not addressed  |  One half of a parking stall per slip  |  One space per 2 usable slips  |
|   |  Cottage Industry  |  Not Addressed here  |  One additional space for each employee outside the family  |  Present  |
|   |  Caretaker, owner, or proprietor occupied dwelling when attached to a principle use  |  Not addressed  |  Two spaces for the dwelling plus the parking requirements of the principle use  |  Present  |
|   | Other uses not mentioned above |  Not addressed  | The Planning Commission shall determine parking requirements based on similar uses |  Present  |

 ~~(I) Landscaping. All parking lots designed to accommodate 10 or more vehicles shall be developed with at least 10% of the parking area in plantings or other landscaping.~~

~~1. Such landscaping shall be located in defined planting areas evenly distributed throughout the parking area.~~

~~2. Required planting areas shall have a width of not less than three feet.~~

~~3. Required landscaping shall be maintained at all times.~~

Present:

All parking lots designed to accommodate more than five vehicles shall be developed with at least 10 percent of any uncovered parking area in plantings or other landscaping as approved by the Planning Commission. Such landscaping or plantings shall be located in defined planting areas evenly distributed throughout the parking area. The required planting areas shall have a width of not less than 3 feet. Landscaping shall be continuously maintained. Big difference is Present says 5 vehicle spaces, Walt says 10 spaces and Present requires PC approval of the plants/Landscape. I would go with present.

(J~~) Parking Exemption for the General Commercial Zone. General Commercial zoned property identified as the Downtown Commercial area, shall be exempt from the off-street vehicle and bicycle parking standards in this Section. In addition, development containing off-street vehicle and bicycle parking shall not be required to maintain those spaces. If vehicle parking or bicycle parking is provided, it shall comply with provisions in this Section.~~

Present

The area bounded by US Highway 101, Pine Street, First Street and Hall Street, generally referred to as the downtown area, shall be exempt from off street parking and loading requirements. I like this better.

**Section** **4.03.07** **Parking** **and** **Loading** **Area** **Development** **Requirements**

(A) Surfacing. All driveways, parking, and loading areas shall have a durable hard surface of asphaltic cement or concrete. Surface improvements shall conform to the following:

1. Paving Improvements. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and be drained so as to avoid flow of water across public sidewalks or adjacent property.

2. Surfacing Options for Industrial Zone. The City may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking

areas are paved and provided surface drainage is addressed and at least 20-feet of each access driveway connecting with a public street is paved.

3. Timing. Unless modified by a variance, site development review, or bonded per

City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.

Present

Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all‑weather use and be drained so as to avoid flow of water across public sidewalks or adjacent property. I like present better

(B) Parking Stalls and Aisle Dimensions. All off-street parking stalls shall conform to city standards for surfacing, storm water management and striping (where applicable). Parking stall dimensions shall be as follows:

1. Standard: 9-feet x 19-feet.

2. Compact Spaces: 7-feet 6-inches x 16-feet. Compact spaces shall be limited to

20% of the minimum required parking.

(C) Disabled Person Parking Spaces.

1. Disabled parking shall be provided in the amounts required by ORS 447.233 and administered through the building code regulations. All required striping, displays and/or signs shall be in conformance with ADA standards.

I would rather not put this in because of its specific references, but Chapter 92 of Title 9 does not seem to address it and we don’t in present code.

~~2. Disabled parking is included in the minimum number of required parking spaces in Section 157.403.06 of this chapter. Disabled parking, including minimum requirements, shall comply with adopted City Building Code requirements. This requirement does not apply to single-family detached dwellings.~~

SECTION 4.04 LAND DIVISIONS

**Section** **4.04.01** **Purpose**

The purpose of this Section is to provide for the orderly, safe, and efficient division of land within the City.

**Section** **4.04.02** **Scope**

The provisions of this Chapter shall apply to all partitions and subdivisions within the City of Wheeler. No person shall subdivide, expedited land divide or partition an area or tract of land without compliance with the provisions of this Chapter. The following shall determine the appropriate process and design standards:

(A) Partition. A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.

 (1) Minor Partition. A partition that does not include the creation of a street or road

 (2) Major Partition. A partition which includes the creation of a street or road.

 (From 77-01

(B) Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.

(C~~) Serial Partition. If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original property, the request shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision~~. All new from Walt and I don’t see it. There are too many tracts that could be subdivided into 4 or more parcels, but probably never will due to the slope of the land.

(D) Property Line Adjustments. Property line adjustments do not divide land but adjust boundaries between properties or consolidate property by eliminating a boundary. ~~Specific requirements for Property line adjustments are contained in Article 5.~~

Approval of a property boundary adjustment shall require compliance with the following criteria:

(1) No additional parcel is created by the lot line adjustment.

(2) Following the adjustment, all lots or parcels must comply with the area and dimension standards of the applicable zone.

(3) For existing non-conforming lots or parcels, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties.

(4) If there are existing structures on the lots or parcels, the boundary adjustment shall not reduce required setbacks or place a boundary beneath a structure.

The green is from section 5 and is close to 77-01

(E) Planned Unit Developments. A Planned Unit Development divides property but allows greater flexibility in such design factors as lot size, street ~~with~~ width and specific amenity requirements. Requirements for a Planned Unit Development are found in Article 4.

**Section** **4.04.03** **Standards** **for** **Lots** **or** **Parcels**

The following standards shall apply to all Partitions and Subdivisions.

(A) Minimum Lot Area. Minimum lot area shall conform to the requirements of the applicable zone in which the parcel is located.

(B) Access. All new lots or parcels shall provide a minimum of 40-feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac except as identified in Subsection(D), below.

(C) Private Street and Private Access Easement. Residential lots or parcels may be accessed by a private street or private access easement developed in accordance with the provisions of this Section when it is determined that a public street access is:

1. Infeasible due to parcel shape, terrain, or location of existing structures; and

2. Unnecessary to provide for the future development of adjoining property.

(D) Flag Lots. Flag lots shall be subject to the following development standards:

1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of ~~14~~ 10 feet in width. 10’ is required driveway width

2. ~~The length of the access strip shall not be included in the lot area calculation.~~ There are lots that are 25’ wide on the pole part; that is enough for a driveway and play area.

3. ~~If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area in compliance with local fire district requirements.~~

The parcel or lot may be required to include a turn-round area to comply with local fire district requirements.

(E) ~~Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering may be required during the review of the land division request.~~ Flag lots are typically through lots. I just don’t see a need to discourage all through lots. If you use European examples, the local cars use an alley in the back for personal access and the road in front is for through traffic.

(F) Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces. New as far as I can tell

(H) Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to Wheeler Public Works Department requirements. So much cleaner than 77-01

**Section** **4.04.04** **Standards** **for** **Subdivisions** **–** **Blocks** **and** **Traffic** This whole section appears to be new.

(A) General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

(B) Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.

(C) Traffic Circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a minimum, “nearby” means the distance from the subdivision boundary – 1/4 mile for pedestrians and one mile for bicyclists.

(D) Connectivity. To achieve the objective in (C) Traffic Circulation above, the City may require the following:

1. Stub-End Streets: Where the potential exists for additional residential development on adjacent property.

2. Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, schools, parks, shopping areas and employment centers.

(E) Streets. Street design shall comply with provisions in Section 4.~~xx~~ as well as adopted

~~City Public Works~~ Wheeler Design Standards.

**Section** **4.04.05** **Improvement** **Requirements** **-** **Partition**

~~During the review of Partition proposals, the City shall require, as a condition of approval, the following improvements:~~

~~(A) Private Access. Where included, private driveways serving flag lots or private access easements shall be surfaced per the requirements of this Section.~~

~~(B) Street Frontage Improvements. The following improvements shall be required:~~

~~1. Consistent with the adopted transportations plans, sufficient land shall be dedicated establishing the appropriate right-of-way width.~~

~~2. If the street frontage of the subject property is less than or equal to 250 feet and~~

~~does not connect to existing improvements, the applicant shall enter into a non- remonstrance agreement acceptable to the City of Wheeler. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities, and sanitary sewer facilities. The agreement shall be recorded at the County Clerk’s Office at the time of the recording of the final plat.~~

~~3. If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:~~

~~(a) Public streets upon which the property fronts to public standards including~~

~~surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines, and other public utilities per adopted master plans. In some cases, surfacing additional road width may be required.~~

~~(b) Sidewalks, meeting City standards, along public street frontage: Sidewalk construction may be deferred until such time a building permit is issued.~~

~~(c) The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off the new street.~~

~~(C) Public Facilities. Water and storm drainage facilities may be required on and adjacent to the project. The developer shall submit engineering plans or facility improvement plans to the City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with Public Works Department requirements. Improvement work shall not commence until plans are approved by the City. Further, sanitary sewer plans shall be approved by the Nehalem Bay Water Agency prior to construction.~~

~~(D) Completion Requirements. All required improvements shall be completed prior to recording the final partition plat and the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the Partition.~~

As a condition of approval of a Partition proposal, the City shall require the partition to be brought into conformance with the City Storm Water Plan. In addition it shall require at the time of approval or before any vehicle passageway or building is place on the land, right of way for street access and utilities be granted. Improvements such as paved streets and upgraded right of way for public utilities may be required as deemed necessary by the City.

The act of partitioning should only trigger storm water control; a vehicular pathway or building should trigger the rest.

**Section** **4.04.06** **Improvement** **Requirements** **-** **Subdivision**

(A) Improvements. The following improvements shall be required for all Subdivisions:

1. Frontage Improvements. Half-street improvements designed to Wheeler Public Works Department requirements shall be required for all public streets on which a proposed Subdivision fronts. Additional frontage improvements shall include sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

2. Project Streets.Streets within the Subdivision shall be constructed per Wheeler

Public Works Department requirements.

3. Monuments. Monuments shall be established as required by the Engineering

Design Standards.

4. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the Subdivision and to connect the Subdivision drainage to drainageways or to storm sewers outside the Subdivision. Design of drainage within the Subdivision shall be constructed in accordance with the Wheeler Public Works Department requirements.

5. Water System**.** Water lines with valves and fire hydrants serving the Subdivision and connecting the Subdivision to the City mains shall be installed in conformance with Wheeler Public Works Department requirements. The design shall take into account provisions for extension beyond the Subdivision to adequately grid the City system and to serve the area within which the development is located when the area is fully developed. However, the City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size.

6. Sanitary Sewers. Sanitary sewer shall be installed to serve the Subdivision and to connect the Subdivision to existing mains both on and off the property being subdivided conforming to Nehalem Bay Wastewater Agency requirements. The Agency may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the

development is located when the area is ultimately developed. The Agency may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction.

7. ~~Sidewalks. Sidewalks shall be installed along both sides of each public street and~~

~~in any pedestrian ways within the Subdivision. This improvement may be deferred until prior to occupancy of a dwelling.~~

~~8. Streetlights~~**~~.~~** ~~The installation of streetlights is required at locations, and of a type approved by the City~~. I don’t think sidewalks and streetlights should be required everywhere, but might be in some areas.

9. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a

type approved by the City.

10. Other Requirements:

(a) Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be approved by the City and installed per Public Works Department requirements.

(b) Street tree planting is not required of the developer, but, if planted, shall be according to City standards and of a species compatible with the width of

the planting strip and underground facilities.

(B) Completion of Improvements. All improvements required under this Chapter shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the Subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

There are hints of this in 77-01 and in 10 & 11 of the present code, but it seems all new.

**Section** **4.04.07** **Improvement** **Procedures**

In addition to Wheeler Public Works Department requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer’s option, shall conform to the requirements of this Chapter, the improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedures:

(A) City Approval Required. Improvement work shall not commence until plans are approved by the City. All plans shall be prepared in accordance with requirements of the City.

(B) Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

(C) Inspections. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer or his/her designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.

(D) Installation of Utilities. All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

(E) As-Built Drawings.A map or plan showing all public improvements as built shall be filed with the City of Wheeler upon completion of the improvements.

Some of this is scattered through present code, but this is essentially new.

**Section** **4.04.08** **Expedited** **Land** **Division**

When an expedited land division for residential use only is requested by an applicant, the City shall use the procedures for expedited land divisions specified under ORS 197.365 in lieu of the procedures described in this Section if the application complies with the conditions and standards of ORS 197.360 through 197.380

New