

*CITY OF OAKRIDGE LAND DIVISION ORDINANCE
USER'S GUIDE*

Ordinance No. 805

Adopted on August 17, 1995

This guide is an aid to using the City of Oakridge Land Division Ordinance. Use it as a reference. If you will be using a section, look it up here for a brief overview. Sometimes this Guide will provide you with enough information. If not, the Guide will reference you to the more detailed section in the ordinance. All article and section numbers in this Guide are references to the Land Division Ordinance.

The Guide is intended only as a reference. It is not a legal document. If you find passages that conflict with something in the Land Division Ordinance, always use the ordinance as the definitive document.

INTRODUCTION

The purpose of a land division ordinance is to provide a set of standards and procedures to control how land is divided in the city. The City uses it whenever someone wants to divide a parcel of land within the City limits, whether into up to three lots (a partition) or (a subdivision). No one may divide a parcel of land in the City limits without first going through a partition or subdivision process. Much of the process for dividing land is based on state law. This means it is important for a land divider to consult state law every time a land division is made. Any development plans must also comply with the Oakridge Comprehensive Plan and other applicable city ordinances (Section 1.04).

After an application is made to the City, the Planning Commission holds a public hearing on every request for a partition or subdivision. The public hearing allows an opportunity for any interested person to comment on the proposal. A person does not have to have a legal interest in the property order to speak or provide written testimony at a public hearing.

The Planning Commission makes decisions about whether to allow partitions and subdivisions based on whether the land division meets the standards of the ordinance.

PROCESS FOR OBTAINING PARTITION OR SUBDIVISION APPROVAL

The process is similar for applying for and obtaining approval from the City for partitions or subdivisions.

Article 2 - Application and Variance Procedures

Before submitting an application and a tentative plan for a subdivision or partition, a land divider submits a letter and a sketch drawing of the property to be divided to the City Planner for preliminary review. The purpose of the review is to inform the divider of policies or conditions that may be relevant to the land division.

The City Planner may then schedule a land division conference if appropriate. The purpose of the conference is to further clarify any conditions or requirements that might be applicable to the land division.

Both the preliminary review and the land division conference are intended to save the land divider and the City time and money, and to ensure that the application and tentative plan for partition or subdivision are prepared according to applicable standards.

At the same time the application and tentative plan are submitted, the land divider may also submit an application for a variance. Because land use is a complicated issue it is not always possible to foresee all the possibilities. For this reason, variances to requirements of the land division ordinance can be granted by the Planning Commission for "unique circumstances or conditions." The criteria for granting a variance are in Section 2.05 of the Land Division Ordinance.

Article 3 - Subdivision Tentative Plan

1. To subdivide land means to divide land into four or more lots within a calendar year.
2. The applicant submits five copies of the tentative plan and supplementary data to the City Planner along with the application and service fee.

3. The general information that is required with the tentative plan is set out in Section 3.04, the information concerning existing conditions is in Section 3.05, additional requirements are in Sections 3.06 and 3.07.

4. Within five working days after a tentative plan is received by the City, the City Planner distributes copies of relevant material to City staff and other agencies as necessary. These officials and agencies have 15 working days to review the plan and suggest revisions in the public interest. The City Planner then reviews the proposal and reports and prepares a finding report for the Planning Commission.

5. Within 30 days of the time the developer submits the proposal, the City Planner schedules a public hearing on it at the next regular meeting of the Planning Commission. After the hearing the Planning Commission approves, conditionally approves, denies the application and tentative plan, or continues the review for good cause.

6. The decision of the Planning Commission is based on the standards set forth in the land division ordinance.

7. Five working days after the Planning Commission acts, the City Planner notifies the applicant and anyone else who has presented testimony at the hearing of the decision, the reasons for it and any conditions of approval.

8. Approval of the tentative plan is effective for one year. One six-month extension can be granted by the Planning Commission.

Article 4 - Final Subdivision Plat

1. Within one year of the Planning Commission's decision, the land divider shall have the land surveyed and a plat prepared. The plat shall comply with any conditions set forth in the previously approved tentative plan. The original, ten copies, and a transparency of the plat are submitted to the City.

2. Sections 4.03, 4.04, 4.05, 4.06, and 4.07 specify the information required on the plat or filed with the plat. All of the public improvements required as a condition of approval of the plat must be finished before filing the final subdivision plat. All covenants, deed restrictions, dedications, and any other documents to be recorded must be recorded with the Lane County

Recorder before the final subdivision plat is filed. A current title report must also be filed concurrently with the plat. A licensed surveyor must prepare a survey of the property and the property must be marked appropriately.

3. When the City receives the plat and accompanying documents, City staff shall review it and make checks in the field as needed to determine if the final subdivision plat is substantially the same as the approved tentative plan. Upon approval of the City Engineer, the Planning Commission shall, at its next regular meeting after submission of the final subdivision plat, make the final determination whether the plat conforms to the tentative plan.

4. Upon approval, the final subdivision plat shall be recorded, at the land divider's expense, with the Lane County Office of Deeds and Records.

5. After recording, building permits may be issued.

Article 5 - Land Partitions

1. To partition land means to divide it into two or three parcels within a calendar year.

2: The applicant submits ten copies of the tentative plan and supplementary data to the City Planner along with the application and service fee.

3. The general information that is required with the tentative plan is in Section 5.04, additional requirements are in Section 5.05.

4. Within 20 working days after a tentative plan is received by the City, the City Planner distributes copies of relevant material to City staff and other agencies as necessary. These officials and agencies have 10 working days to review the plan and suggest revisions in the public

interest. The City Planner then reviews the proposal and reports and prepares a finding report for the Planning Commission.

5. At its next regular meeting, the Planning Commission holds a public hearing on the proposal. At the hearing the Planning commission approves, conditionally approves, denies the tentative plan, or critiques the review.

6. The decision of the Planning Commission is based on the standards set forth in the land division ordinance.

7. Five working days after the Planning Commission acts, the City Planner notifies the applicant and anyone else who has entered testimony at the hearing of the decision, the reasons for it and any conditions of approval.

8. Approval of the tentative plan is effective for six months. One six-month extension may be granted by the Planning Commission.

9. The City may grant final approval for the partition after all ordinance requirements and conditions have been met, including the completion of any public improvements, all relevant documents have been approved by the City, and the applicant has submitted a surveyed partition map prepared by a registered land surveyor.

10. After the City has granted approval for the partition, all documents shall be recorded in the Lane County Deed Records at the land divider's expense.

11. After recording, building permits may be issued.

Article 6 - Design Standards

The Planning Commission may require the dedication of streets as a condition of approval for a partition or subdivision. Streets must meet City standards based on their proposed function. Easements shall be provided for sewers, other public utilities, drainage, and pedestrian or bicycle ways when appropriate.

Building lots shall be at least 50 feet wide and 80 feet deep and a minimum of 5,000 square feet in area. Except flag lots, street frontage shall be 50 feet. There are special requirements for through lots and flag lots. Flag lots must be 6,000 square feet in area. Planned Unit Developments may have different lot size and frontage requirements.

When dividing a building site that is likely to be divided again, the land divider shall show how it might be further divided. Building shall be located on the lot such that further division can be made.

Article 7 – Improvement Requirements

All public improvements installed by the land divider shall conform to the requirements of all City ordinances, including the land division ordinance, and only after approval by the City. All plans must be prepared by a licensed engineer. The work shall be inspected by the City and may require changes in the public interest while work progresses if unusual conditions arise. Within 60 days of completion of the improvements, a map on paper and on computer diskette shall be provided to the City showing the public improvements as they have been built

The land divider shall provide the following public improvements in subdivisions at the time of division: streets, surface and storm sewer drainage, sanitary sewers, water lines, sidewalks, paved driveways, bike and pedestrian routes, street lighting and signage, and underground utilities. All improvements shall be made according to City standards.

The Planning Commission may require that the same public improvements be made for partitions as for subdivisions.

Article 8 – General Provisions

Notice of any proposed partition or subdivision must be provided to anyone owning property or residing within 150 feet of the development posted in the immediate vicinity of the subject property. Notice must also be published in the local newspaper.

The approval or denial of a partition or subdivision shall be based

upon a statement setting forth the criteria and facts relied upon in making the decision, and the justification for the decision.

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

The City Administrator enforces this ordinance and may use legal means to so do after notice to the property owner.

Appeals from a ruling of the City Planner are made to the Planning Commission. Appeals from a ruling of the Planning Commission are made to the City Council and must be made within 15 days of the Planning Commission decision. Appeal procedures are in Section 8.06 of the ordinance.

Violation of the ordinance is punishable by a fine of \$50 to \$500.

A violation of this ordinance shall be considered a separate offense for each day the violation continues.

There are a number of definitions that are relevant to interpretation of the land division ordinance. It is recommended that any user of the ordinance take a look at them for words of interest.

**CITY OF OAKRIDGE
LAND DIVISION ORDINANCE**

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ORDINANCE NO. 805

CITY OF OAKRIDGE LAND DIVISION ORDINANCE

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF OAKRIDGE, OREGON. THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The City of Oakridge ordains as follows:

ARTICLE 1 - INTRODUCTORY PROVISIONS

SECTION 1.01 TITLE

This ordinance shall be known as the "Land Division Ordinance of the City of Oakridge."

SECTION 1.02 PURPOSE

The purpose of this ordinance is to establish standards and procedures for the division of land within the City of Oakridge. These regulations are necessary to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any general plan; to provide for utilities, transportation, education and recreation, and other public facilities; to avoid undue congestion of population; to provide for the protection, conservation, and proper use of land; and to protect the public health, safety and welfare.

SECTION 1.03 SCOPE OF REGULATIONS

Subdivision plats and partition maps shall be approved according to these regulations. A person wanting to subdivide land, partition land or sell any portion of a parcel of land within the City shall submit tentative plans and final documents for approval as provided in this ordinance and the State law.

SECTION 1.04 COMPLIANCE WITH OTHER REGULATIONS

Besides the regulations contained in this ordinance, all land divisions within the City shall comply with the following regulations:

- (1) Chapter 92 of the Oregon Revised Statutes. (ORS 92)
- (2) The City of Oakridge Comprehensive Plan. (Ordinance No. 550 as amended.)
- (3) Official maps or development plans of the City of Oakridge including, but not limited to the following:

Public improvements (Ordinance No. 713);
Sidewalks (Ordinance No. 697);
Water (Ordinance No. 699);
Sewers (Ordinance No. 702);
Electrical, fire and specialty codes (Ordinances No. 340, 689, as amended, and 724, as amended);
City Drainage Plan;
Excavation and grading (Ordinance No. 707);

Facilities Plan (adopted 1/86, as amended);
Transportation Plan (adopted 10/5/89)

- (4) Zoning Ordinance of the City of Oakridge (Ordinance No. 739, as amended).
- (5) Recording requirements of Lane County.
- (6) All other applicable regulations provided by law.

ARTICLE 2 -APPLICATION AND VARIANCE PROCEDURES

SECTION 2.01 PRELIMINARY REVIEW

Before submitting an application and a tentative plan for a subdivision or partition, a land divider or the divider's agent shall submit a letter and a sketch drawing for the layout of property to be divided to the City Planner for preliminary review. The purpose of the review shall be to inform the land divider of conditions and policies of public or private agencies that may be relevant to the preparation of the application and tentative plan. After the review, the City Planner may recommend filing an application and preparation of a tentative plan for review and action. The City Planner may also suggest a land division conference with affected agencies to help the land divider in preparing the tentative plan.

SECTION 2.02 LAND DIVISION CONFERENCE

Within 14 days after the preliminary review, the City Planner may schedule a land division conference with the land divider and representatives of the City and other affected public and private agencies. The purpose of the conference is to clarify the conditions and requirements necessary to prepare the application and tentative plan. The land divider may request additional meetings with affected agencies as necessary to clarify policies that may affect the proposed land division.

SECTION 2.03 SUBMISSION PROCEDURE

After preliminary review and the land division conference, where applicable, the land divider shall prepare an application and a tentative plan. Other supplementary data required to show the general program and objectives of the proposed land division, such as information about slopes, water and sewer delivery systems and so on, shall accompany the application. The application shall be submitted on a City form for that purpose to the City Planner. The submission and informational requirements and review procedures shall be as specified for each land division classification contained in this ordinance.

SECTION 2.04 SERVICE CHARGE

A service charge established by the City shall be paid to the City at the time the application is submitted. A schedule of fees shall be available at City Hall for this purpose. The charge shall be besides other fees established by state or county regulations. The service charge is nonrefundable unless the applicant withdraws the application before the City has incurred any expense in processing the request.

SECTION 2.05 VARIANCES

- (1) Variances Authorized. Variances to the requirements of this ordinance may be authorized by the Planning Commission, as provided by ordinance.
- (2) Application. Petition for a variance shall be made on a City form and submitted to the City Planner at the time the land division application and tentative plan are submitted. The variance petition shall cite the ordinance provisions from which a variance is requested. It shall also fully state the basis and facts relied upon, and other data pertinent to the requested variance.
- (3) Review and Action Procedure
 - (a) City staff shall review the variance petition with all affected public and private agencies and submit a findings report to the Planning Commission.
 - (b) The Planning Commission shall consider the variance petition at the same meeting at which it considers the land division application and tentative plan. A variance may be granted provided all the following circumstances exist:
 - (i) The need for the variance does not result from a previous deliberate action of an owner of the property, either under this ordinance or under ordinance and policy then current.
 - (ii) There are unique circumstances or conditions affecting the property.
 - (iii) The variance is necessary for the proper design and/or function of the land division.
 - (iv) The granting of a variance will be in the interest to the public welfare and will not be harmful to other property in the area in which the property is situated.
 - (v) The granting of the variance complies with Comprehensive Plan and other relevant ordinances of the City.
 - (vi) The variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship that would result from strict compliance with the regulations of this ordinance
 - (vii) The variance is the minimum necessary in order to provide the desired relief.
 - (viii) If the variance is from a utility standard, flood hazard or slope requirement, the variance has the written approval of the City Engineer.
 - (ix) And, if applicable, the variance is necessary to conform to an approved planned unit development approach which uses new planning and development techniques that do not necessarily conform to the more conventional standards of land division, design or improvements prescribed by this ordinance

- (c) The Planning Commission may approve, conditionally approve or deny all or any part of a variance petition. If the petition is approved, a written record of the findings and action of the Planning Commission shall be attached and noted on two copies of the tentative plan as part of the conditions for approval of the proposed land division. If the petition is denied, the land divider shall be informed in writing within 5 working days of the hearing.

ARTICLE 3 - SUBDIVISION TENTATIVE PLAN

SECTION 3.01 SUBDIVISION DEFINED

To subdivide land means to divide land into four or more lots within a calendar year. "Subdivision" means either the act of subdividing land, or the actual area or tract of land subdivided.

SECTION 3.02 SUBMISSION REQUIREMENTS

After preliminary review and conference as described in Article 2, a land divider shall prepare a tentative plan, improvement plans and other supplementary material as needed to show the general program and objectives of the project. The applicant shall submit five copies of the tentative plan and supplementary data to the City Planner.

SECTION 3.03 FORM AND SCALE

The tentative plan shall be clearly and legibly drawn on a sheet of paper 18 inches by 24 inches to a scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1"= 30', 1"= 50', or 1"= 100'.

SECTION 3.04 GENERAL INFORMATION ON TENTATIVE PLAN

The following general information and documents are required on or with the tentative plan:

- (1) A vicinity or location map showing the relationship of the subdivision to the surrounding area.
- (2) The proposed name of the subdivision, which shall be approved by the County Surveyor.
- (3) Date, north point, scale of drawing.
- (4) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision, and the names of all recorded plats adjoining to the subdivision.
- (5) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer, surveyor or other parties involved in preparation of the documents.
- (6) The approximate acreage of the tract being subdivided, the minimum size of proposed lots, and approximate square footage of each lot.

SECTION 3.05 INFORMATION CONCERNING EXISTING CONDITIONS

The following information concerning existing conditions is required on the tentative plan:

- (1) The location, widths and names of both opened and unopened streets within or next to the land division, with easements, other rights-of-way and other important features such as section, corners, city boundary lines and monuments.
- (2) Contour lines related to an established benchmark or other datum approved by the City Engineer and having contour intervals as follows:
 - (a) One foot contour intervals for ground slopes up to five percent.
 - (b) Two-foot contour intervals for ground slopes between five and 10 percent.
 - (c) Five-foot contour intervals for ground slopes exceeding 10 percent.
- (3) The location of at least one benchmark used to determine tract boundaries.
- (4) The location, width and direction of all water courses and the location of all areas subject to inundation or 100-year floodplain.
- (5) Natural features such as rock outcroppings, marshes, wetlands, wooded areas, and isolated preservable trees.
- (6) Existing uses on the property, including the location of all existing structures and the access points of any existing public utilities, septic, sewage, or drainage lines or channels.

SECTION 3.06 PROPOSED TENTATIVE PLAN OF SUBDIVISION

The following information and documents regarding the tentative plan are also required:

- (1) A vicinity map.
- (2) The location, width, name and approximate grade and radii of street curves.
- (3) The location of water, storm sewer, sanitary sewer and fire hydrants that will be used to provide services to the project.
- (4) Flow lines of sewer lines and water pressure adjacent to the project.
- (5) The relationship of streets to any existing or proposed streets as shown on the City's Master Street Plan.
- (6) The location, width, and purpose of easements.
- (7) Proposed uses of all property.
- (8) The location and approximate dimensions of lots and the proposed lot and block numbers. Subdivisions submitted for final approval shall not use block numbers or letters unless the subdivision is a continued phase of a previously recorded subdivision, bearing the same name, which has previously used block numbers or letters.
- (9) The location, approximate area and approximate dimensions of areas proposed for public use.

- (10) The relationship of the proposed land division to future streets on adjacent land controlled by applicant.
- (11) All public area and its uses to be dedicated by the subdivider.

SECTION 3.07 SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN

The following supplemental proposals shall be submitted with the tentative plan unless waived by the Planning Commission.

- (1) Areas with average slopes greater than 10% shall require a geology report to determine the effects of streets and other construction on the stability of the property. The geology report shall indicate maximum cuts and fills of the property and shall be prepared by a geologist licensed by the State of Oregon.
- (2) Indication if any portion of the proposed subdivision is located within the floodplain or floodway boundaries. The land divider will have to comply with any federal requirements for building within any floodplain or floodway.
- (3) A statement detailing the storm water runoff and drainage impact the development will have on areas beyond the subdivision.
- (4) Location of any wetlands as defined by the Oregon Division of State Lands.

SECTION 3.08 REVIEW AND ACTION PROCEDURES

- (1) Within five working days after a tentative plan is received by the City Planner, the City Planner shall furnish one copy of the tentative plan and supplementary material to the City Engineer and the Public Works Director. Other agencies believed to have an interest, such as the County Health Department, shall be provided notice of the proposal. These officials and agencies shall be given 15 working days to review the plan and to suggest revisions that appear in the public interest.
- (2) The City Planner shall review the tentative plan proposal and the reports of agencies and submit a findings report to the Planning Commission.
- (3) Within 30 days of submission of the tentative plan proposal, the City Planner shall schedule a public hearing at the next regular meeting of the Planning Commission to consider the tentative plan. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative plan.
- (5) The Planning Commission may continue the review for good cause.
- (6) Within five working days of the Planning Commission's action, the City Planner shall mail the applicant a notice of the Planning Commission's action, the reasons for its decision and any conditions of approval. A like notice shall also be mailed to all people who presented testimony, orally or in writing, at the hearing.
- (7) The decision of the Planning Commission shall become effective upon the expiration of the applicable appeal period, unless an appeal has been filed.
- (8) Approval of the tentative plan shall remain effective for only one year from the effective date. However, the City may grant one six-month extension for approval.

ARTICLE 4 - FINAL SUBDIVISION PLAT

SECTION 4.01 SUBMISSION REQUIREMENTS

Within one year after approval of the tentative plan, the land divider shall cause the land division, or any of it, to be surveyed and a plat prepared in conformance with the tentative plan as approved. The divider may apply for and the City may grant a six-month extension to complete the tentative plan. If the land divider wishes to go on with the land division after the expiration of the one-year period following the approval of the tentative plan, the divider must resubmit the tentative plan and make any revision necessary to meet changed conditions or modification in laws or ordinances of the State of Oregon, Lane County, or the City.

SECTION 4.02 FORM

The final plat and ten copies, along with an exact duplicate transparency, shall be submitted to the City in the form, prescribed by ORS 92.

SECTION 4.03 INFORMATION REQUIRED

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

- (1) The name of the land division, the date, scale, north point, legend and existing features such as highways and railroads.
- (2) Legal description of the land division boundaries.
- (3) All public improvements shall be made or installed and complete.
- (4) The exact location and width of streets and easements intercepting the boundary tract.
- (5) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (6) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
- (7) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the land division.
- (8) Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat.
- (9) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel shown.
- (10) Notations showing any limitations on rights of access to or from streets and lots or other parcels of land as established by the City.

- (11) Notations showing restrictions on use of easements shall read as follows: No building structure, trees, shrubs or other obstructions that would interfere with the use of the easement for its intended purpose shall be placed or located in or on the public utility easements.
- (12) Protective covenants and deed restrictions to be recorded, if any.
- (13) A statement of water rights, with the water rights certificate number, if applicable.

SECTION 4.04 SUPPLEMENTAL INFORMATION WITH PLAT

The following data shall accompany the Plat:

- (1) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:
 - (a) Traverse data including the coordinates of the boundary of the land division and ties to section comers and donation land claim corners, and showing the error of closure, if any.
 - (b) The computation of distances, angles and courses shown on the plat or map.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and/or state highway stationing.
- (3) A copy of any deed restrictions applicable to the land division.
- (4) A copy of any dedication requiring separate documents.
- (5) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
- (6) A certificate by the City Engineer that the land divider has completed all public improvements and they have been installed according to the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.

SECTION 4.05 SURVEY REQUIREMENTS

- (1) A complete and accurate survey of the land to be divided shall be made by a surveyor licensed to practice in the State of Oregon according to standard practices and principles of land surveying and as required by state law.
- (2) Utility Markers. - A 2 X 4 wood utility marker shall be provided for all underground water, sewer and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the City.

SECTION 4.06 DEDICATION REQUIREMENTS

- (1) All parcels of land shown on the final plat including rights-of-way, easements, and all other lands intended for public use shall be dedicated at the time the plat is filed. Exception: Those parcels intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those parcels of land reserved for public purposes under the provisions of Section 6.08 of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
- (2) All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.
- (3) The land divider shall provide one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. The reserve strip shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the Plat.

SECTION 4.07 CERTIFICATES ON FINAL PLAT

The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat.

- (1) A notarized declaration by the owners of record of the land to be subdivided that the owners have caused the subdivision or partition plat to be prepared and the property subdivided or partitioned according to the provisions of ORS Chapter 92 and consenting to the dedication of all streets and easements as shown on the plat.
- (2) The seal and signature of the licensed surveyor who prepared the survey and the final plat.
- (3) A certificate for execution by the County Surveyor.
- (4) Dated signature lines to show approval by one member of the Board of County Commissioners, County Assessor, County Surveyor, Chair of the Oakridge Planning Commission, and Public Works Director.
- (5) A statement that any concurrences have been filed and recorded by lien holders, along with recording information.
- (6) A statement of water rights or a disclaimer of them.

SECTION 4.08 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the plat and other required data shall be reviewed by the City Planner, City Engineer and Public Works Director to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan and there has been compliance with provisions of the law and of this ordinance
- (2) The City, or the City's designee, may make such checks in the field as are desirable to verify that the Plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.

- (3) If it is decided that full conformity has not been made, the City Planner shall advise the land divider of the changes or additions that must be made. The land divider then shall be allowed the opportunity to make the changes or additions. If it is decided that full conformity has been made, the City Engineer shall so certify.
- {4} Upon the approval of the City Engineer, at its regular meeting the Planning Commission shall decide whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the Plat, it shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make corrections. If the Planning Commission decides that the Plat conforms to all requirements, it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory.
- (5) Approval shall be shown by the signature of the Chairperson of the Planning Commission. The approval of the plat is not an acceptance by the public of the dedication of any street or other easement shown on the Plat. Acceptance of any dedication shall be made by the City Council through appropriate legislative action.

SECTION 4.09 FILING OF PLAT

A land divider shall, at the land divider's expense and without delay, submit the plat for signatures of public officials required by this ordinance or state law. The following documents shall be recorded by the land divider:

- (1) A final plat, covenants, and agreement for improvements, with the Lane County Office of Deeds and Records.
- (2) Approval of a final plat shall be invalid **if it** is not recorded within 90 days after approval by the Planning Commission or within 90 days after any appeal. Copies of the final Plat and all documents as recorded with the Lane County Office of Deeds and Records, including recording numbers on each document, shall be filed with the City.
- (3) The applicant is responsible for all recording costs. If any recording is done on behalf of the applicant by the City, the estimated recording fees shall be deposited with the City. If the actual recording fees are less, the balance shall be refunded to the applicant. If the actual fees are more, the applicant shall pay the balance to the City within ten days and before copies of the recorded documents are released to the applicant.

ARTICLE 5 LAND PARTITIONS.

SECTION 5.01 LAND PARTITION DEFINED

To partition land is to divide an area or tract of land into two or three parcels within a calendar year when the area or tract exists as a unit or adjoining units of land under single ownership at the beginning of the that year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.

"Partition" means either the act of partitioning land, or the actual area or tract of land partitioned.

SECTION 5.02 SUBMISSION REQUIREMENTS

The partitioner shall submit ten copies of the tentative plan map for partition with an application submitted on a City form, the necessary filing fees and other supplementary data to the City Planner for review and action following preliminary review as required in Article 2. All provisions of state law, ORS Chapter 92, shall be complied with.

SECTION 5.03 FORM AND SCALE

The tentative plan shall be clearly and legibly drawn on a sheet of paper 18 inches by 24 inches to a scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1"= 30', 1"= 50', or 1"= 100'.

SECTION 5.04 INFORMATION ON TENTATIVE PLAN MAP

The following information shall be contained on or with the tentative plan map:

- (1) A legal description of record of the proposed site.
- (2) Lot dimensions and parcel layout showing the size and relationship of each parcel to existing or proposed streets and utility easements.
- (3) For land next to and within the tract to be partitioned, the locations, names and widths of streets; location, width and purpose of other easements; location and size of sewer and water lines, drainage ways, and other serving utilities.
- (4) Location of buildings on the tract and within 25 feet of the property line of the tract, slope of land, trees with a trunk diameter at chest height of six inches or greater and other features of the land important to its development.
- (5) The number and type of units proposed where known and appropriate.
- (6) Proposed improvements such as pavements, curbs and gutters, sanitary and storm sewers, sidewalks, grading and filling, and other major improvements to develop the parcels.
- (7) The location, width, name and approximate grade and curve radii of adjacent streets. The relationship of streets to any existing or proposed streets as shown on the City's Master Street Plan.
- (8) In addition, when all or part of the area encompassed in a partition application has not been previously included in a recorded plat (subdivision) of lots averaging a maximum of one-quarter acre each, the following information is also required:
 - (a) The certificate, stamp or seal of the Oregon registered professional land surveyor who prepared the tentative map plan.
 - (b) The names of all recorded subdivisions next to the subject area.
 - (c) The elevations of all points used to decide contours; said points given to true elevation above mean sea level from a benchmark elevation provided by the City Engineer within the general area of the project site. The base data shall be clearly shown and shall be compatible to City datum if benchmarks are not adjacent. The following intervals are required:

Contour Intervals

One Foot
Two Feet
Five feet

Ground Slope

Up to 2%
Over 2% through 10%
Over 10%

- (d) The approximate width and location of all proposed public utility easements.
 - (e) The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all water courses.
 - (f) All proposals for sewage disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways.
 - (g) All public areas proposed to be dedicated by-the partitioner (including reserve strips described in Section 6.02 of this ordinance) and the proposed uses of it.
 - (h) All public improvements proposed to be made or installed, and the time within which improvements are envisioned to be completed.
 - (l) A legal description of the boundaries of the entire area owned by the partitioner of which the proposed portion is a part.
- (9) Where it is apparent that the subject parcel can be further partitioned, the divider must show that the land partition will not preclude the efficient division of land in the future.

SECTION 5.05 ADDITIONAL INFORMATION AND DOCUMENTS

The following additional information and documents shall also be provided with the partition application:

- (1) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer, surveyor or other parties involved in preparation of the tentative planmap.
- (2) Approximate acreage of the land under a single ownership of, if more than one owner is involved, the total adjoining acreage of the owners directly involved in the partitioning.
- (3) Any additional information as may be required by the City Planner or the Planning Commission to help in evaluating the request.

SECTION 5.06 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the City Planner shall review the application, tentative plan map, and accompanying information to determine whether the application is complete. Within 10 working days of receipt, the City Planner shall notify the applicant whether the application is complete.
- (2) Upon acceptance of a complete application, the City Planner shall review it with all affected public and private agencies and the City Engineer and Public Works Director. Within 10 working days of acceptance, the applicant shall be informed if any additional information will be required before review by the Planning Commission.
- (3) At the next regular meeting of the Planning Commission, it shall conduct a public hearing and shall decide whether the proposed partition conforms with these regulations.

- (5) If the Planning Commission finds that the application does not meet all requirements of the City, then the tentative plan map shall not be signed and one copy of the tentative plan map shall be returned to the applicant with a letter stating the reasons for denial. The applicant may modify the tentative plan map and improve the parcels to meet the requirements, or may request an appeal within 15 days to the City Council.
- (6) The applicant shall be notified if a partition application has received tentative approval. All conditions of approval shall also be told to applicant.
- (7) In addition to notice to the applicant, notice of the decision shall also be mailed to whoever was mailed the original notice of the application and anybody who provided written comment on the partition.
- (8) If all required conditions of approval are not completed within six months from the date of approval by the City, the tentative partition approval shall be withdrawn and void. However, the City may grant one six-month extension to complete the partition.

SECTION 5.07 FINAL APPROVAL AND RECORDING OF PARTITIONS

- (1) The City may grant final approval for the partition after:
 - (a) All ordinance requirements and conditions of approval specified in the notification to applicant have been met.
 - (b) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
 - (c) The following relevant documents have been approved by the City: deeds; dedications; easements; and agreements.
 - (d) The applicant has submitted a surveyed partition map meeting the following requirements:
 - (i) It shall be prepared by an Oregon registered professional land surveyor in accordance with ORS Chapters 92 and 209. The map shall conform to the partition map standards established *by* the County Surveyor. The surveyor shall submit one copy of the map to the City and the original and one copy, with the appropriate recording fee to the County Surveyor.
 - (ii) An Oregon registered professional land surveyor shall survey and monument the parcels. All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. The surveyor shall file a map of survey and submit the appropriate filing fee to the County Surveyor.
- (2) After the City has granted approval for the partition, all deeds, dedications, easements and agreements shall be recorded in the Lane County Deed Records by the City at the divider's expense.
- (3) The land divider is responsible for all recording costs. If any recording is done on behalf of the land divider by the City, those charges shall be estimated by the City prior to the recording. Before any documents are submitted for recording, the estimated fee shall be deposited with the City. If the actual recording fees are less, the balance shall be refunded to the land divider. If they are more, the land divider shall pay the balance.

- (4) Once recorded copies of the partition and all documents are returned to the City and all fees have been paid, a copy shall be mailed to the land divider.
- (5) One signed copy of the surveyed partition map shall be placed in the City Land Division file, including a notation citing the Lane County Surveyor's date of recording, the recorded survey map and file number, and the Lane County Office of Deeds and Records recording numbers of all documents recorded with Lane County.

ARTICLE 6- DESIGN STANDARDS

SECTION 6.01 DEDICATION

The Planning Commission *may* require adequate and proper streets to be dedicated to the public by the land developer. The streets shall be such design and in such location as are necessary to make provision for the transportation and access needs of the community, and the developed area according to the purpose of this ordinance.

SECTION 6.02 STREETS

- (1) General. The location, width and grade of proposed 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 and considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
 - (a) Provide for the continuation or appropriate extension of existing principal streets in the surrounding area; or
 - (b) Conform to a plan for the neighborhood approved and adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (2) Minimum Right-of-Way and Roadway Widths. The width of streets and roadways in feet shall be adequate to fulfill all City specifications, and shall not be less than the minimums shown in the following table.

<u>Type</u> of Street	<u>Right-of-Way</u> Width	<u>Paving</u> Widths
Arterials	60'	48'
Collectors	60'	36'
Local streets less than 1,200 feet	50'	28'
Local streets greater than 1,200 feet	60'	36'
Cul-de-sac bulbs	92'	70'

The actual width will be decided by the Planning Commission based upon nearby physical conditions, safety of the public, and the traffic needs of the community.

- (3) Reserve Strips. The control and disposal of the land in such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

- (4) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.
- (5) Future Extensions of Streets. Where necessary to give access to or allow a satisfactory future division of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.
- (6) Intersection Angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent next to the intersection.
- (7) Existing Streets. Whenever existing streets next to or within a tract of inadequate width, additional right-of-way shall be provided at the time of the land division.
- (8) Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. It shall end with a circular turn-around.
- (9) Street Names. Except extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- (10) Grades and Curves. Grades shall not exceed 10 percent on arterials, 10 percent on collectors and 15 percent on other streets, except that for short stretches not more than 200 feet in length, the grade may be 20 percent. Center line radii of curves shall not be less than 100 feet.
- (11) Special Safety Requirements. Where necessary to insure safety, reduce traffic hazards and promote the welfare of the public, the Planning Commission *may* require that local streets be designed to discourage their use by non-local traffic.

SECTION 6.03 BLOCKS

- (1) General. The length, width and shape of blocks shall consider the need for adequate building site size and street width and shall recognize the limitations of the topography.
- (2) Length. Block length shall not exceed 1,200 feet.
- (3) Easements.
 - (a) Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 14 feet wide and located next to lot or parcel lines, except utility pole tieback easements that may be reduced to six feet in width.

- (b) Water Courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way. The easement or right-of-way will conform, substantially with the lines of the water course, and will be of such further width as will be adequate to comply with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.
- (c) Pedestrian and Bicycle Ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.

SECTION 6.04 BUILDING SITES/LOTS

- (1) 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. Lots shall also comply with the following standards:
 - (a) Width. Each lot shall have an average width between the lot side lines of not less than 50 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot side lines of not less than 55 feet.
 - (b) Depth. Each lot shall have an average depth between the lot front and rear lines of not less than 80 feet and not more than 2-1/2 times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 100 feet. However, a lesser depth may be approved by the Planning Commission if it is necessary because of unusual topographical conditions.
 - (c) Area. Each lot shall be a minimum of 5,000 square feet, except in the case of planned unit developments.
 - (d) Frontage. Except flag lots, each lot shall have frontage of not less than 50 feet upon a street. However, a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.
 - (e) Where property is zoned and planned for business or industrial use, other widths and areas may be allowed at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Through Lots. Through lots 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. A planting screen easement at least ten feet wide and ten feet across may be required along the line of building sites abutting a traffic artery or other incompatible use. There shall be no right of access within such an easement.
- (3) Lot Side Lines. The lines of lots, as far as is practical, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

(4) Flag Lots. The Planning Commission may allow flag lots when land to be divided is within an existing developed area and it is found that the ownership in the area is so diverse that it is difficult to coordinate the dedication and improvement of access streets.

(a) Procedure. The Planning Commission will consider and act upon applications for the creation of flag lots. Applicants and the Planning Commission shall follow the procedure for creating a subdivision or partition, as applicable, and as described in this ordinance.

(b) Requirements. Besides complying with the requirements for a subdivision or partition, as applicable, and described in this ordinance, flag lot applications shall be subject to the following requirements.

(i) Structures on flag lots shall be located as to maximize separation from existing, nearby structures.

(ii) The dimensions of the flag lot shall be not less than as described below. However, any area or portion of the lot used for or designed to provide access to the flag lot (the "pole") shall be excluded when calculating the area of the lot (the "flag" portion of the lot).

(A) The original lot shall be a minimum of 14,000 square feet.

(B) The divided flag lot must be at least 6,000 square feet.

(C) Two parking spaces that are not part of the driveway must be provided for each housing unit proposed for the flag lot. Garaged or spaces within a carport shall be acceptable.

(D) The flag lot shall be at least 50 feet in width and 80 feet in length. In addition, the length of the flag lot shall not exceed its width by more than 2-1/2 times.

(iii) The driveway to the flag lot shall have a durable surface of asphaltic concrete, portland cement or other approved materials that shall create a dust-free surface. It shall be constructed according to the following width standards.

	<u>Access Width</u>	<u>Paving Width</u>
One lot	20	12
Two lots	25	20
More than two lots	3	28

(iv) Where a common drive serves more than one lot, a reciprocal easement which will ensure access rights to all lots shall be shown on approved plan.

- (6) Planned Unit Developments. The Planning Commission has the discretion to authorize relaxation of the lot size and frontage requirements in this section in the event a land divider presents a satisfactory plan for a planned unit development (PUD). A planned unit development is a plan for an entire subdivided area that is under unified control and is planned and developed as a whole. The PUD must have provision for proper maintenance of recreation and park purposes for the residents of the PUD, and the Planning Commission shall determine that it will be of such benefit to the residents of the PUD as is equal to that which would be derived from observance of the lot size and - frontage requirements of this section. The PUD must be in accordance with the purpose of this ordinance.

SECTION 6.05 GRADING OF BUILDING SITES

Grading of building sites shall conform to the following standards, the currently adopted Uniform Building Code and those of the Excavation and Grading Ordinance No. 514, unless physical conditions suggest the use of other standards.

- (1) Cut slopes shall not exceed 1-1/2 feet horizontally to one foot vertically.
- (2) Fillslopes shall not exceed two feet horizontally to one foot vertically.
- (3) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- (4) . All sites shall be graded to direct storm water to City storm sewers or to natural drainage ways as required by City ordinance. Such grading shall be approved by the Public Works Director or City Engineer.

SECTION 6.06 RAILROADS

- (1) Crossings. Special requirements may be imposed by the Planning Commission, such as provisions for separation of street and railroad grades, in connection with any railroad crossing which will immediately affect the safety of the residents of divided land, for the protection of the residents and the safety of the general public, in accordance with the purpose of this ordinance.
- (2) Divided area adjacent to right-of-way. Where divided land is adjacent to railroad right-of-way, and the surrounding economic and physical conditions indicate the divided land will be used for industrial purposes in the normal growth of the community, all streets shall be located at a sufficient distance from the right-of-way to allow for reasonable sites for industrial use adjacent to the right-of-way.

SECTION 6.07 LARGE BUILDING SITES

In dividing tracts into large lots or parcels that at some time are likely to be redivided into smaller parcels approaching the minimum standards of this ordinance, the land divider shall show the small parcel division by means of dashed lines showing future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within this ordinance as though the development were occurring on the smaller parcel. This will simplify future land divisions and guarantee that existing buildings or structures will meet the locational requirements of this ordinance.

SECTION 6.08 LAND FOR PUBLIC PURPOSES

If the City has an interest in acquiring part of a proposed land division for a public purpose, or if the City has been advised of its interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition for a period not more than a year and at a cost not more than the value of the land before subdivision.

SECTION 6.09 UNSUITABLE AREAS

No areas dangerous to the health and safety of the public or those who would live in such areas, and no lands subject to slippage or inundation, shall be divided.

ARTICLE 7 - IMPROVEMENT REQUIREMENTS

SECTION 7.01 IMPROVEMENT PROCEDURES

Besides other requirements, improvements installed by a land divider, either as a requirement of this ordinance or at the land divider's option, shall conform to the requirements of this ordinance and all improvement standards and specifications of the City, and shall be installed according to the following procedure.

- (1) Construction plans for the improvement of public facilities shall be prepared by an Oregon licensed professional engineer.
- (2) Improvement work shall not begin until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.
- (3) Improvement work shall not commence until five days after the City is notified or one day if a change is made during construction. If work is stopped for any reason for a period of 10 days, it shall not be resumed until after the City is notified.
- (4) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- (5) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed before the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length to avoid the necessity of disturbing the street improvements when service connections are made.
- (6) Within 60 days of completion of the improvements, a hard copy map, and the same map on a four inch computer diskette in a form compatible with the computer program AutoCAD, showing public improvements as built shall be filed with the City.

SECTION 7.02 SPECIFICATIONS FOR IMPROVEMENTS

All public facilities improvements shall be built in accordance with the most current American Public Works Association specifications.

SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS

The following improvements shall be installed at the expense of the land divider at the time of subdivision. All improvements shall comply with the construction permit requirements of the City ordinance and be constructed to approved City standards.

- (1) Streets. Public streets within the subdivisions, public streets connecting streets leading to subdivisions, and public streets adjacent, but only partially within the subdivision. shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 90.
- (2) Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as is adopted by the City Drainage Plan.
- (3) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. The sewers shall allow for the capacity and grade to allow for desirable extension beyond the subdivision.

The City Council may construct as an assessment project, with such arrangements as are desirable with the land subdivider to assure financing, the subdivider's share of the construction if sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time. If the City Council chooses not to construct the project as an assessment project, the subdivider shall be solely responsible for the cost of the construction.

- (4) Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed considering provisions for extension beyond the subdivision. When the City's system does not meet required flow or capacity, the land divider shall provide improvements to adequately meet the demands of the subdivision.

The City Council may construct as an assessment project, with such arrangements as are desirable with the land subdivider to assure financing, the subdivider's share of the construction if water service facilities will, without further water service construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the water line has reached a state of development to justify water installation at the time. If the City Council chooses not to construct the project as an assessment project, the subdivider shall be solely responsible for the cost of the construction.

- (5) Sidewalks and Driveways. Sidewalks shall be installed on both sides of a public street within the subdivision at the time a building permit is issued in accordance with the provisions of the City's Sidewalk Ordinance No. 697. Wheelchair ramps shall be installed at intersections in accordance with the Americans with Disabilities Act (ADA). Driveways shall be installed at the time a building permit is issued and shall be paved with a durable surface of asphaltic concrete, portland cement or other approved materials that shall create a dust-free surface.
- (6) Special Pedestrian Ways. The Planning Commission may require the installation of special pedestrian ways (such as at the bulb end of a cul-de-sac).

Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.

- (8) Street Name Signs. Street name signs shall be installed at all street intersections.

- (9) Street Lights. Street lights shall be installed and shall be served from an underground source of supply.
- (10) Other. The land divider shall arrange with utility companies or other persons affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

SECTION 7.04 IMPROVEMENTS IN PARTITIONS

The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development near the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. Instead of excepting *an* improvement, the Planning Commission *may* recommend to the City Council that the improvement be installed in the area under facility extension policies of the City.

ARTICLE 8 - GENERAL PROVISIONS

SECTION 8.01 NOTICE

Notice of any public hearing mentioned in this ordinance shall be mailed to any affected party. For purposes of this section, "affected party" shall mean any resident or property owner within 150 feet, excluding street right-of-way, of the land for which the development is proposed.

The notice shall state the applicant's name and address, the type of action requested, the date of the public hearing, a statement that comments may also be made in writing to the City Planner and will be considered at the public hearing, and the address and phone number of the City Planner.

Notice shall also be posed in three conspicuous places in the immediate vicinity of the subject property at least 10 calendar days prior to the date of the public hearing.

Notice shall also be given by publication in a newspaper of general circulation in the area at least 10 calendar days prior to the date of the public hearing.

SECTION 8.02 FINDINGS

Approval or denial of a development under this ordinance shall be based upon a brief statement that explains the criteria and standards considered relevant to the decision, the facts relied upon in making the decision, and the justification for the decision based on the criteria, standards and facts set forth.

SECTION 8.03 INTERPRETATION

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

SECTION 8.04 SEVERABILITY

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

SECTION 8.05 ENFORCEMENT

The City Administrator shall have authority to enforce the provisions of this ordinance. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this ordinance, the structure thus in violation shall be a nuisance. The City may, as an alternative or beyond other remedies or penalties set forth herein or above, begin injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration, or use.

- (1) Within a reasonable time after notification of a violation of this ordinance, the City Planner shall notify the property owner that such a violation exists.
- (2) Where the violation does not involve a structure, action to rectify the violation shall be made within 30 days. Where the violation does involve a structure, action to rectify the violation shall be made within 60 days unless other arrangements are made with the **City**.
- (3) If no action has been taken to rectify the violation within the specified time, the City Planner shall refer it to the City Attorney.
- (4) If court action is required for any enforcement, all appeals are through the judicial system and no appeals or action through the Planning Commission, City Council or the City Planner is appropriate or allowed.

SECTION 8.06 APPEAL

- (1) An appeal from a ruling of the City Planner regarding a requirement of this ordinance may be made only to the Planning Commission.
- (2) An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within 15 calendar days after the Planning Commission has rendered its decision.
- (3) Written notice of any appeal shall be filed with the City Planner. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. The written notice of appeal shall include all matters specifically appealed, including a brief summary of the material presented to the Planning Commission upon which the decision that is being appealed was based. Further, specific statutory citations supporting the appeal shall also be included. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the City Council as part of the appeal. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning Commission and the City Council shall hold a public hearing on the appeal. The City Council may continue the hearing for good cause. Following the hearing, the City Council may sustain, reject, or overrule any recommendations or ruling of the Planning Commission, provided such action complies with the provisions of this ordinance.

SECTION 8.07 PENALTIES

Violation of any provision of this ordinance or any amendment to it is punishable, upon conviction, by a fine of not less than \$50 or more than \$500. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

SECTION 8.08 EMERGENCY CLAUSE

Since an emergency exists, and it is necessary for the immediate preservation of the peace, health and safety of the people of the City of Oakridge, an emergency is now declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the City Council and approval by the Mayor.

SECTION 8.09 REPEAL

Ordinances No. 446, 548, 560A, 612 and 642 are repealed.

SECTION 8.10 DEFINITIONS

Arterial: A street which is used primarily for through traffic, or which by its location will likely be needed for such use in the normal growth of the community.

Collector: A street other than an arterial which is used primarily for carrying traffic to one or more arterial.

Cul-de-sac: A local street, one end of which is closed and consists of a circular turn around.

Floodplain: Any land area susceptible to being inundated by water from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Local street: A street which is used primarily for access to abutting properties.

Lot lines:

Front lot lines: On a standard lot, the lot line abutting a street; on a corner lot, the short lot line abutting a street; on a through lot, the lot line abutting the street providing the primary access to the lot; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear lot lines: The lot line which is opposite to the front lot line.

Lots:

Butt lot: A lot with one side line abutting the lot rear line of two or more adjoining lots.

Corner lot: A lot which has two or more connecting sides which abut a street.

Flag lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Through lot: A lot having its front and rear lot lines each abutting a street.

Partition: To partition land is to divide an area or tract of land into two or three parcels within a calendar year when the area or tract exists as a unit or adjoining units of land under single ownership at the beginning of the that year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance. "Partition" means either the act of partitioning land, or the actual area or tract of land partitioned.

Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Subdivision: To subdivide land means to divide land into four or more lots within a calendar year. "Subdivision" means either the act of subdividing land, or the actual area or tract of land subdivided.

Variance: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the land which, because of unusual or unique circumstances, is denied by the terms of this ordinance.


SECTION 8.11 EFFECTIVE DATE

READ BY TITLE ONLY for the first time this 17th day of August, 1995, no council member present at the meeting having required to have the ordinance read in full.

PASSED BY THE COUNCIL of the City of Oakridge this 17th day of August, 1995.

APPROVED AND SIGNED BY THE MAYOR of the City of Oakridge this 17th day of August, 1995.


RICHARD W. CULBERTSON, MAYOR

ATTEST: 
SHARON O'BRIEN, CITY RECORDER

AYES: 6
NAYS: 0

GLOSSARY

ADA: American with Disabilities Act. A recently passed federal law which prohibits discrimination against those with disabilities. This is relevant to housing issues, sidewalk standards, transportation and planning issues.

Alternative Modes of Transportation: Forms of transportation that provide alternatives to the use of single-occupant automobiles. Examples include rail, transit, carpools, bicycles and walking.

Capital Improvement Program (CIP): A plan for future capital infrastructure and Program Expenditures which identifies each capital project, its anticipated start and completion. It also allocates existing funds and known revenue sources for a given period of time. The City regularly adopts a CIP.

Comprehensive Plan: An official document adopted by the City in which are set forth the general, long-range policies on how the community's future development should occur. A local comprehensive plan must be in compliance with state land use planning goals.

Conditional Use: A conditional use is a use of land that is allowable under certain circumstances, usually to be determined by the Planning Commission.

Goals: A desired result or purpose. In planning, a goal is a broad statement of philosophy that describes the hopes of the people of the community for the future of the community. A goal may never be completely attainable but it is used as a point to strive for.

ISTEA (pronounced ice tea): Intermodal Surface Transportation Efficiency Act the 1991 federal transportation funding legislation that

provides for a new direction in transportation planning, with emphasis on protecting the environment and reducing congestion, relying on the most efficient transportation mode and providing increased flexibility to state and local governments on the use of federal funds.

Land Use: The way land or the structures on the land are used; for example, residential, commercial, industrial, and open space.

LCDC: Land Conservation and Development Commission of the State of Oregon. An eight-member commission that develops and administers Oregon's statewide planning goals.

Multimodal: Involving several types of transportation, such as a trip using both rail and bus.

Nonconforming Use: A use of land that at one time was allowed, but because of a change in ordinance or state law, has stopped being allowed.

OTP (Oregon Transportation Plan): The comprehensive long-range plan for a multimodal transportation system for the state which encompasses economic efficiency, orderly economic development, safety and environmental quality.

Partition: Defined by state law, to partition land is to divide an area or tract of land into two or three parcels within a calendar year when the land was under single ownership at the beginning of the year. The state law also defines what is not included in the definition. (See Section 5.01 of the draft ordinance.)
"**Partition**" means either the act of partitioning land, or the actual area or tract of land partitioned.

Planned Unit Development (PUD): A development of land that is under unified control and is planned and developed as a whole.

Policy: Statement adopted as part of a plan to provide a specific course of action moving the community towards attainment of its goals. Due to budget constraints and other activities, all policies cannot be implemented at the same time.

Right of way: Public space legally established for the use of pedestrians, vehicles or utilities. Right-of-way typically includes the street, sidewalk and buffer strip areas.

Subdivision: Defined by state law, to subdivide land is to divide land into four or more lots within a calendar year. "Subdivision" means either the act of subdividing land, or the actual area or tract of land subdivided. -

TPR (State of Oregon Transportation Planning Rule): A state planning administrative rule, adopted by the LCDDC in 1991 to implement state land use planning Goal 12, Transportation. The TPR requires cities to show measurable progress towards reducing dependence on automobiles.

Travel Mode: Means of transportation uses, such as automobile, bus, bicycle, or by foot.

TSP: Transportation System Plan for localities, required by the TPR.

UGB (Urban Growth Boundary): A line in the Oakridge Comprehensive Plan that separates existing and future urban development from rural lands. Urban levels and densities of development and urban levels of services, are planned within the UGB. A requirement of the state land use planning program.

Variance: A variance is a permit process that allows adjustment of the provisions of this ordinance to special and unusual cases without defeating the general purposes and intent of the ordinance.