

Ord.#43

DUNES CITY SUBDIVISION ORDINANCE  
OUTLINE

- Section 1. Definitions
- Section 2. Scope of Regulations
- Section 3. Compliance Required
- Section 4. Tentative Subdivision Sketch

Preliminary Plat

- Section 5. Submission of Preliminary Plat
- Section 6. Scale of Preliminary Plat
- Section 7. General Information Required
- Section 8. Existing Conditions
- Section 9. Proposed Plan of Land Partitioning
- Section 10. Partial Development
- Section 11. Explanatory Information with Preliminary Plat
- Section 12. Preliminary Review of Proposal
- Section 13. Tentative Approval of Preliminary Plat

Final Plat

- Section 14. Submission of Final Plat
- Section 15. Information on Final Plat
- Section 16. Supplemental Information with Final Plat
- Section 17. Technical Review
- Section 18. Approval of Final Plat
- Section 19. Agreement for Improvements
- Section 20. Bond
- Section 21. Filing of the Final Plat

Approval of Streets and Ways

- Section 22. Creation of Streets
- Section 23. Creation of Ways

Minor Lane Partitioning

- Section 24. Minor Lane Partitioning

Design Standards

- Section 25. Principles of Acceptability
- Section 26. Streets
- Section 27. Alleys
- Section 28. Blocks
- Section 29. Lots
- Section 30. Drainage
- Section 31. Unsuitable Areas
- Section 32. Building Lines

Improvements

- Section 33. Specifications
- Section 34. Water Supply
- Section 35. Sewage
- Section 36. Lane Surface Drainage
- Section 37. Streets and Alleys

Exceptions, Variances and Enforcement

- Section 38. Exceptions in the Case of Large-Scale Development
- Section 39. Variance Application
- Section 40. Planning Commission Action on Variances
- Section 41. Appeal
- Section 42. Validity
- Section 43. Penalties for Violation

CITY OF DUNES CITY, OREGON  
ORDINANCE NO. 43

AN ORDINANCE PROVIDING SUBDIVISION AND OTHER LAND PARTITIONING STANDARDS AND PROCEDURE FOR THE CITY OF DUNES CITY, OREGON, PROVIDING PENALTIES AND REPEALING ORDINANCE #34 AND ORDINANCE #37

The City of Dunes City ordains as follows:

Section 1. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

(1) Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

(2) Development plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

(3) Easement. A grant of the right to use a strip of land for specific purposes.

(4) A parcel or portion of land in a lease or transfer of ownership or by a drawing on a duly approved final plat, for separate individuals uses or separate use in immediate or future building development.

(A) Butt Lot. A lot, the lot side line of which abuts the lot rear line of two or more adjoining lots.

(B) Key Lot. A lot, the lot rear line of which abuts the lot side line of two or more adjoining lots.

(C) Corner Lot. A lot two or more connecting sides of which abut a street.

(D) Double frontage Lot. A lot two or more nonconnecting sides of which abut a street.

(E) Lot Front Line. The lot line abutting a street; for corner lots the front line shall be that with the narrowest street frontage, and for double fontage lots the lot front line shall be that line having frontage on a street which is so designated by the subdivider and approved by the Planning Commission.

(F) Lot Rear Line. The lot line which is opposite to and most distant from the lot front line.

(G) Lot Side Line. Any lot line which is not a lot front line or a lot rear line.

(5) Pedestrian Way. A right of way for pedestrian traffic.

(6) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

(7) Planning Commission. The Planning Commission of the City.

(8) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.

(9) Planning control area. An area in a state of incomplete development within which special control is to be exercised over land partitioning.

(10) Right of way. The area between boundary lines of a street or other easement.

(11) Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.

(12) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.

(13) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms "road", "highway", "place", "avenue", "alley", or other similar designations.

(A) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(B) Arterial. A Street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

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

(D) Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.

(E) Half street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

(F) Marginal access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(14) Subdivide land. To partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(15) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

(16) Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivision.

(17) Minor land partitioning. To divide a parcel of land into two or more than three tracts or units of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning. The term does not include the selling or transferring of a portion of one parcel to the owner of the adjacent parcel, providing a new building site is not created in the transaction.

(18) Parcel of land. Either a tract or a contiguous unit of land which has not been officially platted or subdivided in accordance with the laws of the State of Oregon or one lot or smallest single unit of platted or subdivided land.

(19) Performance agreement. A performance bond executed by a surety company duly licensed to do business in the State of Oregon, or cash in an amount equal to the full cost of the work to be done.

Section 2. Scope of Regulations. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the Planning Commission and the City Council in accordance with these regulations. Within an established planning control area, all changes in property boundary lines shall be in accordance with these regulations. A person desiring to subdivide land, desiring to partition land by creation of a street or way, or desiring, within a planning control area, to sell any portion not the whole of a parcel of land shall submit preliminary plans and final documents for approval as provided in this ordinance and the state law.

Section 3. Compliance Required. It shall be unlawful for any person to dispose of, transfer, sell, or agree or offer to sell any lot or parcel of land, if the same constitutes, or is a part of, a process of subdivision, or if the sale, transfer or offer is made by reference to or exhibition of

a plat or a plan of a subdivision; unless all the requirements of Sections 5 to 43 with regards to such subdivision or the creation of such street or way have been complied with.

Section 4. Tentative Subdivision Sketch. A subdivider shall submit a sketch to the City Engineer of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a preliminary plat for submission to the Planning Commission.

Preliminary Plat

Section 5. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project and shall submit ten (10) copies of the preliminary plat to the City Recorder's office at least ten (10) days prior to the Planning Commission meeting at which consideration of the plat is desired. Filing fee of \$50.00 per lot is required.

Section 6. Scale. The preliminary plat shall be drawn on a sheet 18 inches by 24 inches in size or a multiple thereof at a scale of one inch equaling 100 feet, or for areas over 100 acres, one inch equaling 200 feet.

Section 7. General Information. The following general information shall be shown on the preliminary plat:

(1) Proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.

(2) Date, Northpoint, and scale of drawing.

(3) Appropriate identification clearly stating the map is a preliminary plat.

(4) Location of the subdivision by section, township and range and legal description sufficient to define the location and boundaries for the proposed tract.

(5) Names and addresses of the owner or owners, subdivider, engineer or surveyor licensed in Oregon, and land planner or landscape architect.

Section 8. Existing conditions. The following existing conditions shall be shown on the preliminary plat:

(1) The location, width and names of all existing platted streets within or adjacent to the tract, together with easements, high-

a plat or a plan of a subdivision; unless all the requirements of Sections 5 to 43 with regards to such subdivision or the creation of such street or way have been complied with.

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(3) Appropriate identification clearly stating the map is a preliminary plat.

(4) Location of the subdivision by section, township and range and legal description sufficient to define the location and boundaries for the proposed tract.

(5) Names and addresses of the owner or owners, subdivider, engineer or surveyor licensed in Oregon, and land planner or landscape architect.

Section 8. Existing conditions. The following existing conditions shall be shown on the preliminary plat:

(1) The location, width and names of all existing platted streets within or adjacent to the tract, together with easements, highway right-of-ways, and other important features, such as section lines and corners, city boundary lines, and monuments.

(2) Contour lines related to the U. S. Geological Survey datum and

having the following minimum intervals:

- (A) One-foot contour intervals for ground slopes less than 5 per cent.
- (B) Two-foot contour intervals for ground slopes between 5 and 10 per cent.
- (C) Five-foot contour intervals for ground slopes exceeding 10 per cent.

(3) Location of at least one temporary bench mark.

(4) Location and direction of all water courses and location of areas subject to flooding.

(5) Natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.

(6) Existing uses of the property, including location of all existing structures to remain on the property after platting.

(7) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and electric lines proposed to service the property to be subdivided.

(8) Zoning on and adjacent to the tract.

Section 9. Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

(1) Streets showing location, width, names, and approximate grades. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission or, if there is no complete development plan, as suggested by the City Engineer to assure adequate area traffic circulation.

(2) Easements, showing width and purpose.

(3) Lots, showing approximate dimensions, minimum lot sizes, and proposed lot and block numbers.

(4) Sites, if any, allocated for purposes other than single-family dwellings.

Section 10. Partial Development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of the tentative layout for streets in the unsubdivided portion.

Section 11. Explanatory Information with Preliminary Plat. The following information shall be submitted in separate statements accompanying the preliminary plat or, if practicable, shall be shown on the preliminary plat.

(1) A vicinity map, showing existing subdivision, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and

showing how proposed streets may be extended to connect the existing street.

(2) Proposed deed restrictions in outline form.

(3) Improvements to be requested of the City and the approximate time such request will be made.

(4) Improvements to be made by the developer and the approximate time such improvements shall be submitted so that they may be checked for compliance with the objectives of this ordinance, State Laws, and other applicable City Ordinances. If, however, the nature of the improvements is such that it is impractical to prepare all necessary details prior to the approval of the preliminary plat, the additional details shall be submitted at least 30 days prior to the time of requesting approval of the final plat. Agreements on any recommended changes shall be obtained prior to approval of the final plat.

Section 12. Preliminary Review of Proposal. Within 5 days after being submitted by the subdivider, the City Recorder shall furnish one copy of the preliminary plat and supplemental material to the City Engineer and to each public utility and to each government subdivision that may be affected by the proposed subdivision. Agencies will be given at least 15 days to review the plan, suggest revisions, and return the plans to the Recorder's office.

Section 13. Tentative Approval of Preliminary Plat. Within 40 days from the first regular Planning Commission meeting following submission of the plat, the Planning Commission will review the plan and the reports of the agencies listed above and may give tentative approval of the preliminary plat as submitted or as it may be modified, or, if disapproved, shall express its disapproval and its reasons therefor. The action of the Planning Commission shall be noted on three copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider, one shall be given to the City Council, and one shall be retained by the Planning Commission.

#### Final Plat

Section 14. Submission of the Final Plat. Within six months after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the original drawing, the tracing, and five prints of the final plat and any supplementary information to the City



Recorder. If the subdivider wishes to proceed with the subdivision after the expiration of the six month period following the tentative approval of the preliminary plat, he shall resubmit his preliminary plat to the Planning Commission and make any revision considered necessary to meet changed conditions.

Section 15. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

(1) The date, scale, Northpoint (generally pointing up), and legend and controlling topography such as creeks, highways and lakes.

(2) Legal description of the tract boundaries.

(3) Name and address of the owner, subdivider, engineer or surveyor, and land planner or landscape architect if used.

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

(A) All stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

(B) Adjoining corners of all adjoining subdivisions.

(C) Whenever the City or County has established the center line of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.

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

(5) The exact location and width of streets and easements intersecting the boundary of the tract.

(6) Lines with dimensions, bearing, or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right-of-way, and center lines. Tract boundaries and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(7) The width of the portion of the streets being dedicated, the width of any existing right-of-way, and the width each side of the center line. For streets on curvature, curve data shall be based on the street center line and in addition to center line dimensions and radius and central angle shall be indicated.

(8) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If any easement is not

exactly located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

(9) Lot numbers beginning with the number "1" and numbered consecutively in each block.

(10) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(11) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

(12) Building setback lines, if any are to be made a part of the subdivision restrictions.

(13) The following certificates which may be combined where appropriate.

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

(B) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map and intended for any public use, except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

(C) A certificate signed by the engineer or the surveyor responsible for the survey or final map; the signature of the engineer or surveyor to be accompanied by his seal.

(D) Provisions for all other certifications now or hereafter required by law.

(14) A designation of all areas covered by water, and the location, width, and direction of flow of all water courses.

Section 16. Supplemental Information with Final Plat. The following data shall accompany the final plat:

(1) A preliminary title report, issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

(2) Sheets and drawings showing the following:

(A) Traverse data showing the error of closure, if any.

(B) The computation of all coordinates, distances, angles and courses shown on the final map.

(C) Ties to existing monuments, proposed monuments, adjacent subdivisions, and street corners.

(3) A copy of any deed restrictions applicable to the subdivision.

(4) A certificate by the City Engineer certifying that the subdivider has complied with one of the following alternatives:

(A) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat.

(B) An agreement has been executed as provided in Sections 19 and 20 to assure completion of all required improvements.

Section 17. Technical Review. Upon receipt by the City, the final map and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the preliminary plat and that there has been compliance with provisions of the law and of this ordinance. The City may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the City's representative may enter the property for this purpose. If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. Any expenses accrued by the City Engineer in certification of final approval shall be borne by the subdivider.

Section 18. Approval of Final Plat. Upon receipt of the final plat with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved preliminary plat and with these regulations. If the Planning Commission does not approve the plat, the Commission shall advise the subdivider of changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements, the Commission shall approve the plat provided supplemental documents and provisions for required improvements are satisfactory. The Common Council will then make final approval. The approval of the final plat by the Planning Commission does not constitute or affect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

Section 19. Agreement for Improvements. Before Planning Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the City Recorder an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the subdivider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City which shall not exceed 5% per cent of the cost of the improvements to be installed.

Section 20. Bond.

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

(A) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Council.

(B) Cash.

(2) Such assurance of full and faithful performance shall be for a sum approved by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

(3) In the event the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the bond or cash deposit shall be forfeited and the money shall be paid to the City to defray its costs. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder and, if the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

Section 21. Filing of the Final Plat. The subdivider shall, without delay, submit the final plat for signature of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

Section 22. Creation of Streets.

(1) The creation of streets shall be in conformance with require-

ments for subdivision except, however, the Planning Commission shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(A) The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(B) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

(C) The tract in which the street is to be dedicated is an isolated ownership of a size and with special existing physical conditions making it impractical to develop more than three lots.

(2) In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the City Engineer at least five days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 25 to 43 of these regulations, shall be approved with conditions necessary to preserve these standards.

Section 23. Creation of Ways. Any easement of way providing access to property created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street either in a subdivision or as provided in Section 22 of these regulations.

#### Minor Land Partitioning

##### Section 24. Minor Lane Partitioning.

(1) Purpose. Lane partitioning other than subdivision shall be known as "minor land partitioning". Whenever any person desires to partition any parcel of land within the territorial limits of the City of Dunes, Oregon, he shall file written application therefor with the Planning Commission. The application shall include such information as may be required by the Commission to permit it to determine:

(A) If the proposed partitioning conforms with the existing City development plans, zoning, building ordinances and regulations;

(B) That adequate provisions will be made for the physical means of providing public utilities such as water, sewers, power, telephones, etc.;

(C) That streets or easements will be provided for ingress and egress for the owner, or prospective owners of the partitioned property and the public.

(2) Information to be Submitted. The following information shall be submitted to the City Recorder not less than fifteen (15) days prior to the Planning Commission meeting at which consideration of the partitioning is desired:

(A) A vicinity map (minimum of 3½" by 11") locating the proposed partition area in relation to the adjacent area.

(B) A map of the proposed partitioning to be submitted in the original and two prints containing the following:

- (1) Map size - 8" by 14".
- (2) Map quality - inked black copy on tracing paper, linen or polyester film.
- (3) Written legal description of the property, all lot lines with dimensions in feet and hundredths and with bearings and angles to the nearest 10 seconds, description and location of all permanent and reference monuments found and set by the engineer or surveyor.
- (4) Names of existing and proposed streets and those which are to be dedicated to the public.
- (5) The names of the applicant and all other persons interested in the lands in question and the name of the engineer or surveyor, licensed in the State of Oregon, employed to make the necessary surveys.
- (6) Location and outline of existing buildings on the property, showing those to remain.
- (7) A statement describing the existing or contemplated provisions for utilities.
- (8) Space for signature of the Planning Commission Chairman and City Engineer.
- (9) Data, Northpoint and scale of drawing.
- (10) Approximate acreage of the property involved in the minor land partitioning.
- (11) For land adjacent and within the parcel to be partitioned, the locations, names, and existing width of all streets; location, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways and location of power poles, where, in the opinion of the Planning Commission or City Engineer, such information is necessary or useful for review and approval.

(3) Large Parcels. If the parcel of land to be partitioned exceeds five acres, and within a year is being partitioned into more than two parcels any of which is less than one acre, full compliance with requirements for subdivision may be required if the Planning Commission should

determine in its judgment that the entire parcel being partitioned is in the process of being divided into small parcels.

(4) Review of Minor Land Partition. Upon the foregoing information and material having been filed, as hereinabove provided, at the next regular meeting of the Planning Commission, provided the same has been filed at least fifteen (15) days prior to said meeting, the Planning Commission shall review said minor land partition and its supplementary material and approve or disapprove the same in accordance with the provisions of this ordinance.

If a plat receives conditional approval, notice of such conditions shall be sent to the subdivider within five (5) days of such action. When the conditions have been fulfilled or, in the case of improvements, when a performance agreement in sufficient amount to assure completion has been filed with and accepted by the City Council the Council shall so certify by appropriate endorsement upon the finished plat and said information shall be forwarded to the subdivider.

(5) Filing of Map. Upon approval of the minor land partition, the Planning Commission Chairman and the City Engineer shall endorse approval by affixing their signatures to the original tracing of the map. Final approval shall then be made by the City Council. The applicant shall file said map with the County Surveyor and furnish five (5) copies to the City Recorder for distribution as follows: Planning Commission, City Council, County Assessor, County Health Officer, and County Clerk.

(6) Prohibition on Sale. No person shall dispose of, transfer, sell or agree, offer, or negotiate to sell any partitioned parcel of land within the City before the partition creating the same has been approved by the Commission, as is herein provided.

#### Design Standards

Section 25. Principles of Acceptability. The subdivision shall be in conformity with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of State Laws and the standards established by this ordinance.

#### Section 26. Streets.

##### (1) Dedication.

(A) General. The Planning Commission may require adequate and proper streets, including arterials, collector streets, local streets and other streets, to be dedicated to the public by the subdivider of such design and in such location as are necessary to facilitate provision for the

transportation and access needs of the community and the subdivision area in accordance with the purpose of this ordinance.

(B) Master Road Plan.

- (1) Submitting Plan. The Planning Commission shall prepare and submit to the City Council a Master Road Plan or Plans and amendments thereto, for the City or such portions thereof as necessary, indicating streets and street systems needed to provide for the transportation needs of the community in its normal growth.
- (2) Adoption of Plan. Upon adoption and approval by the City Council of any such plan or amendment thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the Building Inspectors Office for the use and information of the general public.
- (3) Effect of Adoption. Any such plan or plans and amendments thereto adopted by the City Council shall be considered by the Planning Commission to be a correct designation of the transportation, access and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under Section 26-1-A of this ordinance, unless convincing evidence to the contrary is presented to the Planning Commission.

(2) Width.

(A) General. Widths of street right-of-ways and roadway design for streets shall not be less than those set forth on the following table, except that for a street abutting land not in the subdivision area a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

(B) Existing Adjacent Street. The widths of street right-of-way provided in the following table shall be the minimum widths of right-of-way for streets existing along or adjacent to any boundary of the subdivision area, and the subdivider shall dedicate additional right-of-way, as determined by the Planning Commission in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum of such table.

(C) Slope Easements. Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 33 of this ordinance.

TABLE OF MINIMUM RIGHT-OF-WAY AND ROADWAY WIDTHS



TYPE OF STREET	MINIMUM RIGHT-OF-WAY	ROADWAY	PAVING
Arterials	60 Feet		
Collector Streets and Limited Local Streets	60 feet	30'	22'
Cul-de-sacs	50 feet	28'	20'
Radii for turnaround at ends of cul-de-sacs	45 feet		36'

(3) Specifications.

(A) All streets must provide proper compaction and drainage approved by the City Engineer.

(B) All streets must have a minimum 6" of 1½" minus compacted crushed gravel as sub base and 2" of ¾" minus compacted crushed gravel as base and 2" asphaltic concrete as surfacing.

(4) Reserve strips. The Planning Commission may require the subdivider to create a reserve strip controlling the access to a street, said street to be placed under the jurisdiction of the City Council and the Planning Commission when the Planning Commission determines that a strip is necessary;

(A) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or

(B) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the preceding table; or

(C) To prevent access to land abutting a street of the subdivision but not within the tract or parcel of land being subdivided; or

(D) To prevent access to land unsuitable for building development.

(5) Intersections of Streets.

(A) Angles. Streets shall intersect one another on an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicalbe, the right-of-way and roadway within the acute angle shall have a minimum of 30' centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the Planning Commission may determine in accordance with the purpose of this ordinance.

(B) Jogs. Intersections shall be so designed that no jog dangerous

to the travelling public is created as a result of staggering of intersections; and in no case shall there be a jog of less than 100 feet.

(6) Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this ordinance.

(7) Future Extension of Streets. Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall be continued through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the Planning Commission determines that such continuation is necessary to provide for the orderly subdivision of such adjacent land, or the transportation and access needs of the community.

(8) Street Names. Streets that are in alignment with existing streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in Dunes City.

(9) Cul-de-sacs. There shall be no cul-de-sacs more than 500 feet long or serving more than 18 single family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter or right-of-way width and roadway as shown in the table in Section 26-2 of this ordinance.

(10) Grades and Curves. Unless otherwise approved by the Planning Commission because other topographical conditions will not reasonably permit, grades shall not exceed seven (7%) on all streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collector streets, or 100 feet on all other streets.

#### Section 27. Alleys

(1) Dedication. The Planning Commission may require adequate and proper alleys to be dedicated to the public by the subdivider of such design and in such location as necessary to provide for the access needs of the subdivision area in accordance with the purpose of this ordinance.

(2) Width. Width of right-of-way and roadway design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the subdivision area a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such alley shall be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications of Section 34 of this ordinance.

(3) Corner Cut-Offs. Where two alleys intersect, 10 foot corner cut-offs shall be provided.

(4) Grades and Curves. Unless otherwise approved by the Planning Commission where topographical conditions will not reasonably permit, grades shall not exceed seven (7%) on alleys, and centerline radii on curves shall not be less than 100 feet.

(5) Other Requirements. All provisions and requirements with respect to streets in Section 26, numbers 4, 5, 6 and 7 of this ordinance shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

Section 28. Blocks

(1) Block Length. Block length shall not exceed 1200 feet.

(2) Pedestrian ways. When necessary for public convenience and safety, the Planning Commission may require the subdivider to dedicate to the public pedestrian ways ten (10) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.

(3) Easements for Utilities. Dedication of easements for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance, and dedication of easements for other public utilities, may be required of the subdivider by the Planning Commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this ordinance. Easements for utility lines shall be not less than 14 feet in width; except that for an easement abutting land not in the subdivision a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required. Easements for access to sewer lines for maintenance shall be 6 feet in width.

Section 29. Lots.

(1) Size and Frontage.

(A) General Requirements

(1) Area and width for residential:

(a) Public Water Only	Sq. Ft.	M.A.W.
1. Single-family dwelling.	1/2 acre	100' M.A.W.
2. Two-family dwelling.	3/4 acre	125' M.A.W.
3. Three-family dwelling.	1 acre	150' M.A.W.

- (b) Where the site is served by neither public sewer nor public water facilities:
1. Single and two-family dwellings. 1 acre 150'M.A.W.
  2. Three and four-family dwellings. 2 acres 250'M.A.W.

(c) M.A.W. shall mean minimum average width.

(2) Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than the applicable minimum average width requirement for such lot, but in no case shall be less than 80 feet, and not more than two and one-half (2½) times the average width between the lot side lines.

(3) Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that 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. Lots with water frontage shall have a minimum of 50 feet frontage.

(4) No lot shall be created, divided or set off in such a manner that either the portion created, divided or set off, or the portion remaining, shall fail to conform with the applicable minimum area, width, depth, and frontage requirements set forth immediately above.

(B) Exceptions.

- (1) Subdivision area developed as a unit. The Planning Commission may at its descretion authorize the relaxation of the lot size and frontage requirements specified herein where the subdivider presents a plan satisfactory to the Planning Commission whereby the entire subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the subdivision area, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this ordinance.
- (2) Land zoned for commercial use. The Planning Commission may at its descretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this ordinance.
- (3) Lot retained for future subdivision. The Planning Commission may at its descretion waive lot frontage requirements where in its judgment a lot should and will be retained by the subdivider, and future subdivision of such lot will be the highest and best use thereof and such use will be best protected by creation of a reserve strip separating such lot from any street.

(5) Key Lots and Butt Lots. There will be no key lots or butt lots except where authorized by the Planning Commission where such lots are necessitated by unusual topographic conditions or previous adjacent layout.

(6) Lot Side Lines. As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.

(7) Suitability for Intended Use. All lots shall be suitable for the purpose which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision area or of such lot, as determined by the Planning Commission in accordance with the purpose of this ordinance.

(8) Future Subdivision of Lots. Where the subdivision will result in a lot one-half acre or larger in size which in the judgment of the Planning Commission is likely to be subdivided in the future, the Planning Commission may require that the location of lot lines and other details of layout be such that future subdivision may readily be made without violating the requirements of this ordinance and without interfering with the orderly extension of adjacent streets. Any restrictions of buildings within future street locations shall be a matter of record if the Planning Commission deems it necessary for the purpose of future subdivision.

Section 30. Drainage. Where land in the subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream, or creek, the Planning Commission may require the subdivider to provide for adequate unrestricted drainage over drainage land as approved by the Planning Commission as adequate for the drainage needs of the area.

Section 31. 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 subdivided.

Section 32. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

#### Improvements

Section 33. Specifications.

(1) Submitting specifications. The Planning Commission shall prepare and submit to the City Council specifications, and amendments thereto, for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of

drainage facilities, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety, and welfare needs of the City and area affected in accordance with the purpose of this ordinance.

(2) Procedure. The procedure for preparing, submitting, and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances by the City Council requiring approval of subdivisions by the Planning Commission.

(3) Adoption of Specifications. Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the office of the Building Inspector for the use and information of the general public.

(4) Effect of Adoption. Any such specifications and amendments thereto duly adopted by the City Council shall be considered to be binding and in effect from the date of adoption, and to be fully incorporated by reference into this ordinance where such specifications are referred to, the same as if fully set forth thereat.

Section 34. Water Supply. All lots within the subdivision area of a major subdivision any part of which is within urbanizing area, shall be served by a municipal domestic water supply system, or by a private domestic water supply corporation which corporation has been approved by the Planning Commission as adequate to provide for health and sanitation needs of the area and State Department of Health.

Section 35. Sewage. All lots within the subdivision area of a major subdivision any part of which is within urbanizing area, shall where practicable, as determined by the Planning Commission in accordance with the purpose of this ordinance, be served by a municipal sewage system or by a private sewage service which has been approved by the Planning Commission as adequate to provide for the health and sanitation needs of the area.

Section 36. Land Surface Drainage. Such grading shall be done and such drainage facilities shall be constructed by the subdivider as are adequate for the purpose of proper drainage of the subdivision area and of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision area and for the benefit of the general public, in accordance with specifications adopted by the City Council under Section 33 of this ordinance.

Section 37. Streets and Alleys. The subdivider shall grade and surface all streets and alleys in the subdivision area to the width specified in Section 26 of this ordinance and provide for drainage of all such streets and alleys in accordance with specifications adopted by the City Council under Section 33-1 of this ordinance. Construction of such improvements shall be subject to inspection and approval by the City Engineer.

Exceptions, Variances, and Enforcement

Section 38. Exceptions in Case of Large-Scale Development. The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a complete community, a neighborhood unit, a large scale shopping center, or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare, and providing the Planning Commission determines there is adequate provision for public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 39. Variance Application. When necessary, the Planning Commission may authorize conditional variances to requirements of this ordinance. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within provisions of this section it shall be necessary that the Planning Commission shall find the following facts with respect thereto:

(1) That there are special circumstances or conditions affecting the property that are not common to all property in the area.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

(3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity of the property involved.

Section 40. Planning Commission Action on Variances.

(1) In granting necessary variances the Planning Commission shall

secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. Conditions necessary for this purpose shall be specified in granting a variance.

(2) In granting a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. Final approval of any variance shall be by the City Council. The City shall keep the findings on file as a matter of public record.

Section 41. Appeal.

(1) Appeal may be made to the City Council from any decision, determination, or requirement of the Planning Commission by filing notice thereof in writing with the City within ten (10) days after the decision, determination or requirement is made. The notice shall set forth in detail and action and the grounds upon which the subdivider deems himself aggrieved.

(2) The City Council, following the filing of an appeal, shall set a time for a hearing on the appeal to be held within forty (40) days thereafter, and the hearing may, for good cause, be continued by order of the City Council. Upon the hearing of the appeal the City Council may over-rule or modify the decision, determination or requirement appealed from and enter any order or orders in harmony with the purpose of these regulations and this disposition of the appeal shall be final.

Section 42. Validity. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a Court of a competent jurisdiction, the judgment shall not affect the validity of the remaining portion.

Section 43. Penalties for Violation. In addition to penalties provided by State Law, any person who violates or fails to comply with any provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$5,000.00.

Section 44. Ordinance No. 34 and Ordinance No. 37, which amends Ordinance No. 34 are hereby repealed as of the effective date of this Ordinance.



Section 45. This Ordinance shall take effect on the 30th day after its enactment, to-wit; on the 13th day of July, 1975.

PASSED BY THE CITY COUNCIL this 12th day of June, 1975.

AYES: BROWNE  
PETERSDORF  
PREMER

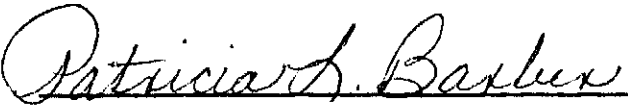
NAYS: COYNE  
MERZ

(Read and Ellson absent)

APPROVED BY THE MAYOR this 15th day of June, 1975.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
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CITY RECORDER