

**DUNES CITY
LAND SUBDIVISION
ORDINANCE**

NOTE: ALL CHANGES APPROVED BY THE CITY COUNCIL THROUGH JUNE 4, 1979
HAVE BEEN INCORPORATED INTO THIS DOCUMENT.

DUNES CITY
LAND SUBDIVISION ORDINANCE
ORDINANCE NO. 60

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DUNES CITY

LAND SUBDIVISION ORDINANCE

ORDINANCE NO. 60

An ordinance establishing procedures, regulations, and standards governing the subdivision of land within the city of Dunes City, Oregon, pursuant to the authority set forth in Oregon revised statutes 92.010 through 92.990.

The City of Dunes City ordains as follows:

ARTICLE 1

GENERAL PURPOSE, DEFINITIONS, VIOLATIONS

Section 1.01 Short Title

This ordinance shall be known and may be cited as: The Land Subdivision Ordinance of the City of Dunes City, Oregon, and repealing Ordinance No. 43.

Section 1.02 Purpose

The city council of the city of Dunes City hereby finds and deems that it is reasonably necessary, in order to accomplish the orderly development of land within the city of Dunes City, and in order to promote the public health, safety, and general welfare of the city, to enact this ordinance, to be hereinafter known as the "Subdivision Ordinance of the city of Dunes City", in order to provide procedures, regulations, and standards to govern the approval of plats for subdivisions, and also the partitioning of land by creation of a street or way; to carry out the development pattern and plan of the city of Dunes City and to promote the public health, safety, and general welfare thereof; and in order to minimize congestion of streets, secure safety from fire, flood, pollution, geological hazards and other detrimental effects on the environment; to provide adequate light and air: to prevent overcrowding of land; and to facilitate adequate provision for transportation, water, supply, sewage disposal, drainage, education, recreation, and other needs of the people of the city of Dunes City.

Section 1.03 Scope

This ordinance establishes procedures for the division of land. Since the division of land is often accompanied by a change of use, this ordinance must be applied in concert with the zoning ordinance, the comprehensive plan, and other city ordinances.

Section 1.04 Definitions

- (A) For the purpose of this ordinance, certain words, terms and phrases are defined as follows:
- (1) Access The vehicular movement to and from an abutting property to a roadway. Includes only that part of the driveway that lies within the established right-of-way limits of the roadway.
 - (2) Access Point The connection of a driveway at the right-of-way line to the roadway.
 - (3) Building Line A line on a plat or map indicating the limit beyond which buildings may not be erected.
 - (4) City The City of Dunes City, Oregon.
 - (5) City Council Means the common council of the city of Dunes City, Oregon, which is the governing body of said city.
 - (6) Commission The Dunes City Planning Commission.
 - (7) Concept Assistance An informal meeting between the applicant and the Planning Commission where a development concept is presented. This meeting is for the exchange of information only; no action will be taken. This step is not required by the city.
 - (8) County Recording Officer The director of records and elections of Lane County.
 - (9) Division of Land The creation of a lot or parcel
 - (10) Drainage Land Land required for drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, to safeguard the public against flood damage or the accumulation of surface water.
 - (11) Driveway Every entrance or exit used by vehicular traffic to or from properties abutting a roadway.
 - (12) Easement A permanent interest in land created by express grant, memorialized by written document, and executed without requisite formalities that clearly shows an intent to grant to the grantee the right to use and enjoy a certain portion of a larger parcel of land for limited purposes, without conveying title to the grantee.
 - (13) Easement Not Recognized Gateway roads, implied easements, statutory ways of necessity, easements by estoppel, easement by custom, easement of prescription.

Way of necessity will not be recognized as an easement by the city for purposes of this ordinance unless established by court judgment or decree or other appropriate ordinance from which appeal may not be taken.

- (14) Roadway Easement An easement granted for the purpose of providing vehicular ingress and egress across a particular parcel of land, serving another separate and specified parcel of land.
- (15) Temporary Easement Any easement that does not confer upon the grantee a permanent right to use the grantor's property. For purposes of this ordinance, a temporary easement will not be considered an easement unless specifically accepted by the city council.
- (16) Utility Easement An easement granted by one parcel of land (grantee) in favor of a second parcel of land (grantor) which allows the grantee the right to install upon the grantor's parcel, above or below ground or both, sewer lines, electrical lines, cable T.V. lines, water lines, and telephone lines which will serve the grantee's parcel of land.
- (17) Walkway Easement An easement granted for the purpose of providing foot and/or bicycle ingress and egress from one parcel across another and separate parcel to a road, body of water, facility or other similar benefit.
- (18) Egress The exit of vehicular traffic from abutting properties to a roadway.
- (19) Improvement Easement An agreement that under prescribed circumstances, may be used in lieu of required improvements or a performance agreement. It is a written agreement that is executed between the city and a developer, in a form approved by the city council, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to city standards and to waive all rights or remonstrances against such improvements, in exchange for which the city agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the ordinance.
- (20) Ingress The entrance of vehicular traffic to abutting properties from a roadway.

- (21) License Is a privilege granted to an individual to do certain acts upon a portion, or the entirety of a parcel of land; but the privilege does not create an interest in the grantee in the land, and the right is personal to the grantee. For purposes of this ordinance, a license will not ordinarily suffice for an easement.
- (22) Lot A unit of land that is created by a subdivision of land.
- (AA) Butt Lot A lot the lot side line of which abuts the rear lot line of two or more adjoining lots.
- (BB) Corner Lot A lot or parcel at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
- (CC) Through Lot A lot or parcel having frontage on two parallel or approximately parallel streets other than alleys.
- (DD) Key Lot A lot or parcel the rear line of which abutts the lot side line of two or more adjoining lots.
- (EE) Panhandle Lot A lot where the buildable area is located away from the street and served by a long narrow strip with less than required frontage width. (See also Section 4.05 (F) of this ordinance.)
- (23) Lot Line
- (AA) Front The lot line abutting a street; for corner lots the front line shall be that with the narrowest street frontage, and for double frontage lots the lot front line having frontage on a street which is so designated by the subdivider and approved by the planning commission.
- (BB) Rear The lot line which is opposite to and most distant from the lot front line.
- (CC) Side Any lot line which is not a lot front line or lot rear line.
- (24) Map A diagram or drawing concerning a major or minor partition.
- (25) Master Road Plan The plan or plans adopted by the city

council in accordance with the procedures provided for in this ordinance.

- (26) Owner An individual, association, partnership, or corporation having legal or equitable title to land sought to be divided, other than legal title held for purpose of security only.
- (27) Parcel A unit of land that is created by the partitioning of land.
- (28) Partition Either an act of partitioning land, or an area or tract of land partitioned as defined in this section.

(29) Partition Land

(AA) To divide an area or tract of land into two or three parcels within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under single ownership at the time of partition. "Partition land" does not include:

- (1) Divisions of land resulting from lien foreclosures.
- (2) Division of land resulting from the creation of cemetery lots.
- (3) Divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession.
- (4) Adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to provisions pertaining to minimum area, frontage, average width and required setbacks.
- (5) Division of land created by the acquisition or dedication of land to the city for the sole use and purpose of providing a public service or operating a public utility.
- (6) A lease for agricultural purposes.

- (7) Renting or leasing of spaces within a mobile home park, recreational trailer park, motel or campground.
- (BB) When it appears to the planning commission that the area is to be ultimately divided into four or more lots or parcels, provisions of this ordinance pertaining to subdivisions may be required.
- (CC) Major Partition A partition which includes the creation of a street.
- (DD) Minor Partition A partition that does not include the creation of a street.
- (30) Partitioner An owner or his lawful agent commencing proceedings under this ordinance to effect a partition of land.
- (31) Performance Agreement or Bond A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Section 2.03, 3.10, and 5.13 of this ordinance and conditioned upon the faithful performance thereof.
- (32) Petition for Improvement A proper petition submitted to and approved by the city council for construction and improvements as required by Sections 2.03 and 3.10 of this ordinance. For purposes of this article, the term shall also include improvements initiated by the council.
- (33) Plat A diagram, drawing, or replat containing all the descriptions, locations, specifications, dedications, provisions and other information required by this ordinance concerning a subdivision.
- (34) Reserve Strip A narrow parcel of land at the end or side of a street which is used to control access to the street or to preserve land needed for future widening or extension of the street.
- (35) Right-of-way The area between property lines or other easements designated for public use.
- (36) Sidewalk A pedestrian walkway with permanent surfacing.
- (37) Street A public or private way that is created to provide ingress or egress for persons to one or more

lots, parcels, areas or tracts of land and including the term "road", "highway", "lane", "avenue", "alley" or similar designations.

- (AA) Alley A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (BB) Arterial A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas. Arterial streets in dunes city are defined as canary road, clear lake road, and highway 101.
- (CC) Block Length The distance measured along all that part of one side of a street which is between two intersecting or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, water course, body of water or unsubdivided acreage.
- (DD) Collector Street A street used to provide for traffic movement between arterials and local streets, and which provides direct access to abutting property. Collector streets are defined in Dunes City as a street which deposits traffic onto an arterial street, and receives traffic from two or more side streets.
- (EE) Cul-de-sac A local street terminating in a turn-around.
- (FF) Dead End Street A local street connecting with another street only at one end.
- (GG) Local Street A street used primarily for access to abutting properties.
- (38) Subdivide Land To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (39) Subdivision Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
- (40) Tentative Plan A preliminary drawing or diagram concerning a partition or subdivision.

Section 1.05 Application, Filing Fees, Submission Dates

- (A) Applications All land division applications shall be submitted to the city recorder as required by this ordinance.
- (2) All fees provided for above are non-refundable except in cases when processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the city council.
- (B) Submission Dates All land division applications and information required by this ordinance shall be submitted to the city recorder in accordance with the following:

Minor Partitions, Major Partitions, Planned Unit Developments and Subdivisions, Tentative Plans: Thirty (30) days prior to the planning commission regular monthly meeting.

Section 1.06 Approval of Land Divisions Required

- (A) No person shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot in any subdivision until the final plat has been approved by the city council and the plat and a copy of any conditions have been recorded with the county recording officer.
- (B) No person shall dispose of, transfer or sell any parcel in a major or minor partition prior to the approval of a final partition map by the city council and the partition map and a copy of any conditions have been recorded with the appropriate agency.
- (C) No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the city council.
- (D) No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the city of Dunes City.

Section 1.07 Public Hearing and Notice Requirements

- (A) Public Hearing Requirements The planning commission shall hold not less than one public hearing on each proposed minor partition, major partition, or subdivision. The city council shall hold not less than one public hearing on each minor partition, or subdivision. The city council shall hold not less than one public hearing on each minor partition, major partition or subdivision tentative plan, or major partition or subdivision plat.

(B) Notice Requirements

- (1) For All Major Partitions And Subdivisions: Notice for each proposed major partition or subdivision shall be given in advance of any public hearing by the planning commission or the city council in accordance with legal requirements.
- (2) In addition to the general notice requirements of Section 1.07 (B) (1) above, notice of public hearings on all applications for major partitions and subdivisions shall also be given in advance of the public hearing by mail to the applicant, property owner (if not the applicant), and owners of all property in accordance with legal requirements.
- (3) For Minor Partitions: Notice of proposed minor partitions shall be given in advance of the planning commission's public hearing and the city council's public hearing to the applicant, property owner (if not the applicant), and owners of all property in accordance with legal requirements.

Section 1.08 Concept Assistance

Prior to submitting an application for a minor partition, major partition, or subdivision, the applicant may request a meeting with the planning commission for the purpose of obtaining guidance and information that might be needed for the preparation of the application. In order to help ensure that the meeting is as productive as possible for both the applicant and the planning commission, the following information shall be submitted by the applicant at least ten (10) days prior to the date of such meeting:

- (A) A written statement on a form prescribed by the city council setting forth:
 - (1) Name and address of applicant.
 - (2) Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest, and in case the applicant is not the owner, that the owner knows of the application.
 - (3) Address and legal description of the property.
 - (4) Statement explaining the intended request.
- (B) Any other materials or information the applicant wishes to submit. For example, these materials might consist of a schematic development plan of the proposed development.

showing:

- (1) General location of the proposed development.
 - (2) Major existing physical and natural features such as water courses, rock outcroppings, marshes, wooded areas, etc.
 - (3) Location of the major existing drainageways and utilities.
 - (4) Location and names of public streets, parks, and utility rights-of-way within or adjacent to the proposed development.
 - (5) General location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
 - (6) General location and approximate dimensions of proposed structures.
 - (7) Major proposed landscaping features.
 - (8) Approximate contours.
 - (9) Sketches showing the scale, character and relationship of buildings, streets, and open space.
 - (10) Approximate location and type of proposed drainage, water, and sewerage facilities.
- (C) Consideration of the planning commission will be limited to the information submitted prior to the meeting.
- (D) A concept assistance meeting is for purposes of information only. No approvals will be given at such a meeting.

Section 1.09 Restrictions With Regard To Access Points

- (A) Each property is entitled to access to a street.
- (B) Direct driveway access to collector and arterial streets shall be avoided where possible. On a corner lot or parcel adjacent to two public roads, the applicant may be required to take access from only one road. Access shall normally be taken on the minor of two intersecting streets.
- (C) When appropriate, the use of joint driveways for adjoining properties may be required.

- (D) Exceptions to these access control standards may be permitted by the city council or their designee in the interest of traffic safety and good engineering and planning practice. Such exceptions may require further restrictions on the use of the driveway.
- (E) The city reserves the right to make or require such changes, additions, and repairs in the right-of-way that at any time are considered necessary to permit relocation, reconstruction, widening, or maintenance of the roadway or to provide proper protection of life or property on or adjacent to the roadway.

Section 1.10 Relation To Adjoining Road System

- (A) A subdivision or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for roads set forth in the Dunes City Land Subdivision Ordinance. Where the approving authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made.
 - (1) Redevelopment Plan Redevelopment plans may be required to show compliance with Section 2 (B) of the Dunes City Land Subdivision Ordinance.

Section 1.11 Access

- (A) Lots or parcels shall have verifiable access by way of a street, either county, local access - public or an easement.

Verifiable access shall meet the following criteria:

- (1) Each lot or parcel abuts on the roadway for a distance of at least 60 feet.
- (2) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:
 - (AA) An express grant or reservation of an easement in a document recorded with the county recorder.
 - (BB) A decree or judgment issued by a court of competent jurisdiction.
 - (CC) An order of the court establishing a statutory

way of necessity or gateway road.

(DD) An express easement set forth in an approved and recorded subdivision or partition.

(3) The roadway provides actual physical access to the lots or parcels.

(B) Public roadways and easements used as access to lots or parcels shall be designed and developed according to the standards of the Dunes City Land Subdivision Ordinance.

(C) Easements used as access to lots or parcels shall meet the following criteria:

(1) There shall be no more than three lots, parcels, or unsubdivided or unpartitioned tracts of land accessed by any portion of the easement.

(2) Easements shall not be approved if the roadway is presently needed or is likely to be needed for access to adjacent properties or to be utilized for a county or public road in the normal development of the area.

(3) The minimum width of roadway easements shall be 50 feet.

(4) All approved documents creating a roadway easement shall provide for the installation, construction, and maintenance thereof and provide access for all public utilities and facilities which are now or may in the future be needed for the area abutting the roadway easement and the surrounding area.

(5) The city may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.

(6) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

(7) Any roadway easement approved shall be documented on a form acceptable to the city and shall contain the minimum following information: grantor and grantee, description of dominant and servient tenements, description of the intent or purpose of the easement and a statement of maintenance responsibility.

(8) All approved roadway easements shall be recorded in the title of the affected properties and recorded with Lane County.

- (9) If the city determines that the access and transportation needs of the public would be better served if the roadway easement being considered would be established as a public road, it may require that a public road dedication be made to a length and width deemed sufficient by the city.

ARTICLE 2

MINOR PARTITION PROCEDURE

Section 2.01 Minor Partition Application

- (A) An application shall be made by the owner of the property in question proposing the minor partition or his authorized agent on a form prescribed by the city and shall be submitted together with a map of the proposed minor partition, drawn at a scale of 1" = 50' or other standard scale, a copy of the deed of record of the property and proof of current ownership and any other information which may reasonably be required as determined by the city. The minor partition map shall conform to and be in harmony with the comprehensive plan and zoning classification of the area.
- (B) An overall conceptual plan for the entire property may be required, if the proposed partition may be further divided at a future time. Additional dedications and easements necessary for adequate utilization of the property to be divided and surrounding properties shall be shown.

Section 2.02 Minor Partition Approval

- (A) Planning Commission Review The minor partition shall be reviewed by the planning commission within (30) days of the submittal of the application. The planning commission shall recommend approval or denial of the application to the city council, or when further information is required postpone a decision on the application. Recommendation for approval must include affirmative findings that:
 - (1) The minor partition complies in all respects to the partitioning requirements and purpose of this ordinance, the comprehensive plan, and the laws of the State of Oregon.
 - (2) The minor partition does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.
- (B) Consideration By The City Council The minor partition, upon recommendation for approval or denial by the planning commission, will be scheduled for consideration by the city council at its next regular meeting. Consideration of the application may be postponed at the request of the applicant. The city council shall approve, deny, or when

further information is required, postpone a decision on the application. Approval of the minor partition must include the affirmative findings as listed in Section 2.02(A).

- (C) Dedication of Land and Easements The city may require dedication of land and easements and may specify conditions or modifications of minor partition map. In no event, however, shall the city require greater dedications or conditions than could be required if the tract were subdivided. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the city council.
- (D) Ownership Verification of Dedications In the event approval of a minor partition is conditioned upon the dedication of a partition of the area to the public, the applicant shall submit to the city recorder a title report issued by a title insurance company licensed in the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.
- (E) Conditional Approvals If a partition has received conditional approval, the notification of action shall contain a listing of such conditions. All conditions must be performed or complied with in the time period specified in the conditional approval. When the conditions have been fulfilled, the partition map shall be appropriately endorsed and a copy forwarded to the applicant. In the case of conditions relating to improvements, a performance agreement, improvement agreement or covenant running with the land, which has been accepted by the city council shall be considered as adequate fulfillment of said conditions. Upon failure to perform the conditions within the specified time, the minor partition approval will become null and void. No further action thereafter on the application shall be permitted until a new application is submitted as required by this ordinance.

Section 2.03 Final Disposition of Minor Partition

- (A) Notification of Applicant The city recorder shall notify the applicant of any recommendation of the planning commission of action by the city council taken on a minor partition application and shall note the nature of the action and the effective date thereof on the partition map.
- (B) Before final approval is given, the applicant shall present to the city recorder evidence that the following requirements of conditions have been met:

- (1) Public assessments, liens and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted.
 - (2) The parcels created by the minor partition have been surveyed and monumented by a registered professional engineer or registered professional land surveyor.
 - (3) Either:
 - (AA) Improvements as required by the city and this ordinance have been completed; or
 - (BB) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city council has been filed with the city recorder in sufficient amount to insure completion of all required improvements; or
 - (CC) A petition for improvements has been properly executed by the partitioner who is effecting the partition and will be assessed for said improvements; or
 - (DD) An improvement agreement and covenant running with the land has been properly executed by the partitioner and the city council.
 - (4) Any requirements for dedication of land or easements to the city have been met.
 - (5) Any conditions specified by the city council have been met.
- (C) If and when all conditions and requirements of this ordinance are met, the partition map shall be appropriately endorsed and returned to the applicant for recording.

ARTICLE 3

MAJOR PARTITION AND SUBDIVISION PROCEDURE

TENTATIVE PLAN REVIEW AND DISPOSITION

Section 3.01 Tentative Plan Application

An application for tentative plan approval shall be made by the person proposing the subdivision or major partition or his authorized agent or representative in a form prescribed by the city. This form shall be submitted, together with a reproducible sepia and five copies of a subdivision or major partition tentative plan. The plan shall indicate the general program and objectives of the project, including any benefit of public need.

Section 3.02 Tentative Plan Requirements

- (A) Drafting The tentative plan shall show all required and pertinent information drawn to fit standard size sheets of 18 inches by 24 inches. In all cases, the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of 10 of any one of these scales.

Tentative plans for major partitions and subdivisions shall be prepared by a surveyor who is an Oregon registered engineer or registered Oregon land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

- (B) Information Required The application itself or the tentative plan must contain the following information with respect to the subject area:
- (1) Name and block numbering of proposed subdivisions. Except for the words, "town", "city", "place", "court", "addition", or similar words, the name shall be clearly different than, and clearly pronounced different than the name of any other subdivision in the county unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
 - (2) The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the proposed subdivision or major partition area, the names of all recorded subdivisions contiguous to such area, and appropriate

identification of the drawing as a tentative plan.

- (3) The names and addresses of the owner and engineer or surveyor.
- (4) The location of existing and proposed right-of-way lines for existing or projected streets as shown on approved plans of Dunes City.
- (5) The locations, names and widths of all existing and proposed streets, roads and alleys. Said roads, streets and alleys shall be laid out according to standards established by the engineer. In general, roads, streets and alleys should conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.
- (6) Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.
- (7) The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the city engineer. The base data used shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
 - (AA) Two-foot contour intervals for ground slopes up to ten percent.
 - (BB) Five-foot contour intervals for ground slopes exceeding ten percent.
- (8) The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips required.
- (9) The approximate radii of all curves.
- (10) The general design of the proposed subdivision or major partition, including the approximate dimensions of all proposed lots and parcels.
- (11) The approximate location of areas subject to inundation or storm water overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.

- (AA) The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
- (12) The domestic water system proposed to be installed, including the source, quality and quantity of water if from other than a public water supply.
- (13) Illuminations plan including location and size of all street lights to be provided, the power source for such lighting, and the level of illumination as outlined by the illuminations engineers society standard.
- (14) A plan for sewage disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways. Location of facilities must be shown on the tentative plan.
- (15) All public areas proposed to be dedicated by the applicant and the proposed uses, conditions, or limitations of such reservations.
- (16) All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- (17) A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part; provided that where the proposal comprises all of such area an affidavit of such fact shall accompany the tentative plan.
- (18) Locations, size, and type of any perennial plantings in public ways.
- (19) Draft of proposed restrictions and covenant affecting the plat.
- (20) Predominant natural features such as water courses and their flows, marshes, rock outcroppings and areas subject to inundation and slipping.
- (21) A map setting forth the boundaries of stands of evergreens, and how the development of the proposed subdivision will maximize preservation of those evergreens.

Section 3.03 Review of Tentative Plan by Utility Companies

The tentative plan application must be submitted by the subdivider or partitioner to the appropriate utility companies, county surveyor and other agencies affected. Copies bearing their comments must be returned to the city recorder no later than fifteen calendar days prior to the city council meeting at which the plan is to be reviewed for approval.

Section 3.04 Planning Commission Review of Tentative Plan

The planning commission shall consider the tentative plan application and all reports and recommendations at a regular meeting no more than 45 full days after submittal of the tentative plan. The commission shall recommend approval, denial, or when further information is required, the commission may postpone a decision on the application. Approval must include affirmative findings that:

- (A) The tentative plan complies in all respects to applicable provisions of Oregon law requirements, and city plans and policies and ordinances.
- (B) The division of the property does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

Section 3.05 City Council Review of Tentative Plan

The city council shall consider the tentative plan application, the recommendation of the planning commission and all reports at a regular meeting no more than 45 full days after action by the planning commission. The city council shall approve, deny, or when further information is required, postpone a decision on the application. Approval of the tentative plan must include the affirmative findings listed in Section 3.04 above.

Section 3.06 Final Disposition of Tentative Plan

- (A) Notification of Applicant The city recorder shall notify the applicant of any recommendation by the planning commission or action by the city council taken on a tentative plan application within seven days of such action and shall note the nature of the action and the effective date thereof on the tentative map.
- (B) Tentative Plan Effective Date Unless appealed, the city council decisions shall become effective on the sixteenth day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be

effective for one year, within which time the application and major partition map or application and subdivision plat must be submitted as required by this ordinance to the city recorder. Otherwise, the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.

The approval of the city council of a tentative plan shall be binding upon the city for the purposes of the preparation of the plat or map and the city council may require only such changes in the plat or map as are necessary for compliance with the terms of its approval of the tentative plan and shall also be binding on the property owner.

FINAL MAP OR PLAT REVIEW AND PROCESSING

Section 3.07 Submission of the Subdivision Plat

Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit a reproducible sepia, five prints and additional information as prescribed by this section. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions.

Section 3.08 Map and Plat Requirements

- (A) Drafting One original drawing, 18" by 24" in size, and five copies shall be submitted. Original maps and plats shall be in substantial conformity to the approved tentative plan and shall conform to the Lane County surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.

Plats and maps shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed on more than one sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer to any edge of any sheet than one inch.

- (B) Information Required The application itself, or the pro-

posed subdivision plat or the major partition map must contain the following information with respect to the subject area:

- (1) Traverse computation sheets, subdivisions only. The registered engineer or registered land surveyor signing the surveyor's affidavit on the plat shall submit traverse computation sheets for the use of the city engineer in checking the plat. Said sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the plat which are not completely rectangular in shape. Each course and distance and each latitude and departure, shall be tabulated on the traverse computation sheet, in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be shown from a single point or origin.
- (2) Traverse computation sheets for a major partition map which will create a street.
- (3) The lengths of all chords, radii, points of curvature, and chord bearings.
- (4) The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown.
- (5) Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
- (6) Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- (7) The description and location of all permanent reference monuments.
- (8) An affidavit of a surveyor, who is an Oregon registered engineer or Oregon registered land surveyor and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon revised statutes.
- (9) The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
- (10) The name of the subdivision.

- (11) The zoning of, and the comprehensive plan for the property.
- (12) The locations, names and widths of all streets and alleys existing or being created.
- (13) The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this ordinance.
- (14) A designation of all areas covered by water, and the location, width, and direction of flow of all water courses showing seasonal fluctuations, if any.
- (15) A designation of all area being dedicated for public use by the applicant, including proposed uses, and an effective written dedication thereof.
- (16) Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.
- (17) A copy of all protective deed restrictions being proposed.
- (18) A title report issued by a title insurance company licensed by the state of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.
- (19) A designation of any special notice, requirement or restriction required by the city relating to public improvements or as a condition of approval.

Section 3.09 Review of Major Map or Subdivision Plat By Utility Companies

Major partition maps and subdivision plats must be submitted to the appropriate utility companies and copies bearing their comments must be returned to the city recorder no later than fifteen calendar days prior to the city council meeting at which the plan is to be reviewed for approval.

Section 3.10 Review of Major Partition Map And Subdivision Plats

The city council shall approve, deny or when further information is required, postpone a decision on the application. Approval must include affirmative findings that:

- (A) The major partition map or subdivision plat complies in all respects to applicable provision of Oregon law, requirements and purpose of this ordinance and Dunes City plans and Policies.
- (B) Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public easements.
- (C) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.
- (D) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as previously approved.
- (E) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.
- (F) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been accounted for and referenced on the plat or map.
- (G) There will exist an adequate quantity and quality of water and an adequate approved sewage disposal system to support the proposed use of the land described in the plat.
- (H) Either:
 - (1) Improvements as required by this ordinance, or as a condition of tentative plan approval have been completed, and a certificate of such fact has been filed with the city recorder by the city engineer; or
 - (2) A petition for improvements has been properly executed by the applicant who is effecting the partition or sub-division and will be assessed for said improvements.
 - (3) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city, has been filed with the city recorder in sufficient amount to insure the completion of all required improvements.
- (I) Taxes, as well as public liens, assessments and fees with respect to the subdivision or major partition area have

been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.

Section 3.11 Acknowledging Decisions Regarding Major Partitions and Subdivisions

Subdivision or major partition approval shall be evidenced by the signature thereon of the mayor with the date of such approval. In the event of denial, the city recorder shall cause notice and the reasons for same to be furnished to the applicant.

Section 3.12 Expiration of Major Partition and Subdivision Approvals

If the conditions set at the time of approval are not fulfilled and the plat or map is not offered for record by the partitioner or subdivider in the office of the county recording officer within one year, subdivision or major partition approval, as the case may be, is null and void and a new application for plat or map approval must be submitted for reconsideration.

Section 3.13 Processing and Delivery of the Approved Subdivision Plat or Major Partition Map to the County Recorder

Following the approval by the city council:

- (A) In the case of a subdivision the owner or his agent shall:
- (1) Obtain on the approved subdivision plat the signature of the county assessor, whose signature shall certify that all taxes on the property have been paid.
 - (2) Obtain on the approved subdivision plat the signature of the surveyor, whose signature shall certify that the platting laws of this state and the requirements of this ordinance have been complied with.
 - (3) Obtain the signature on the approved subdivision plat of a majority of the city council whose signatures shall certify that the plat is approved by them.
 - (4) Deliver the approved subdivision plat to the office of the county recorder.
- (B) In the case of an approved major partition, the owner or his agent shall deliver it to the office of the county recorder to be offered for record.

Section 3.14 Delivery of Recorded Subdivision Plats and Major Partition Maps to the City

In addition to the requirements of Oregon revised statutes pertaining to filing and recording of approved subdivision plats, the subdivider shall furnish the city engineer one exact reproducible copy thereof, composed of the same material as required by the county surveyor, or if not so required, such material and specifications as required by the city. Said copy shall be furnished to the city within six working days of recordation.

In the case of an approved and recorded major partition map, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the city.

ARTICLE 4

DESIGN AND DEVELOPMENT STANDARDS

Section 4.01 General

All partitions and subdivisions shall conform to the design and development standards specified in the following sections, the zoning ordinance, and the comprehensive plan. The standards so specified shall be considered as the minimum appropriate for normal partition or subdivision development and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The city may require appropriate higher design and development standards than the minimum required by this section upon a finding by the city council that the division is located in an area possessing natural conditions which require special consideration or the division is intended for especially intensive development. All divisions shall be evaluated in terms of efficiency in the use of land, protection of natural features, and pleasing, convenient and functional design. Requirements not otherwise contained in this section may be prescribed when needed to ensure that established criteria and standards of professional subdivision design are maintained in the city.

Section 4.02 Streets

(A) Dedication

- (1) Generally The city 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.
- (2) Special Safety Requirements Where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public and residents of the subdivision area, the city may require that local streets be so designed as to discourage their use by nonlocal traffic.
- (3) Road Standards Standards pertaining to the dedication and improvement of streets, alleys, blocks and drainage shall be complied with as required by the city engineer.

(AA) Adoption of a Master Road Plan Upon adoption and

approval by the city council of any such plan or 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 city offices for the use and information of the general public.

(BB) Effects of Adoptions Any such plan or plans and amendments thereto adopted by the city council shall be considered 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, unless convincing evidence to the contrary is presented.

(B) Width

(1) Generally Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the subdivision area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

(2) Existing Adjacent Street The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the subdivision area, and the subdivider shall dedicate additional right-of-way, as determined by the city 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 in such table.

(3) Slopes Easements If required, slope easements shall be dedicated in accordance with city specifications.

<u>Type of Street</u>	<u>Right of Way Width</u>	<u>Paving Width</u>
<u>Arterials</u>	60'-120' **	24'-48' **
<u>Collector Streets and All Business Streets Other Than Arterials</u>	60'-80' **	24'-44' **

Local Streets In Single Family Density Areas - Streets which in the judgment of the planning commission will never be more than 2400' in length, and which will have a relatively even

division of traffic to two or more exits.	50'	22'
<u>Cul-de-sacs</u>	50'	22'
<u>Circular Ends of Cul-de-sacs</u>	92' ***	70' ***
<u>All Streets Not Specifically Provided For Above</u>	60' **	40' **

*Measured from face to face of curbs.

**The city may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community, and in accordance with specifications adopted by the city council under Section 5.02 of this ordinance.

***Measured by diameter of circle constituting circular end.

(C) Reserve Strips The city may require the subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the city council and the planning commission, when the city determines that a strip is necessary:

- (1) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.
- (2) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.
- (3) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs have been determined by the city and paid to the appropriate persons by the property owner gaining access.
- (4) To prevent access to land unsuitable for development.
- (5) To prevent or limit access to roads classified as arterials.

(D) Intersections of Streets

- (1) Angles Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 degrees 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 city may determine in accordance with the purpose of this ordinance.

- (2) Jogs Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog of less than 100 feet.
- (E) Topography The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this ordinance.
- (F) Future Extension of Streets Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the city 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.
- (G) 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 of right-of-way width and paving as shown in the table of Section 4.02(B) of this ordinance.
- (H) Streets that are in alignment with existing named 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 necessarily duplicate or resemble the name of any existing or platted street in the city of Dunes City or the surrounding area.
- (I) Grades and Curves Unless otherwise approved by the city because topographical conditions will not reasonably permit, grades shall not exceed 7% on all streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collectors and 100 feet on all other streets.

Section 4.03 Alleys

- (A) Dedication The city 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.

- (B) Width Width of right-of-way and paving design for alleys shall be not less than 15 feet, except that for an alley abutting land not in the subdivision area a lesser width may be allowed in the discretion of the city where the subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.
- (C) Corner Cutoffs Where two alleys intersect, 10 feet corner cutoffs shall be provided.
- (D) Grades and Curves Unless otherwise approved by the planning commission where topographical conditions will not reasonably permit, grades shall not exceed 12% on alleys, and centerline radii on curves shall not be less than 100 feet.

Section 4.04 Easements

- (A) Pedestrian and Bicycle Ways When necessary for public convenience and safety, the city may require the subdivider to dedicate to the public pedestrian and bicycle ways up to 15 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 or bicycle travel.
- (B) 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 city 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 area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

Section 4.05 Lots

- (A) General Dimensional Requirements The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with lot requirements of the zoning ordinance. Where property is zoned and planned for business or industrial use, the 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.

- (1) 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 (2-1/2) times the average width between the lot side lines.
 - (2) 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.
- (B) Key Lots and Butt Lots There shall be no key lots or butt lots except where authorized by the city where such lots are necessitated by unusual topographic conditions or previous adjacent layout.
- (C) 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.
- (D) Suitability for intended use All lots shall be suitable for the purpose for 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 city in accordance with the purpose of this ordinance.
- (E) Future Subdivision of Lots Where the subdivision will result in a lot 2 acres 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 orderly extension of adjacent streets, any restriction of buildings within future street locations shall be made a matter of record if the planning commission deems it necessary for the purpose of future subdivision.
- (F) Panhandle Divisions Panhandle lots shall not be permitted in new subdivisions.

- (G) Land for Public Purpose When the city, the school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed 6 months from date of city council approval of a subdivision tentative plan.
- (H) Lake Access Common access may be provided within a subdivision where maintenance is provided for in deed covenants.

Section 4.06 Preparation, Survey, and Monumentation of Division

- (A) All tentative subdivision plans, subdivision plats and surveys, and monumentation thereof shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor. However, the lot design and layout portion of a tentative subdivision plan may be made by a qualified architect or a landscape architect, licensed by the State of Oregon.
- (B) All major and minor partition maps and surveys and monumentation thereof, shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor.

Section 4.07 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 city may require the subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefore approved by the city council as adequate for the drainage needs of the area, or, where necessary in the judgment of the city council for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city of Dunes City.

Section 4.08 Partial Development

Where the subdivision area includes only part of the tract owned by the subdivider, the city may require a sketch of a tentative layout of streets in the remainder of said tract.

4.09 Unsuitable Areas

No lands shall be subdivided where the intended use may be

dangerous to the health and safety of the public or those who would live in such areas.

- (A) Areas subject to flooding shall not be subdivided unless provisions of the national flood insurance program are met.
- (B) Where slopes exceed 16%, the city may require the report of an engineering geologist before land may be subdivided.
- (C) Where slopes exceed 12%, the city will require a site review before land may be subdivided. Where slopes exceed 16%, proof of safety of the proposed development must be shown before the land may be subdivided.
- (D) No land subject to landslides shall be subdivided.
- (E) No land shall be subdivided unless a site-specific investigation of sewage disposal capability has been completed, according to procedures established by the Oregon Department of Environmental Quality.

Section 4.10 Development Limitations

The limitations upon construction set forth in Sections 3, 4, and 5, or Ordinance 50 with amendments shall also control development within a subdivision. Areas zoned OS-L and OS-S shall not be developed in a subdivision.

FIGURE 1 LOT LINES, DEPTH and WIDTH

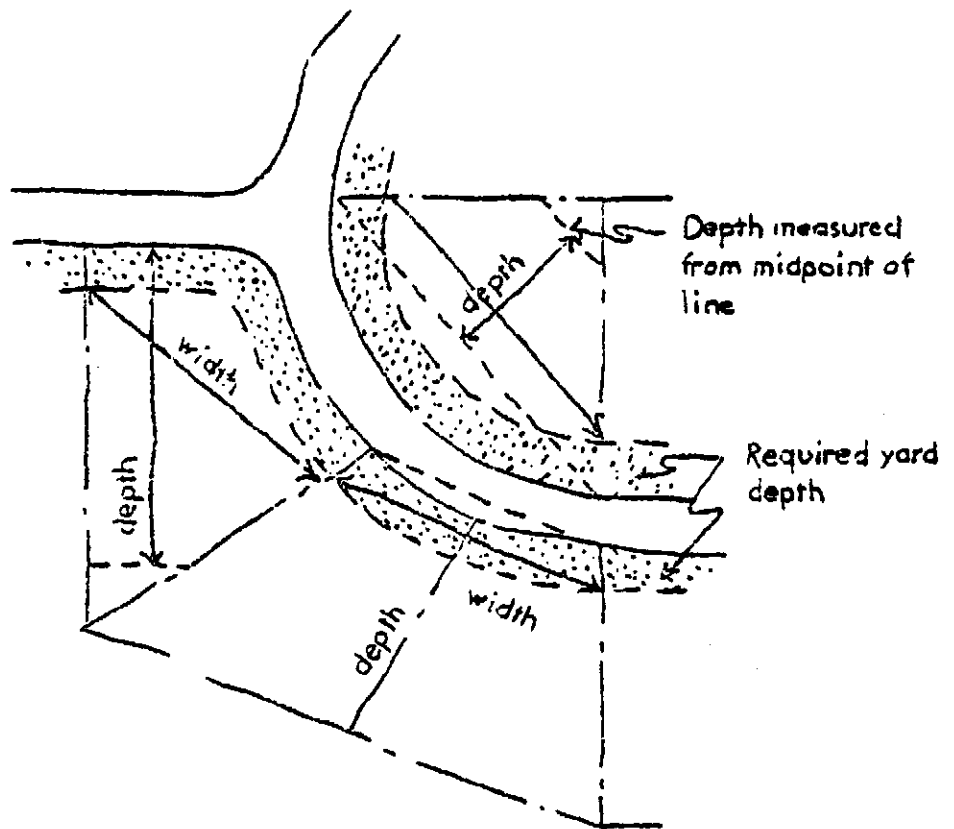
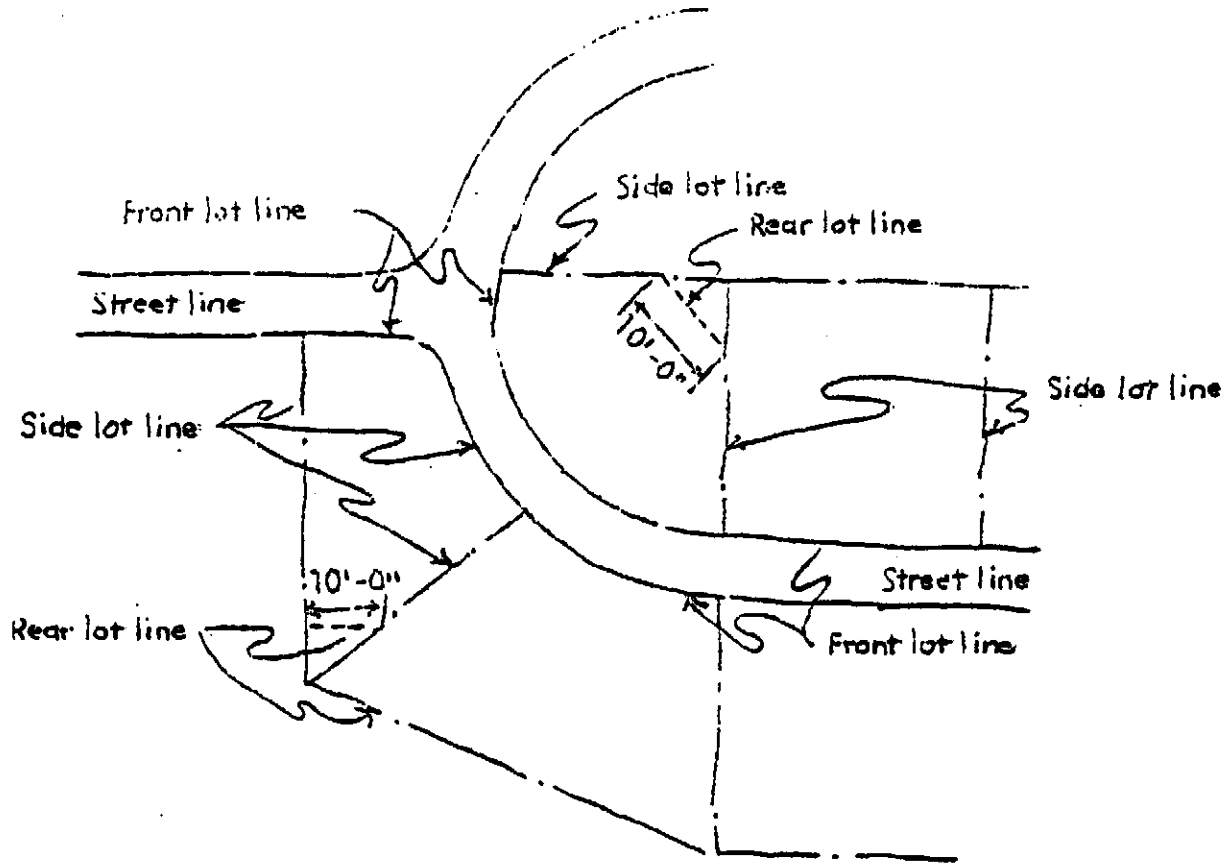
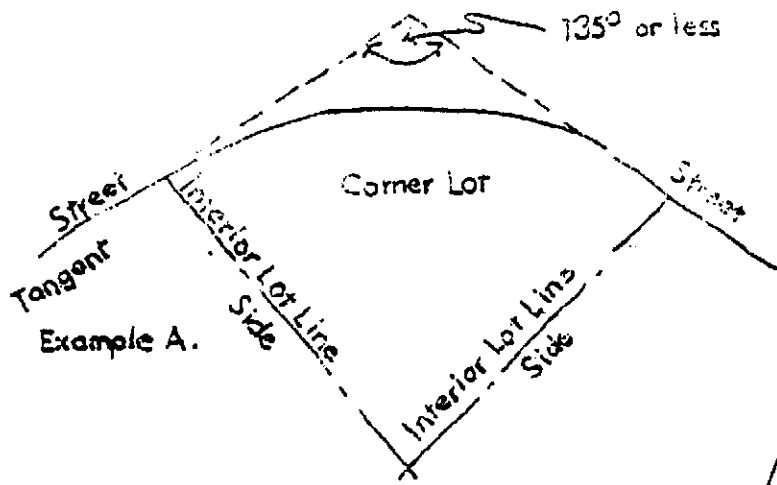
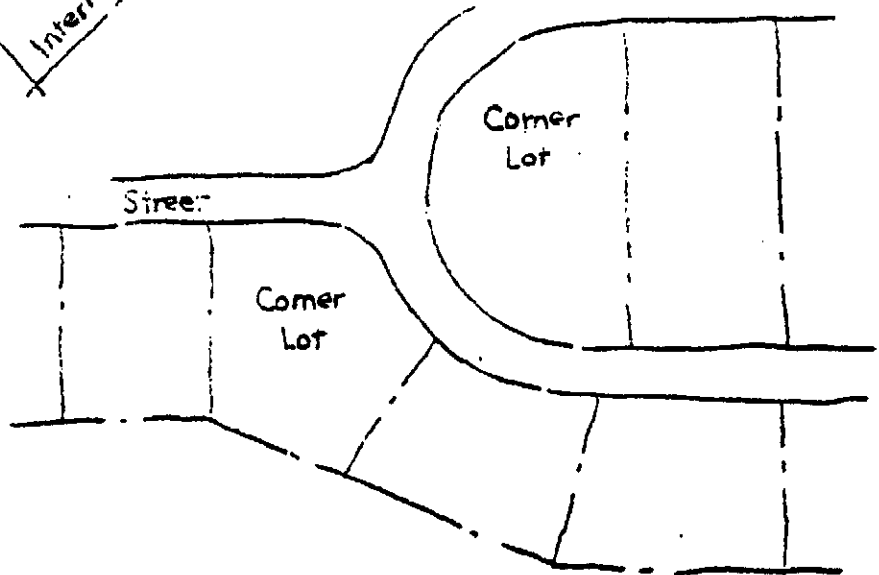


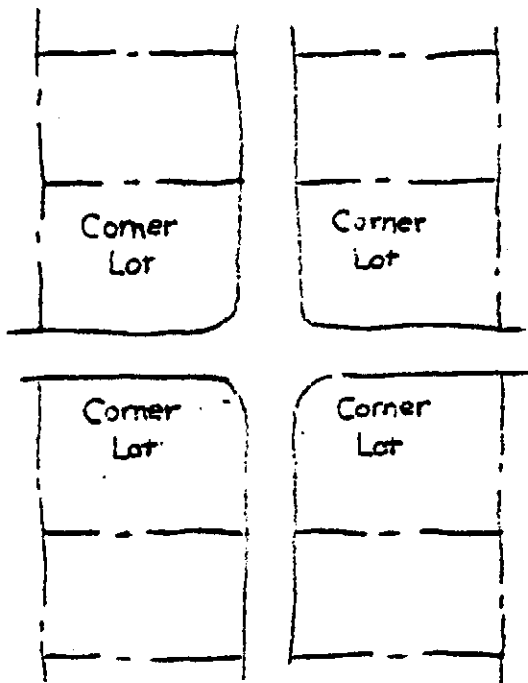
FIGURE 2 CORNER LOTS



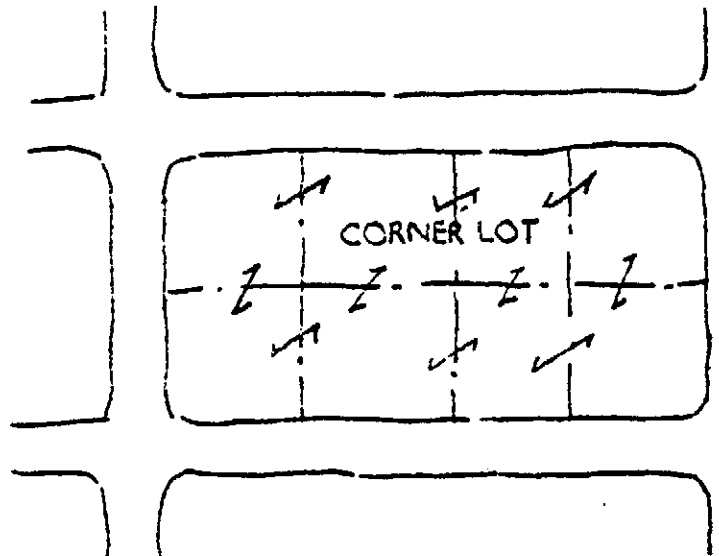
Example A.



Example B.



Example C.



Example D.

FIGURE 3 INTERIOR LOTS

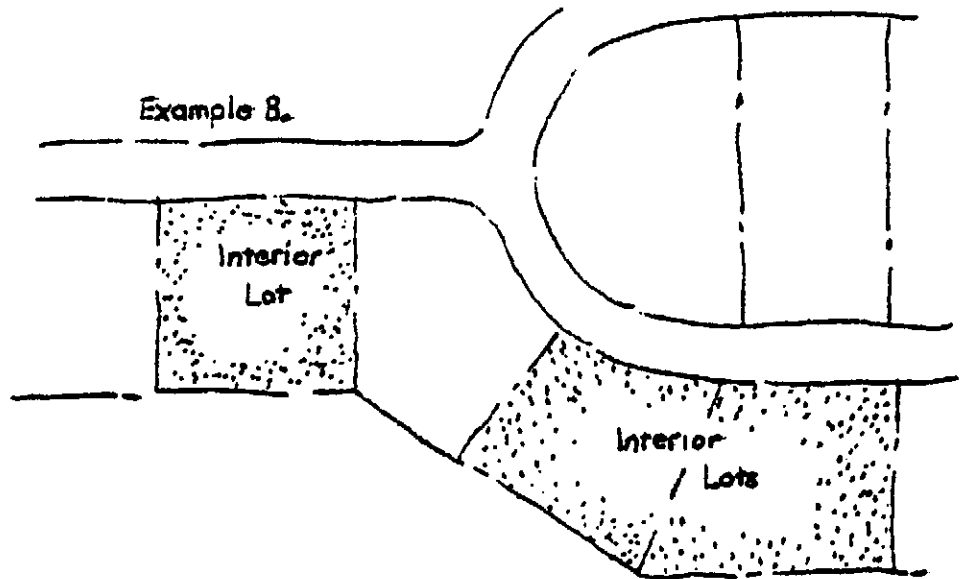
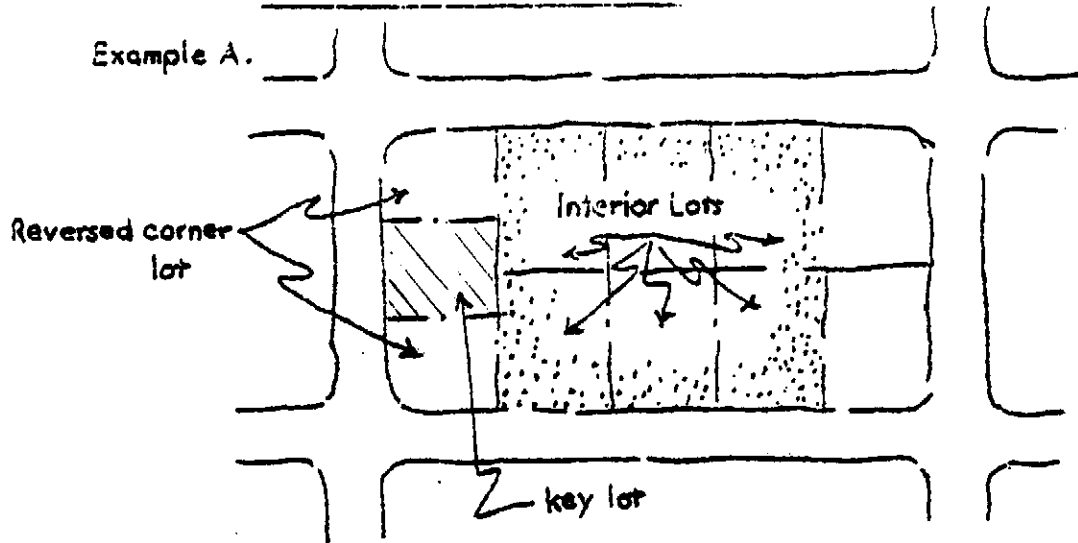
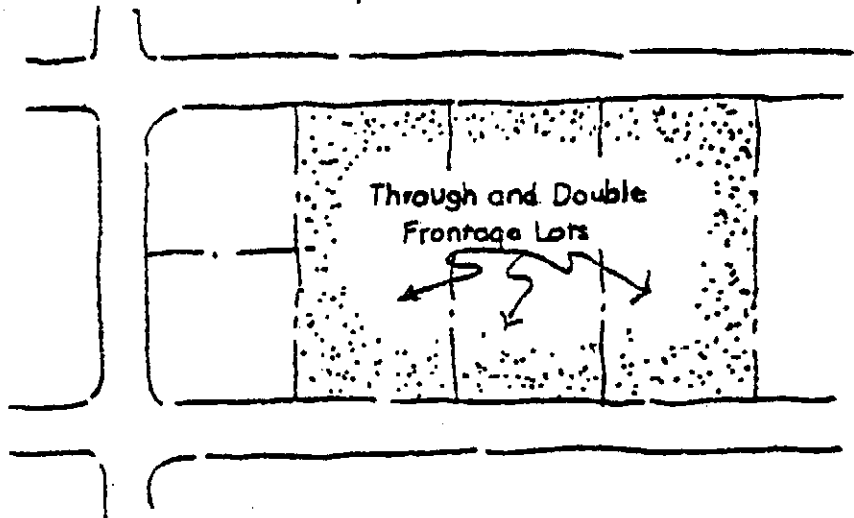


FIGURE 4 THROUGH and DOUBLE FRONTAGE LOTS



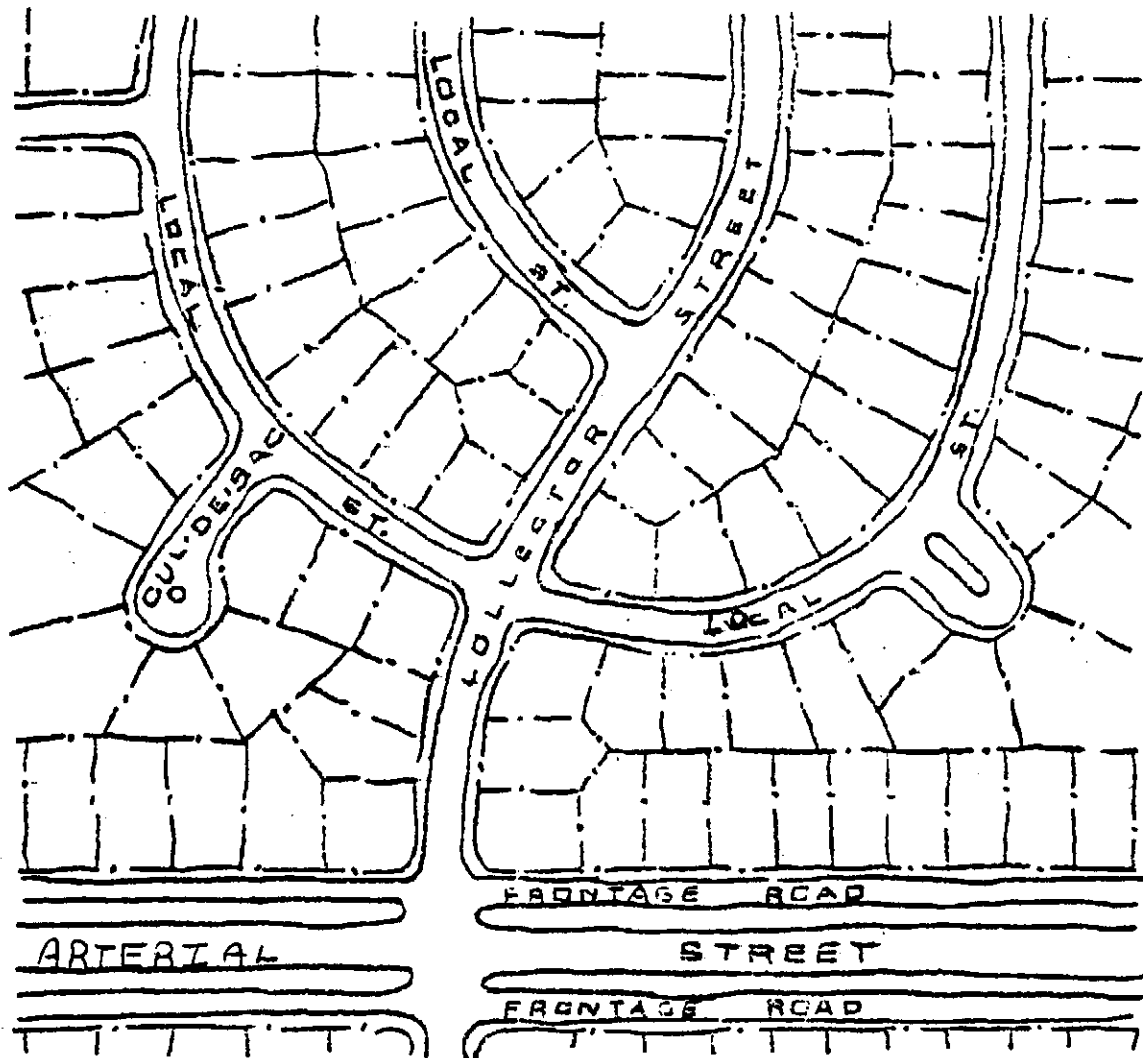


FIGURE 5 SUBDIVISION STREET TYPES

ARTICLE 5

IMPROVEMENTS

Section 5.01 Agreement for Improvements

Before city council approval of a subdivision plat or partition map, the city may require the land divider to either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the city recorder an agreement between himself and the city.

Section 5.02 Specifications

- (A) Submitting Specifications The city council shall cause to have prepared and shall adopt specifications for improvements, including the construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, landscaping, 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 of Dunes City area affected in accordance with the purpose of this ordinance.
- (B) 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.
- (C) Adoption of Specifications Upon adoption by the city council of any such specifications and amendments thereto, as from time to time may be adopted by the city engineer, a copy thereof shall be filed with the city recorder and a copy shall be kept in the office of the city engineer and in the city hall for the use and information of the general public. The city will publish city specifications and typical drawings for sale to the public.

Section 5.03 Water Supply

All lots within the subdivision area shall, where needed as determined by the city council in accordance with the purpose of this ordinance, be served by an approved water supply.

Section 5.04 Sewage

All lots within the subdivision area shall, as determined by the

city council in accordance with the purpose of this ordinance, be served by a sewage system approved by the State Department of Environmental Quality.

Section 5.05 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 of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision area and the benefit of the general public, in accordance with the specifications of this ordinance.

Section 5.06 Street and Alleys

The subdivider shall grade and pave all streets and alleys in the subdivision area to the width specified in Section 6 of this ordinance and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision area in accordance with specifications adopted by the city council under Section 5.02 of this ordinance. Such improvements shall be constructed to specifications of the city of Dunes City.

Section 5.07 Sidewalks

Any sidewalks located and constructed in accordance with the provisions of this ordinance, shall include handicapped ramps at all street intersections.

Section 5.08 Pedestrian Ways

A walk strip not less than 5 feet in width may be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specification adopted by the city council under Section 5.02 of this ordinance.

Section 5.09 Underground Utility and Service Facilities

All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground (in non-metallic conduit) except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.

Section 5.10 Bikeways

The city council shall consider the need for bikeways or bike paths in the subdivision in relation to adopted plans for bikeways in the community and may require installation and dedication by the subdivider. construction shall conform to the specifications adopted by the city council. Bikeways may be built in conjunction with sidewalks and pedestrian ways.

Section 5.11 Street Lights

Developer may be required to install street lights in a pattern fitting the subdivision and according to the specifications of the Central Lincoln Peoples's Utility District.

Section 5.12 Fire Hydrants

Developer is to install suitable fire hydrants meeting city of Dunes City specifications to serve fire flow requirements of the subdivision.

Section 5.13 Performance Agreement

The city council shall consider for approval the final plat or finished plat provided that at the time of submission of such plat or finished plat a petition for improvements as required herein has been properly executed by the subdivider who is effecting the subdivision and will be assessed for said improvements.

ARTICLE 6

FEES

Section 6.01 Fees

- (A) A land divider shall pay an application fee as established by resolution of the city council, which shall be in addition to fees to be paid the county recorder pursuant to ORS 205.350 and other county fees.
- (1) For a subdivision application.
 - (2) For a major partition application.
 - (3) For a minor partition.
 - (4) For a concept review.
- (B) If the final subdivision plat does not fully conform with the approved tentative plan, an additional fee of \$50.00 shall be paid before approval of the plat shall be completed.

ARTICLE 7

MODIFICATIONS AND APPEALS

Section 7.01 Application For Modification

- (A) Time For Submitting Application Concurrently with submitting a tentative plan to the city recorder for initial planning commission consideration, a subdivider may submit to the city recorder an application for a modification of any provision of Article 3, 4, or 5 of this ordinance.
- (B) Contents of Application An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
- (1) Such provision, if strictly applied, would cause unique and unnecessary hardship to such subdivider in subdividing the subdivision area.
 - (2) Modification of such provision would not be contrary to the purpose of this ordinance for the reason that:
 - (AA) Where the application is for a modification of any provision of Article 4 or 5 of this ordinance, unusual topographic conditions or previous layout of the subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the best use and value of property in the neighboring area,
 - or
 - (BB) Where the application is for a modification of any provision of Article 3 of this ordinance, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

Section 7.02 Consideration of Application For Modification

- (A) Time of Consideration Application for a modification shall be considered: (1) At the planning commission meeting at which the tentative plan accompanying the application for a modification is to be considered by the planning commission, and (2) at the subsequent meeting where the

recommendations of the planning commission are considered by the city council. The city council may also consider applications for a modification at their discretion.

- (B) Allowance of Modification If a majority of a quorum of the planning commission determines from such evidence as it deems necessary and competent that the circumstances specified in Section 7.01 of this ordinance have been shown to exist, it shall recommend to the application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of this ordinance. The city council shall take action to accept or deny the modification prior to or in conjunction with its consideration of the tentative plan.
- (C) Effect of Allowance of Modification After the procedure provided in Section 7.01(A) of this ordinance has been duly complied with, the planning commission shall proceed to consider the tentative plan which accompanied the application for such modification. Such consideration shall proceed under the requirements therefore heretofore provided in this ordinance, but the planning commission and subsequently, the city council, if it accepts the modifications, may consider any provision of Article 3, 4, or 5 of this ordinance to be satisfied to the extent and under the conditions and terms of the modifications allowed.
- (D) Refusal to Allow Modification If a modification is not allowed by the city council as provided in Section 7.02(B) of this ordinance, the application for modification shall be deemed to have been denied and the city council shall proceed to consider the tentative plan which accompanied the application for such modification under the requirements therefore heretofore provided in this ordinance.

Section 7.03 Appeals to and Hearings By The Planning Commission and City Council

- (A) Appeal An appeal may be made to the city council by the applicant, interested person or by the city council's own motion if the planning commission does not take action required by this ordinance within 45 days after such plat is so submitted, and the subdivider believes that such action or failure to take action on such plat is erroneous. Such appeal shall be taken no later than 10 days after the planning commission's action or the expiration of such 45-day period, whichever the case may be.
- (B) Notice of Appeal The appeal notice shall be filed in written form with the city council and shall include a

concise statement of the grounds upon which the appellant claims the decision appealed was erroneous.

- (C) The city shall notify the appellant by letter confirming the receipt of the appeal and stating the appeal procedures and date the appeal will be heard by the city council.

ARTICLE 8

REFERENCE TO AND AMENDMENT TO THIS ORDINANCE

Section 8.01 Title of Ordinance

This ordinance shall be referred to as "The Land Subdivision Ordinance of the City of Dunes City, Oregon."

Section 8.02 Specific Provisions

Any portion or provision of the ordinance shall be referred to by the word "Section" and the number of the section of which it is a part, followed by the letters and numerals, separated by hyphens and parenthesis, preceding each of such section's subsequent breakdown of which it is a part. For example, the provision of this ordinance which defines "building line" shall be referred to as Section 1.03-(A)-(1).

Section 8.03 Amendment

In amending any portion of this ordinance, it shall only be necessary to set forth in full, as so amended, the smallest particular breakdown of a section being amended. Identification in the amending ordinance of the portion or provision of this ordinance being amended shall be by the manner of reference provided in Section 8.02 of this ordinance, except that where any breakdown of which such portion or provision is a part has a title, such title shall be included in such reference. A breakdown of a section has a title where the letter or numeral preceding such breakdown is immediately followed by one or more underlined words not constituting a complete sentence. Such reference shall be followed by the proper designation of this ordinance and the words "is amended to read as follows" and the full text of the provision as amended. For example, an amendment to the provision which defines "building line" shall begin:

"Section 1.03 Definitions--(A)--(1) Building Line of the subdivision ordinance of the city of Dunes City, Oregon is amended to read as follows:

(Thereafter setting forth in full the text of the provision as amended).

ARTICLE 9

SEVERABILITY

Section 9.01 Severability

It shall be considered that it is the legislative intent, in the enactment of this ordinance, that if any part of this ordinance is held unconstitutional, or otherwise void, all remaining provisions shall remain in force except:

- (A) Remaining provisions which are so essentially and inseparably connected with and dependent upon the unconstitutional or otherwise void part that it is apparent that such remaining provisions would not have been enacted without the unconstitutional or otherwise void part; and
- (B) Remaining provisions which, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

ARTICLE 10

VIOLATION AND PENALTIES

Section 10.01 Violation and Penalties

A person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$5,000.00, or confinement in the city jail not to exceed 60 days, or both fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed or continued by such person, firm or corporation, and shall be punished accordingly.

Violations of this ordinance may be abated as a nuisance according to procedures set forth in Dunes City Ordinance Number 51, as amended.

ARTICLE 11

ADOPTION

Section 11.01 Adoption

Passed by the Dunes City Council this 14th day of June, 1979.

AYES: NAYES:

MERZ
STROUD
PETERSDORF
TOUT
GWILLIAM
FILLMAN

This ordinance shall take effect on the 30th day after enactment, to wit: on the 14th day of July, 1979.

Approved by the mayor this 15th day of June, 1979.

Shirley M. Merz, Mayor

Attest:

Patricia L. Barber, City Recorder

ARTICLE 11

ADOPTION

SECTION 11.01 ADOPTION

PASSED BY THE DUES CITY COUNCIL, THIS 14TH DAY OF
JUNE, 1979.

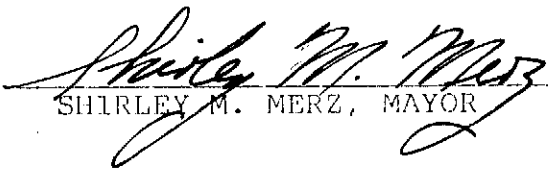
AYES:

NAYES:

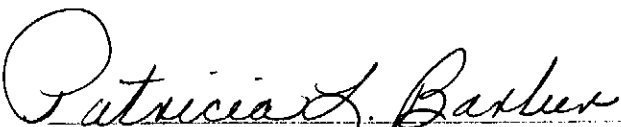
MERZ
STROUD
PETERSDORF
TOUT
GWILLIAM
FILLMAN

THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER
ENACTMENT, TO WIT: ON THE 14TH DAY OF JULY, 1979.

APPROVED BY THE MAYOR THIS 15TH
DAY OF JUNE, 1979


SHIRLEY M. MERZ, MAYOR

ATTEST:


PATRICIA L. BARBER, CITY RECORDER

RESOLUTION NO. 7-12-79

A RESOLUTION ADOPTING SUBDIVISION FEES.

WHEREAS, the Subdivision Ordinance, Ordinance 60, Article 6, Section 6.01, provides that the City Council is to establish fees for the division of land within Dunes City; and

WHEREAS, there are certain direct costs and expenses to the City of Dunes City when land is divided; and

WHEREAS, the City Recorder has advised the City Council as to the fees charged by other municipalities in Western Lane County; and

WHEREAS, a discussion was held by the City Council in public and at a regular City Council meeting; therefore

BE IT RESOLVED, that the City of Dunes City, Oregon, hereby adopts the following schedule of fees for the division of land within the City, and directs the City Recorder to assess all persons applying for land division permits the fees described herein.

Subdivision Application:	
Four (4) lot maximum	\$200.00
Each lot over four (4)	\$ 50.00 each
Major Land Partition	\$ 50.00 per lot
(The original lot being divided to be assessed also.)	
Minor Land Partition	\$100.00
Concept Assistance - per submission	\$ 25.00

APPROVED BY THE CITY OF DUNES CITY, OREGON, this 12th day of July, 1979.

APPROVED BY THE MAYOR OF DUNES CITY, OREGON, this 13th day of July, 1979.

1st S.M.M.

Shirley M. Merz
Mayor

ATTEST:

Patricia L. Barber

Patricia L. Barber
City Recorder