

ORDINANCE NO. 325

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AN ORDINANCE PROVIDING SUBDIVISION STANDARDS AND PROCEDURES

The City of Brookings ordains as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Purpose. The purpose of this ordinance is to establish standards and procedures for the partitioning of land within the City of Brookings. These regulations are necessary in order to provide uniform procedures and standards for the subdivision of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; and in general to protect the public health, safety and welfare.

Section 1.020. Scope of Regulations

(1) Subdivision plats and streets or ways created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide land or to partition land by creation of a street or way shall submit preliminary plans and final documents for approval as provided for in this ordinance and state law.

(2) Subdivisions shall also conform to any comprehensive plan and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of state law and the standards established by this ordinance.

Section 1.030. Definitions. Unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings:

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

(2) City. The City of Brookings, Oregon.

(3) City Manager. City Manager, as designated by the City Council, for the City of Brookings.

(4) Comprehensive plan. A plan adopted by the planning commission as a guide for the growth and improvement of the city, including modifications or refinements which may be made from time to time.

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

(6) Lot. A parcel of land intended as a unit for transfer of ownership or for development.

(a) Corner lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the two adjacent streets does not exceed 135 degrees.

(b) Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(7) Pedestrian way. A right-of-way for pedestrian traffic.

(8) Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

(9) Planning commission. The planning commission of the City of Brookings, Oregon.

(10) Plat. The map or plan of the subdivision that is presented for approval.

(11) Right-of-way. The area between boundary lines of a street or an easement.

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

(13) Sidewalk. A pedestrian walkway with permanent surfacing.

(14) Street. A public right-of-way for vehicular and pedestrian traffic.

(a) Alley. A narrow street through a block primarily for access by service vehicles to the back or side of properties fronting on another street.

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

(c) Collector. A street supplementary to the arterial street system and a means of intercommunication between the system and smaller areas; used partly by through traffic and partly for access to abutting properties.

(d) Cul-de-sac (dead-end street). A short street with one end open to traffic and the other terminated by a vehicle turn-around.

(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) Minor street. A street intended primarily for access to abutting properties.

(15) Subdivide land. To partition any tract or registered parcel or plat of land into four (4) or more units or lots for the purpose, whether immediate or future, of transfer of ownership or for building development, including all changes in street and lot lines.

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

(17) Subdivider. A person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

(18) Minor land partition. A partition of land consisting of no more than three (3) lots that are subject to approval by the City, and that does not include the creation of a road or street.

ARTICLE 2. PLAT APPROVAL PROCEDURE

Section 2.010. Background Information. The city manager shall make available to a subdivider such background information as may be on file relating to the general area of a proposed subdivision and to any comprehensive plans the city may have for development in the area. The subdivider shall also be advised of the design and improvement standards and other requirements established by the city in connection with the review and approval of plats.

Section 2.020. Tentative Sketch. A subdivider shall submit a sketch to the city of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation with the city manager, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

Section 2.030. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat and other supplementary material as may be required in Sections 3.010 to 3.050 of these regulations to indicate the general program and objectives of the project, and shall submit ten (10) copies of the preliminary plat at least 15 days prior to the planning commission meeting at which consideration of the plat is desired.

Section 2.040. Preliminary Review of Proposal.

(1) Upon receipt, the city manager shall furnish one copy of the preliminary plat and supplementary material to all city departments and each of the following agencies: the county health department; the county surveyor; the county assessor; the Coos-Curry Electric Cooperative; and the state highway department, if the plat is within 500 feet of a state highway. These agencies shall be given at least ten (10) days to review the plat, suggest revisions, and return the plans to the city with reports. The city departments shall include their reviews in a staff report to the planning commission.

(2) The subdivider shall be responsible for full payment of engineering services for the reviewing of preliminary and final subdivision plats, according to the provisions of Brookings Ordinance No. 297.

Section 2.050. Preliminary Plat Approval.

(1) Within forty (40) days from the first regular planning commission meeting following submission of the proposed plat, the planning commission shall review the plan of the plat and the reports of appropriate officials and agencies.

(2) After receiving city manager staff report approval, the planning commission may approve the preliminary plat as submitted or as it may be modified. If the planning commission does not approve the plat, it shall express its disapproval and its reasons therefor.

(3) Approval of the preliminary plat shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.

(4) The action of the planning commission shall be noted on three copies of the preliminary plat, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, one copy shall be submitted to the engineering department, and the other shall be retained by the planning commission.

Section 2.060. Subdivision Construction.

(1) The subdivider shall not proceed with construction of subdivision improvements until after preliminary plat approval and after the City Council has approved all of the following construction plans:

- (a) Streets and ways
- (b) Storm sewer
- (c) Water
- (d) Sanitary sewer
- (e) Electrical supply and street lighting

These construction plans shall be submitted as a complete package for review by the engineering department and approval by the City Council.

(2) Approval of improvement construction plans shall not constitute or imply the issuance of building, electrical or mechanical permits, or any other permit required prior to the initiation of construction.

(3) Prior to receiving final City Council approval to start construction, the subdivider shall deposit with the City of Brookings an amount of money as determined by the City Council to cover the cost to the city for construction inspection, engineering, and other costs associated with construction of subdivision improvements.

(4) Utility services from buildings shall not be connected until utility lines are completed and approved and accepted by the City Council.

Section 2.070. Submission of Final Plat

(1) Within twelve (12) months after approval of the preliminary plat, the subdivider shall prepare a final plat in conformance with the approved preliminary plat and with the provisions of this ordinance. The subdivider shall submit the original drawing as required by ORS 92.120 and any supplementary information to the city manager at least seven (7) days prior to the planning commission meeting at which consideration of the plat is desired.

(2) If the subdivider wishes to proceed with the subdivision after the expiration of the 12-months period following approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revisions considered necessary to meet changed conditions.

Section 2.080. Review of Final Plat.

(1) Upon receipt of the final plat and accompanying data, the city manager and engineering department shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there has been compliance with provisions of state law and of this ordinance. The city may make checks in the field to verify that the map is sufficiently correct on the ground, and city representatives may enter the property for this purpose. Certifications of the county surveyor shall be used to determine that the map and survey are technically correct.

(2) If it is determined that there has not been full conformity, the city manager shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If it is determined that full conformity has been made, the city manager shall so certify.

(3) Prior to receiving final City Council approval to start construction, the subdivider shall deposit with the City of Brookings an amount of money as determined by the City Council to cover the cost to the city for construction, inspection, engineering, and other costs associated with construction of subdivision improvements.

Section 2.090. Approval of Final Plat.

(1) If the city manager determines that the final plat conforms with the approved preliminary plat and all applicable regulations, and all streets have been completed or fulfills the requirements of Sections 2.100 and 2.110, the chairman of the planning commission and the city manager may then sign the plat without further action by the planning commission. If the final plat without further action by the planning commission. If the final plat is not in full conformance, it shall be submitted to the planning commission.

(2) If the final plat is referred to the chairman of the planning commission for signature without submission to the planning commission, the chairman may elect to submit the plat to the planning commission for further review.

(3) When submitted to the planning commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the planning commission, the action shall be reported to the planning commission at the next regular meeting.

(4) In the absence of the chairman, his duties and powers with respect to action on final plats shall be vested in the vice chairman.

(5) Approval of a final plat shall not constitute or effect an acceptance by the city of the dedication of any street or other easement or way shown on the plat.

Section 2.100. 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 manager an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 2.110. 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 attorney.

(2) Such assurance of full and faithful performance shall be for a sum as sufficient to cover the total estimated cost of the improvements and repairs, including related city expenses. The estimate shall be based upon a completed and approved set of construction plans, and shall include the estimated costs of engineering, inspection and incidental expenses, and the replacement and repair of existing streets and other public improvements which may be damaged in the development of the subdivision. The estimate shall be subject to City Council approval.

(3) If the subdivider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond for reimbursement. If the amount of the bond exceeds the cost and expense incurred by the city, the city shall release the remainder. If the amount of the bond is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

Section 2.120. Filing of Final Plat. The subdivider shall, without delay, submit the final plat for signatures 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 signature has been obtained.

ARTICLE 3. INFORMATION ON PRELIMINARY PLAT

Section 3.010. Scale. The preliminary plat shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 100 feet or for areas over 100 acres, one (1) inch equals 200 feet.

Section 3.020. General Information. The following information shall be shown on the preliminary plat:

(1) Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the planning commission.

(2) Northpoint and scale of drawing.

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

(4) Location of the subdivision, including a vicinity map, sufficient to define the location and boundaries of the proposed tract.

(5) A suitable title block showing the names and addresses of the owner, subdivider, and engineer or surveyor and date of drawing.

Section 3.030. Proposed Plan of Land Partitioning. The following information shall be included in the preliminary plat.

(1) The location, width, names, grades, and radii of curves of streets. The relationship of streets to any projected streets as shown on any comprehensive plan, or, if no comprehensive plan has been adopted, as may be suggested by the planning commission in order to assure adequate traffic circulation.

(2) The location, width and purpose of easements.

(3) The location and approximate dimensions of lots and the proposed lot and block numbers.

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

(5) Names of the record owners of all contiguous land.

Section 3.040. Existing Conditions. The following existing conditions shall be shown on the preliminary plat, or, if impractical to show on land partitioning plat, on a separate drawing or overlay.

(1) The location, width, and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, corners, city boundary lines and monuments.

(2) Contour lines related to one or more established and approved city bench mark and having minimum intervals as follows:

(a) For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed, and with two (2) foot contour intervals.

(b) For slopes from five (5) to 20 percent: five (5) foot contour intervals.

(c) For slopes of over 20 percent: ten (10) foot contour intervals.

(3) The location of at least one (1) temporary bench mark within the plat boundaries.

(4) The location and direction of water courses and the location of areas subject to flooding.

(5) Setback lines, if any, proposed by the subdivider.

(6) Existing topography and right-of-way lines shall be shown for at least 50 feet beyond limits of subdivision, and for at least 200 feet beyond limits of subdivision in existing or proposed streets.

Section 3.050. Supplemental Information. The following proposed plans or information shall supplement the plan of land partitioning.

(1) If the subdivision plat pertains to only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

(2) An area plan, showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets and utilities may be extended to connect existing streets and utilities.

(3) The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, electric lines, street lights, and hydrants.

(4) Proposed deed restrictions, if any, in outline form.

(5) Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction, including curbs, gutters and sidewalks.

(6) A proposed general plan for all utilities including storm sewers, water, sanitary sewers and electrical service and street lighting. This plan shall show at least the following proposed information:

(a) The plan location of all utility lines and trenches

(b) Pipe sizes for storm sewers, water lines and sanitary sewers

(c) Manhole locations

- (d) Fire hydrant and other major water line appurtenance locations
- (e) Elevations of major utility line appurtenances
- (f) Disposition of storm drainage
- (g) Street light locations
- (h) Electrical conduit and transformer locations

ARTICLE 4. INFORMATION ON CONSTRUCTION PLANS

Improvement work shall not be commenced until construction plans have been reviewed for adequacy and approved by the City Council. All plans shall be prepared in accordance with requirements of the city and shall be prepared by or under the direction of an engineer registered in the State of Oregon.

Section 4.010. Drawings. Street and utility construction plans shall be drawn on 24" x 36" standard plan-profile sheets. Minimum horizontal scale is 1" = 100' and minimum vertical scale is 1" = 10' .

Section 4.020. General Information. All construction plans, as required in Section 2.060, shall contain the following information:

- (1) A vicinity map and a general layout map of the subdivision showing the location of existing facilities and the proposed improvements.
- (2) North point and scale.
- (3) A suitable title block shall be used showing name and address of subdivider, title of sheet, date, drawing number, name and address and registration stamp of the engineer.
- (4) Location of existing topography, including culverts, streams, pavement, surface obstructions and all above-ground and underground utilities.
- (5) Adjacent streets and right-of-way lines, lot lines, easements, centerlines, street widths, adjacent utility lines and drainage ways.
- (6) A cross-section trench detail showing underground utility line placement with respect to all other buried utility lines.
- (7) Street plans should be separate from utility plans, but all plans should retain the same plan and profile configuration for ease of comparison. Utility profiles should show finished street centerline elevations, or other finished elevation profiles where utilities may be located out of street curb lines.

Section 4.030. Specific Information.

- (1) Street(s) plan/profile shall show at least the following information:
 - (a) Location of proposed street rights-of-way with respect to lot property lines, subdivision boundaries and existing streets.
 - (b) Street right-of-way widths, centerline (including bearings) with stationing, all horizontal and vertical curve data, street names, and curb locations.
 - (c) Profile of finished street centerline, with existing ground elevations. Both right and left top-of-curb profiles with top-of-curb elevations and existing ground elevations.
 - (d) Stationing for beginning and end of curb points on street centerlines and on face of curbs.

- (e) Required paving and/or repairs, notes and details.
 - (f) A street cross-section detail showing proposed improvements.
- (2) Storm sewer plan/profile shall show at least the following information:
- (a) Location of all proposed storm sewer manholes, lines and appurtenances. Manholes shall be numbered and stationed using numbers compatible with existing system(s).
 - (b) Profile of proposed storm sewer lines and manholes including diameter, slope, horizontal length and type of pipe between consecutive manholes.
 - (c) Elevation of finished grade and inverts of each storm sewer manhole.
- (3) Sanitary sewer plan/profile shall show at least the following information:
- (a) Basic details in (2)(a) through (c), above.
 - (b) Location, elevation and details of all appurtenances and special equipment, such as lift-stations and wet-wells.
 - (c) Details of protective, heated buildings for housing any required electrical controls and/or standby generating facilities.
 - (d) Service or house lateral plan locations and stationing, plus a typical installation detail.
- (4) Water line plan profile shall show at least the following information:
- (a) Location of all proposed water lines, air-release valves, blow-offs, valves and other appurtenances.
 - (b) Profile of proposed water lines including diameter, slope, horizontal length and type of pipe.
 - (c) Elevation of finished grade and inverts at vertical changes of direction, appurtenances and connections. Appurtenance installation locations shall be stationed.
 - (d) House service and water meter plan locations and stationing.
- (5) Electrical plan shall show at least the following information:
- (a) Location of all proposed primary and secondary lines, transformers, pedestal-type connection points, conduit size and length, power source connections and street light circuits and controls.
 - (b) Location in trench section detail (including proposed telephone and/or television transmission lines).

Section 4.040. Start of Construction. Work shall not be commenced until the city has been notified at least 48 hours in advance and, if work has been

discontinued for any reason, it shall not be resumed until the city has been notified.

Section 4.050. Inspection. Required improvements shall be inspected by and constructed to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Sewer and water systems shall be approved by the city manager prior to final hookup.

Section 4.060. House Services. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to street or easement right-of-way lines, and to lengths that will avoid the need to disturb street improvements when service connections are made. Secondary power lines, phone and TV cables shall be constructed to each lot.

Section 4.070. As-Built-Plans. As-built plans of subdivision, tracts of land and all land developments where public utilities, streets, curbs and sidewalks are built within the said project shall be furnished by the subdivider's project engineer to the city. The as-built plans shall contain two sets of plans, one being a reproducible copy and one a blueprint copy of the total project. The as-built plans shall be furnished to the city as soon as possible after completion of construction, but no later than 60 days from completion of the project. The city will not allow hook-ups to the water or sewer system, until as-built plans are furnished.

ARTICLE 5. INFORMATION ON FINAL PLAT

Section 5.010. Scale. The final plat shall be drawn to a scale of not more than one (1) inch equals 100 feet.

Section 5.020. General Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat.

- (1) Name of the subdivision.
- (2) The date, scale, northpoint, legend, controlling topography and hydrography, and existing cultural features such as highways.
- (3) Legal description of the tract boundaries.
- (4) Name of the owner, subdivider, and engineer or surveyor.
- (5) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) City boundary lines when crossing or adjacent to the subdivision.
 - (d) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- (6) The exact location and width of streets and easements intersecting the boundary of the tract.
- (7) Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks may be used.
- (8) The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the street center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- (9) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to 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 certificates of dedication.

(10) Lot numbers beginning with the number "1" should be numbered consecutively in each block.

(11) Block numbers beginning with the number "1" should continue 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.

(12) Identification of land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

(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 recording of the plat.

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

(c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.

(d) Other certifications now or hereafter required by law.

Section 5.030. Supplementary Information with Final Plat.

(1) Names and addresses of the owner, subdivider, engineer or surveyor.

(2) Sheets and drawings showing the following:

(a) Traverse data of the subdivision showing the error of closure, if any, and ties to section corners and donation land claim corners.

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

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

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

(4) A copy of any dedication requiring separate documents.

(5) A certificate by the city manager 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

ARTICLE 6. APPROVAL OF STREETS AND WAYS

Section 6.010. Creation of Streets.

(1) The creation of streets shall be in conformance with requirements for subdivision except, however, the planning commission shall approve the creation of a street to be established by dedication without full compliance with the regulations applicable to a subdivision if any of the following conditions exist:

(a) The establishment of the street is initiated by the city 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 such size and condition as to make it impractical to develop more than three (3) lots.

(2) In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed dedication together with a map, drawn to scale showing the proposed alignment and grade of the street and all parcels abutting the street shall be submitted to the city manager at least ten (10) 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 7.010 to 7.060 of these regulations, shall be approved with such conditions as are necessary to preserve these standards.

Section 6.020. Creation of Ways.

(1) An easement of way providing access to property and which is created 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 in a subdivision or as provided in Section 6.010 of these regulations, except that a private easement of way to be established by dedication without full compliance with these regulations shall be approved by the planning commission if it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access.

(2) A copy of the proposed document to create the easement together with a map, drawn to scale, showing the proposed alignment and grade of the way and all parcels abutting the way, shall be submitted to the city manager at least ten (10) days prior to the planning commission meeting at which consideration is requested. The document and such information as may be submitted shall be reviewed by the planning commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

ARTICLE 7. DESIGN STANDARDS

Section 7.010. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall either:

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

(b) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where physical conditions make continuance or conformance to existing streets impractical.

(2) Minimum street widths. The width of streets and roadways shall be adequate to fulfill city specifications as provided by the city manager and, unless otherwise indicated on a comprehensive plan, shall not be less than the minimums shown in the following table:

<u>Type of Street</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Width Face of Curb to Face of Curb</u>
Arterial	80'	44'
Residential	56'	40'
Turn-around radius at end of cul-de-sac	56'	40'
Commercial or Industrial	60-80'	44'
Alley	20'	

Additional side slope easements may be required for cuts and fills in areas with rough terrain. Where existing conditions such as the size or shape of land parcels make it otherwise impractical to provide buildable lots, the planning commission may accept a narrower right-of-way, ordinarily not less than 50 feet.

(3) Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

(4) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof.

Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

(5) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without objectives of street extensions.

(6) Intersections.

(a) Streets shall be laid out to intersect at angles as near to right angles as practical, but in no case shall the angle be less than 60 degrees. The intersection of arterial or residential streets with other arterial or residential streets shall have at least 100 feet of center line tangent adjacent to the intersection. Other streets, except alleys, shall have at least 50 feet of center line tangent adjacent to the intersections.

(b) The property line at each block corner shall be rounded with a curve adequate to allow a radius of not less than 20 feet of the face of curb. A greater curb radius and block corner radius may be required if streets intersect other than at right angles.

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

(8) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of this ordinance, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be planned within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(9) Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and may be longer in cases where unusual circumstances exist. A cul-de-sac shall terminate with a turn-around and a minimum corner radius of 20 feet is required at curb returns.

(10) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to the established pattern in the city, and shall be subject to the approval of the planning commission.

(11) Curves. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors, or 100 feet on minor streets, and shall be designed to an even 10 feet.

(12) Paving. Streets shall be paved in accordance with minimum standards for street sections as issued by the city manager.

(13) Grades. Grades shall not exceed seven (7) percent on arterials, ten (10) percent on collectors or 12 percent on minor streets. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the planning commission may accept steeper grades.

(14) Street Section Standards. Minimum standards for street sub-grade, base and leveling course materials and depths will be issued by the city manager.

(15) Curb ramps. Curb ramps for the physically handicapped shall be placed at each corner or crosswalk. The slope shall be no more than 1 in 8, width not less than 48" with sides flared 24". Vertical level changes greater than $\frac{1}{2}$ " will not be permitted.

Section 7.020. Blocks.

(1) Size and width. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street, or the location of adjoining streets justifies an exception. Blocks shall have a sufficient width to provide for two tiers of lots.

(2) Easements.

(a) Utility lines. Easements for sewers, water mains, electric lines, or other public facilities shall be dedicated whenever necessary. The easements shall be at least 15 feet wide and be located along front or street lot lines, when possible. Utility pole tieback easements may be reduced to six feet in width.

(b) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose.

(c) Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks. Pedestrian ways shall have at least ten (10) feet of width; a sidewalk not less than six feet wide shall be installed in the center of pedestrian ways.

Section 7.030. Lots.

(1) Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. Lot depth shall not be less than 65' nor exceed two and one half ($2\frac{1}{2}$) times the average width. These minimum standards shall apply:

(a) The minimum lot area shall be 6,000 square feet when a lot is served by both a public water supply system and a public sewerage disposal system.

(b) The minimum lot area shall be 43,560 square feet when a lot is served by neither a public water supply system nor a public sewerage disposal system, or in compliance with the County Health Code.

(c) The minimum lot width at the front building line shall be 60 feet for an interior lot and 70 feet for a corner lot when a lot is served by both a public water supply system or a public sewerage disposal system.

(d) The minimum lot width at the front building lines shall be 150 feet when a lot is served by neither a public water supply system nor a public sewerage disposal system.

(e) Depth and width of properties reserved or laid out for commercial and industrial purposes shall provide for off-street parking and service facilities required by the type of use contemplated, and shall conform to the City Zoning Ordinance for off-street parking requirements.

(2) Access. Except as modified in Section 6.020, every lot shall abut upon a street, other than an alley, for a width of at least 25 feet.

(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 7.040. Building Lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restrictions.

Section 7.050. Monuments. Monuments shall be installed in accordance with ORS 92.060.

Section 7.060. Large Lot Subdivision.

(1) In subdividing tracts into large lots which at some future time are likely to be resubdivided, the planning commission may require that the blocks shall be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

(2) When a land owner applies to the City Planning Commission for permission to partition land in any given calendar year for development purposes, the following shall apply:

(a) Upon receipt of permission to partition land, the property owner shall be required to sign a waiver of protest to street improvements with a duration of ten (10) years from date of issuance.

This waiver shall apply only to those properties that abut city street right-of-ways.

(3) When the same land owner or a new land owner applies for permission for additional partitioning of the original parcel, the following shall apply:

(a) The original parcel shall be considered a subdivision and all requirements of the city's subdivision ordinance shall be met.

(b) All streets, drives, cul-de-sacs or traffic access-ways shall be developed in the manner prescribed in this ordinance and, further that,

(c) When the city does not provide those engineering specifications relating to street widths, elevation, drainage requirements, area development, sewer/water facilities, etc., then the individual owner/owners shall sign a statement of Waiver of Protest that binds their heirs, or assigns, for a period of ten (10) years from date of signing.

(4) When a property owner within the City of Brookings applies for a building permit for the construction of a residential or a commercial structure on a single lot that abuts unimproved streets or right-of-ways the owner shall be required to sign a statement of Waiver of Protest to street improvement assessments with a duration of ten (10) years from date of issuance of the building permit.

Section 7.070. Land for Public Purposes. If the city has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the city has been advised of such interest by another public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the planning commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed two (2) years.

Section 7.080. Curbs, Gutters and Sidewalks. Improvements shall include provision for curbs, gutters and sidewalks on both sides of the streets, constructed according to Sections 9 through 13 of Brookings Ordinance No. 73.

(1) Sidewalk width shall be 5' with 3' green area. The planning commission shall determine when sidewalks of lesser widths should be allowed.

(2) Where, in order to maintain required existing street width, the property does not have adequate dimensions for a sidewalk on both sides, a sidewalk

on one side only may be provided.

(3) **Individual Residential Construction.** In a subdivision where properties are being sold to private individuals prior to any construction of housing units, there is the unknown location of the driveway entrance; therefore:

(a) The individual owner shall sign a statement of responsibility providing the city the assurance of that owner's constructing the sidewalk and driveway entrance to city specifications prior to an occupancy certificate's being granted to the owner.

The Building Department will provide such form and will include this within the building permit process.

Section 7.090. Storm Sewers.

(1) The size of storm sewers shall be designed on the basis of a flood frequency of ten (10) years.

(2) Minimum diameter pipe for underground storm sewers and storm drainage culverts shall be 12 inches.

(3) Storm sewers installation shall comply with the provisions of Brookings Ordinance No. 293, regarding the use of Oregon Chapter APWA Standard Specifications.

(4) Storm sewer velocities shall be no less than 3 feet per second nor more than 10 feet per second, flowing full.

(5) A drop of 0.25 feet will normally be provided through every manhole invert.

(6) Manholes shall be provided at the following locations.

(a) Every change in pipe grade or manhole.

(b) Every point of change in pipe size or elevation.

(c) Every intersection or junction of storm sewers.

(d) The upper end of all lateral storm sewers.

(e) Maximum distance between manholes shall be 500 feet.

(7) **Curb Inlets**

(a) Curb inlets shall be used to collect storm water from curb gutters. Connections to the storm sewer shall be of 12 inch pipe, and may be made by a tee fitting.

(b) The quantity of water received at the inlet shall not exceed the capacity of the inlet.

(c) Maximum height of curb inlet opening shall be six inches.

(8) Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

Section 7.100. Sanitary Sewers.

(1) Sanitary sewer design and installation shall comply with the standards of the State of Oregon Department of Environmental Quality, and the provisions of Brookings Ordinance No. 293, regarding the use of Oregon Chapter APWA Standard Specifications. Transite pipe or equivalent shall be required.

Section 7.110. Water Supply.

(1) Water supply. All lots within a subdivision shall be served by a public domestic water supply system conforming to city specifications.

(2) Water lines shall comply with the standards set forth in OAR Chapter 333, Sections 42-200 through 42-245, by the Oregon State Health Division.

(3) Fire hydrant spacing shall not exceed 500 feet in residential subdivisions and 300 feet in commercial/industrial subdivisions.

Section 7.120. Electrical.

(1) Design and installation of electrical power conducting circuits shall conform to the standards of the National Electrical Code, latest edition, and the National Electrical Safety Code, latest edition.

(2) Electrical power cables shall not be placed in the same trench with other non-electrical utilities.

Section 7.130. Street Lighting.

(1) Street lights shall be pedestal-mounted concrete or metal standards, a height and type approved by the City of Brookings, and the Coos-Curry Electrical Cooperative. All standards and fixtures in a given subdivision shall be by the same manufacturer and be the same style.

(2) Street light locations shall follow the recommendations of the Illuminating Engineer's Society Handbook, latest edition. Illumination shall be as uniform as practicable, and comply with IES Recommendations for Average Maintained Horizontal Illumination.

(3) Wiring for street lighting shall be underground.

(4) Luminaires shall be designed to illuminate the roadway and sidewalks and shall be shielded so as not to project light on private property. Luminaires shall be a high-efficiency light source, such as mercury vapor, high-pressure sodium or low pressure sodium. Incandescent lamps are not approved.

(5) The complete fixtures shall be UL listed as "Suitable for Wet Locations" and shall be NEMA Class GP or HDB.

(6) Control of street lights shall be by integrally mounted photocell units, easily replaceable for maintenance purposes.

(7) Light standard mounting shall be according to manufacturer's requirements. Fixtures shall be complete in all respects including lamps. Engineering and maintenance data on the standards, fixtures and lamps shall be furnished to the City of Brookings with 'As-Built' plan submittal.

Section 7.140. Off-Site Improvements of Subdivision Projects.

(1) When properties of a subdivision abut city streets, accessways, cul-de-sacs, or right-of-ways for traffic purposes, the following requirements shall be met:

(a) Curbs and sidewalks shall be constructed by the developer to standard specifications provided by the city.

(b) The city shall require adequate, approved drainage systems along street right-of-ways and shall require that minimum pipe size for any approved drainage system shall be no less than (12") twelve inches in diameter.

(2) When the city does not provide specific engineering data required for the location of curb lines and elevations of final street grades, water drainage specifications and other pertinent information, then the following shall be required:

The owner/owners of those perimeter properties of a subdivision that are affected by this Article shall sign a waiver of protest to assessments arising from street improvement projects during a period of 10 years from date of signature that binds their heirs and assigns. The city will provide said forms.

ARTICLE 8. EXCEPTIONS AND VARIANCES

Section 8.010. Exceptions in Case of Large Scale Development. The planning commission may modify the standards and requirements of this ordinance if the subdivision plat comprises a complete neighborhood unit, a large-scale shopping center, a recreational-resort complex, a planned industrial area, or similar development. The planning commission shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

Section 8.020. Variance Application. When necessary, the planning commission may authorize variances to the requirements of this ordinance. Application for a variance shall be made by petition of the subdivider, stating fully the grounds for the application. The petition shall be filed with the preliminary plat and shall be considered by the planning commission along with the preliminary plat.

Section 8.030. Conditions for Granting a Variance. Before a variance may be granted, the planning commission shall first determine that all of the following conditions exist:

(1) That there are special 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 variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity.

Section 8.040. Burden of Proof. The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the comprehensive plan and to applicable provisions of this ordinance, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

1. Mistake in the original designation or provision.
2. Change of conditions within the vicinity in which the development is proposed.

Section 8.050. Planning Commission Action on Variances. In acting to grant, modify, or deny a variance, the planning commission shall make a written record of its findings and shall specifically describe the variance and any conditions which the commission may designate, based upon a finding of fact statement submitted by the applicant. The secretary of the planning commission shall keep the findings on file as a matter of public record.

ARTICLE 9. GENERAL PROVISIONS

Section 9.010. Appeal.

(1) A person may appeal to the city council from a decision or requirement made by the planning commission. Written notice of the appeal must be filed with the city manager within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(2) The city council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing the council may overrule or modify the decision or requirement made by the planning commission, taking into account a finding of fact statement by the applicant, if the decision of the council complies with the spirit and intent of the ordinance. The disposition of the appeal shall be final.

Section 9.020. Burden of Proof. The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the comprehensive plan and to applicable provisions of this ordinance, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

(1) Mistake in the original designation or provision.

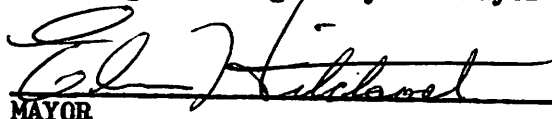
(2) Change of conditions within the vicinity in which the development is proposed.

Section 9.030. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 9.040. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance.

Section 9.050. Penalty. Any person violating any of the provisions of this ordinance shall be subject to the provisions of ORS 92.990.

PASSED by the Council of the City of Brookings and signed by the Mayor on this 17th day of December, 1979.


MAYOR

ATTEST:


CITY RECORDER