

ORIGINAL COPY

ORDINANCE NO. 443

SUBDIVISION ORDINANCE

for

THE CITY OF CANBY, OREGON.

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Prepared for the
CANBY CITY PLANNING COMMISSION
by the

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Table of Contents
Canby Subdivision Ordinance

<u>Section</u>		<u>Page</u>
1	Definitions	1
2	Scope of Regulations	2
3	Tentative Subdivision Sketch	3
	<u>Preliminary Plat</u>	
4	Submission of Preliminary Plat	3
5	Scale	3
6	General Information	3
7	Existing Conditions	3
8	Proposed Plan of Land Partitioning	4
9	Partial Development	4
10	Explanatory Information with Preliminary Plat	4
11	Preliminary Review of Proposal	5
12	Tentative Approval of Preliminary Plat	5
	<u>Final Plat</u>	
13	Submission of the Final Plat	5
14	Information on Final Plat	6
15	Supplemental Information with Final Plat	7
16	Technical Review	8
17	Approval of the Final Plat	8
18	Agreement for Improvements	9
19	Bond	9
20	Filing of Final Plat	9

<u>Section</u>		<u>Page</u>
	<u>Approval of Streets and Ways</u>	
21	Creation of Streets	10
22	Creation of Ways	10
	<u>Minor Land Partitioning</u>	
23	Planning Control Area	10
24	Minor Partitioning, Procedure for Approval	11
	<u>Design Standards</u>	
25	Principles of Acceptability	12
26	Streets	12
27	Blocks	15
28	Lots	16
29	Large Lot Subdivision	17
30	Building Lines	17
	<u>Improvements</u>	
31	Improvement Procedures	17
32	Improvement Requirements	18
	<u>Exceptions, Variances and Enforcement</u>	
33	Exception in Case of Large Scale Development	19
34	Variance Application	19
35	Planning Commission Action on Variances	19
36	Appeal	20
37	Validity	20
38	Penalties for Violation	20

ORDINANCE N . 443
SUBDIVISION ORDINANCE
for
CANBY, OREGON

AN ORDINANCE PROVIDING SUBDIVISION AND OTHER LAND PARTITIONING
STANDARDS AND PROCEDURES.

The City of Canby ordains as follows:

Section 1. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular context otherwise requires, shall mean:

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

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

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

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

(5) Lot, through. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(6) Pedestrian way. A right of way for pedestrian traffic.

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

(8) Planning commission. The planning commission of the City of Canby, Oregon.

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

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

(11) Right of way. The area between lines of a street or other 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 to city standards.

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

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

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

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

(d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle 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) Marginal access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

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

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

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

Section 2. Scope of Regulations. All subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. Within an established planning control area, all changes in property boundary lines

shall be in accordance with these regulations. A person desiring to subdivide land, desiring to partition land by creation of a street or alley or desiring, within a planning control area, to sell any portion or the whole of a parcel of land shall submit preliminary plans and other documents for approval as provided in this ordinance and the state law.

Section 3. Tentative Subdivision Sketch. A subdivider shall submit a sketch to the superintendent of public works of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

Preliminary Plat

Section 4. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit six copies of the preliminary plat to the superintendent of public works' office at least 10 days prior to the planning commission meeting at which consideration of the plat is desired.

Section 5. 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 inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 6. General Information. The following general information shall be shown on the preliminary plat:

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

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

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

(4) Location of the subdivision sufficient to define the location and boundaries of the proposed tract and a tie to the city coordinate system.

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

Section 7. Existing Conditions. The following existing conditions shall be shown on the preliminary plat:

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

boundary lines and monuments.

(2) Contour lines related to some established bench mark or other datum as approved by the superintendent of public works and having contour intervals of five feet or less.

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

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

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

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

Section 8. Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

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

(2) Easements, showing width and purpose.

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

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

Section 9. Partial Development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 10. Explanatory Information with Preliminary Plat. The following information shall be submitted in separate statements accompanying the preliminary plat or, if practicable, shall be shown on the preliminary plat:

(1) A vicinity map, showing existing subdivisions, streets and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be extended to connect the existing streets.

(2) Proposed deed restrictions in outline form.

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

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

Section 11. Preliminary Review of Proposal. Within two days after being submitted by the subdivider, the superintendent of public works shall furnish one copy of the preliminary plat and supplemental material to the county surveyor, to the county planning commission, to the county health officer provided the property is not available to sewers, and to the state highway department provided the property is adjacent to a state highway. These agencies will be given at least five days to review the plan, suggest revisions, and return the plans to the superintendent's office.

Section 12. Tentative Approval of Preliminary Plat. Within 40 days from the first regular planning commission meeting following submission of the plat, the planning commission will review the plan and the reports of the agencies listed above and may give tentative approval of the preliminary plat as submitted or as it may be modified or, if disapproved, shall express its disapproval and its reasons therefor. Approval of the preliminary plat shall indicate the planning commission's approval of the final plat provided there is no change in the plan of subdivision as shown on the preliminary plat and there is full compliance with all requirements of this ordinance. The action of the planning commission shall be noted on two copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the planning commission.

Final Plat

Section 13. Submission of the Final Plat. Within six months after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the original drawing, the cloth copy and five prints of the final plat and any supplementary information to the superintendent of public works. If the subdivider wishes to proceed with the subdivision after the expiration of the six-month period following the tentative approval of the preliminary plat by the planning commission, he must resubmit his preliminary plat to the planning commission and make any revision considered necessary to meet changed conditions.

Section 14. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

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

(2) Legal description of the tract boundaries.

(3) Name and address of the owner, subdivider, and engineer or surveyor.

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

(b) Adjoining corners of all adjoining subdivisions.

(c) City coordinate system lines within or adjacent to the plat.

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

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

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

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

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

(8) Easements denoted by fine dotted lines, clearly identified and, if already of record, its recorded reference. If any easement

is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing and sufficient ties to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

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

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

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

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

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

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

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

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

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

Section 15. Supplemental Information with Final Plat. The following data shall accompany the final plat:

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

(2) Sheets and drawings showing the following:

(a) Traverse data including the coordinates of the boundary of the subdivision and ties to the city coordinate system, and showing the error of closure, if any.

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

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

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

(4) A certificate by the superintendent of public works certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the planning commission giving conditional approval of the preliminary plat.

(b) An agreement has been executed as provided in Sections 18 and 19 to assure completion of all required improvements.

Section 16. Technical Review. Upon receipt by the city, the final map and other data shall be reviewed by the superintendent of public works who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat and that there has been compliance with provisions of the law and of this ordinance. The city may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and its representatives may enter the property for this purpose. If the superintendent of public works determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. The superintendent of public works shall use the certification of the city engineer or the county surveyor in determining if the map and the survey are technically correct. If the superintendent of public works determines that full conformity has been made, he shall so certify and transmit the plat to the planning commission.

Section 17. Approval of Planning Commission. Upon receipt of the final plat with the approval of the superintendent of public works, the planning commission shall determine whether it conforms with the approved preliminary plat and with these regulations. If the planning commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the planning commission determines that the plat conforms to all requirements, it

shall approve the plat provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the planning commission. The approval of the final plat by the planning commission does not constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

Section 18. Agreement for Improvements. Before planning commission approval is certified on the final plat the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the city recorder an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense from the subdivider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed 5 per cent of the cost of the improvements to be installed.

Section 19. 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.

(b) Cash or such security as the city approves.

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

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

Section 20. 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 30 days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

Section 21. 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 deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

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

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

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

(2) In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the superintendent of public works at least five days prior to the planning commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the planning commission and, if not in conflict with the standards of Sections 25 to 31 of these regulations, shall be approved with conditions necessary to preserve these standards.

Section 22. Creation of Ways. Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 21 of these regulations, except that a private easement of way to be established by deed without full compliance with these regulations shall be approved by the planning commission provided 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. A copy of the proposed document to create the easement shall be submitted to the secretary of the planning commission at least five days prior to the planning commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the planning commission and, if assurance of adequate utility access as well as vehicular access is indicated, shall be approved.

Minor Land Partitioning

Section 23. Planning Control Area. Upon recommendation of the planning commission, the city council may by ordinance create planning control areas under the procedure described in ORS 92.046, consisting of any areas shown

on official maps indentified as planning control area maps. From the date these regulations and an official planning control area map are filed with the recording officer of the county, no parcel of land or contiguous parcels under a single ownership within such area shall be partitioned for transfer of ownership or building development so as to conflict with applicable standards for subdivisions as set forth in Sections 25 to 31 of this ordinance. Subdivision or the creation of a street or way shall be subject to the same requirements in the planning control area as in other areas of the city. Every other partitioning of land within a planning control area must be approved in accordance with Section 24 of this ordinance and regulations of the planning commission until such time as the planning commission determines such approval is no longer necessary to the accomplishment of the development plan.

Section 24. Minor Partitioning; Procedure for Approval. Land partitioning other than subdivision or the creation of a street or way shall be known as minor partitioning and, in a planning control area, shall be approved under the following procedure:

(1) There shall be submitted to the superintendent of public works four copies of a sketch map $8\frac{1}{2}$ x 11 inches, or 18 x 24 inches in size with the following information:

(a) The date, northpoint, scale and sufficient description to define the location and boundaries of the parcel to be partitioned and its location in the planning control area.

(b) Name and address of the record owner and of the person who prepared the sketch map

(c) Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the minor partitioning.

(d) For land adjacent to and within the parcel to be partitioned, the location, width and names of all streets; location, width and purpose of all other existing easements; and location and size of sewers, water lines, drainage ways and power poles.

(e) Outline and location of existing buildings to remain in place.

(f) Lot layout showing size and relationship to existing or proposed streets and utility easements.

(g) Such additional information as required by planning commission procedures.

(2) The planning commission may prescribe procedures and define certain land, types of land, or circumstances within a planning control area to allow for routine administrative approval of minor partitioning.

Under this procedure the sketch map, upon being submitted to the superintendent of public works, will be checked against the development plan and, if conforming, may be approved without being submitted to the entire planning commission.

(3) If the location or type of land has not been identified for routine administrative approval or, if the proposed minor partitioning does not appear to comply with the requirements for routine administrative approval, the sketch map shall be submitted for planning commission review and determination that the proposal will be compatible with the development plan. The planning commission may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the development plan. In no event, however, shall the planning commission require greater dedications or conditions than could be required if the parcel were subdivided. If the partitioning provided in the sketch map results in complete accomplishment of those parts of the development plan which would be affected by partitioning of the parcel, the planning commission shall designate on the sketch map that future partitioning within the area shown on the sketch map may occur without submission for approval of the planning commission.

(4) If the parcel of land to be partitioned in a planning control area exceeds five acres and is being partitioned into more than two parcels within a year any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the planning commission should determine, in its judgement, that the entire parcel being partitioned is in the process of being divided into small parcels.

(5) When a sketch map has been approved all copies shall be marked with the date and conditions, if any, of approval. Two copies shall be returned to the applicant, one copy shall be attached to the map of the planning control area in the county records and one copy shall be retained in the planning commission files.

Design Standards

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

Section 26. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where

location is not shown in a development plan, the extension of streets in a subdivision shall effect:

(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 topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right of way and roadway widths. Unless otherwise indicated on the development plan, the width of streets and roadways in feet shall not be less than the following:

<u>Type of Street</u>	<u>Minimum Right of Way</u>	<u>Minimum Roadway</u>
Arterial	90	Varies
Commercial and industrial street	80	50
Collector street	60	40
Minor street	60	40
Radius for turn-around at end of cul-de-sac	50	45
Alley	20	20

Where conditions, particularly the size and shape of land parcels, make it impractical to provide minimum lot sizes if the standard street widths are used, right of way of not less than 50 feet may be accepted for minor streets which do not have a continuous alignment exceeding 1,800 feet and for cul-de-sacs.

(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 composing such strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

(4) Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof. The staggering of 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 100 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 a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(6) Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle, but in no case less than 60 degrees unless there is special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance.

(7) 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 these regulations, 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 platted 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 450 feet and serve no more than 18 single-family dwellings. All cul-de-sacs shall terminate with a circular turn-around.

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

(11) Grades and curves. Grades shall not exceed 7 per cent on major or secondary arterials, 10 per cent on collector streets, or 15 per cent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 per cent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. On arterials there

shall be a tangent of not less than 100 feet between reversed curves.

(12) Streets adjacent to railroad right of way. Wherever the proposed subdivision contains or is adjacent to a railroad right of way, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right of way.

(13) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(14) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 10 feet.

Section 27. Blocks.

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

(2) Sizes. Blocks shall not exceed 1,200 feet in length between street lines, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

(3) Easements.

(a) Utility lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be a minimum of 12 feet in width and centered on rear or side lot lines except for guy wire tie-back easements, which shall be six feet wide by 20 feet long along lot lines at change of direction points of easements.

(b) Water courses. Where 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 widths as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(c) Pedestrian ways. In blocks over 600 feet in length a pedestrian way with a minimum width of 10 feet shall be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1,200 feet, two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks.

Section 28. 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 development and use contemplated. The width of every lot shall be at least 70 feet except that corner lots shall have a width of at least 75 feet to permit appropriate building setback from both streets. In the case of irregular lots, the width shall be measured not less than 100 feet and not more than two and a half times the width. In no case shall a lot be less than 7,000 square feet in area. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot sizes shall conform to the requirements of the county health department and shall take into consideration problems of water supply and sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) Access. Each lot shall abut upon a public street.

(3) Through lots. Through lots shall be avoided except where 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 of at least 10 feet, across which there shall be no right of

access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of 110 feet.

(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 29. Large Lot Subdivision. 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 a size and shape, be divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Section 30. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

Improvements

Section 31. Improvement Procedures. In addition to other requirements, improvements installed by the subdivider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications adopted by the city and shall be installed in accordance with the following procedure:

(1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. Plans shall be prepared on tracing cloth in accordance with requirements of the city.

(2) Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.

(3) Improvements shall be constructed under the inspection and to the satisfaction of the superintendent of public works. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

(4) All 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 a length obviating the necessity for disturbing the street improvements when service connections are made.

(5) A map showing all public improvements as built shall be filed with the superintendent of public works upon completion of the improvements.

Section 32. Improvement Requirements. Improvements to be installed at the expense of the subdivider are as follows:

(1) Streets. All streets, including alleys, within the subdivision, streets adjacent but only partially within the subdivision, and the extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be improved to the following minimum standards:

(a) The entire right of way shall be brought up to proper grade.

(b) Concrete curbs shall be constructed along the edge of the roadway.

(c) The roadway shall be improved in accordance with the standards adopted by the city for acceptance of streets for maintenance.

(d) Other street improvements installed at the subdividers option such as permanent surfacing and street trees shall be in accordance with city standards for such improvements.

(2) Monuments. Upon completion of street improvements, monuments shall be re-established and protected.

(3) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

(4) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to the city trunk sewer system; the planning commission may authorize the use of septic tanks where it is impractical to connect to sewer trunk lines, if lot areas are adequate considering the physical characteristics of the area.

(5) Water system. Water lines with valves and fire hydrants to serve the subdivision and to connect the subdivision to existing

mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and to adequately grid the city system, but the city will not expect the subdivider to pay for the extra cost of mains exceeding six inches in size.

Exceptions, Variances and Enforcement

Section 33. Exceptions in Case of Large Scale Development. The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the planning commission determines there is provision for adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 34. Variance Application. When necessary, the planning commission may authorize conditional variances to requirements of this ordinance. Application for a variance shall be made by a petition of facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

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

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

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

Section 35. Planning Commission Action on Variances.

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

(2) In granting a variance, the planning commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The city shall keep the findings on file as a matter of public record.

Section 36. Appeal.

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

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

Section 37. Validity. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court or competent jurisdiction, the judgment shall not affect the validity of the remaining portion.

Section 38. Penalties for Violation. In addition to penalties provided by state law, any person who violates or fails to comply with any provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$50 or by imprisonment for not more than 10 days, or both for each day during which the violation continues.

Section 39. Passed on first reading at a regular meeting of the Canby City Council held on the 16 day of JULY, 1962; ordered posted in three public and conspicuous places in the City of Canby for a period of two full calendar weeks as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on Monday, the 6TH day of AUGUST, 1962 at the hour of 8:00 o'clock P.M. Oregon DAYLIGHT Time, at the Canby City Hall.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:

J. N. Richardson
J. N. Richardson - City Recorder

Passed on second reading at a regular meeting of the Canby City Council held on the 6TH day of AUGUST, 1962 by the following vote:

Yeas 6

Nays 0

Approved by the Mayor for the City of Canby this 10TH day of AUGUST, 1962.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:

J. N. Richardson
J. N. RICHARDSON - City Recorder