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ORDINANCE NO. 612-A

AN ORDINANCE PROVIDING FOR SUBDIVISION AND
LAND PARTITIONING STANDARDS AND PROCEDURES

CITY OF WARRENTON

The City of Warrenton ordains as follows:

GENERAL PROVISIONS

SECTION 1 - TITLE

This ordinance shall be known as the "Subdivision and Land Partitioning Ordinance" of the City of Warrenton, Oregon.

SECTION 2 - PURPOSE

The purpose of this ordinance is to enact subdivision and land partitioning regulations for the city which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people of Warrenton.

SECTION 3 - COMPLIANCE REQUIRED

No person shall subdivide or partition an area or tract of land without compliance with the provisions of this ordinance.

- (1) No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by the provisions of this ordinance until such approval is obtained and the plat thereof has been acknowledged and recorded with the County Recording Officer.
- (2) No person may dispose of, transfer, sell or agree to sell any parcel in a major partition or in a minor partition prior to approval as required by the provisions of this ordinance.
- (3) No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public

or common use unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this ordinance.

SECTION 4 - DEFINITIONS

As used in this ordinance, unless the context otherwise requires, the following words and phrases shall mean:

- (1) Building line. A line on a plat on map indicating the limit beyond which buildings or structures may not be erected.
- (2) City. The City of Warrenton, a municipal corporation of the State of Oregon, where the provision involves a duty owed the city in either its governmental or its corporate capacity; otherwise, that officer, department or agency of the city indicated by the context, or, where the context does not clearly indicate a specific officer, department or agency, then the city manager of said city.
- (3) City Manager. The duly appointed administrative officer of the City of Warrenton or a person designated by him to fulfill his obligations as set forth in this ordinance.
- (4) City Engineer. The duly appointed city engineer of the City of Warrenton. In the event that no engineer has been appointed, the functions of the engineer as outlined herein shall be performed by the City Manager or his designate.
- (5) Easement. A grant of the right to use a strip of land for specific purposes.
- (6) Lot. A unit of land that is created by a subdivision of land.
 - a. Reversed Corner Lot. A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
 - b. Through Lot. A lot having frontage on two parallel or approximately parallel streets other than an alley.
- (7) Map. A final diagram, drawing or other writing concerning a major or minor partition.
- (8) ORS. Oregon Revised Statutes - (State Law).

- (9) Parcel. A unit of land that is created by a partitioning of land.
- (10) Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- a. Major partition. A partition which includes the creation of a street.
- b. Minor partition. A partition that does not include the creation of a street.
- (11) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (12) Pedestrian Way. A right-of-way for pedestrian traffic.
- (13) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- (14) Planning Commission. The City Planning and Zoning Commission of the City.
- (15) Plat. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (16) Right-of-way. The area between boundary lines of a street or other easement.

- (17) Roadway. The portion of a street right-of-way developed for vehicular traffic.
- (18) Sidewalk. A pedestrian walkway with permanent surfacing.
- (19) Street. A public or private way being the entire width from lot line to lot line that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "avenue," "alley" or similar designations.
- a. Alley. A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.
 - 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. The dedication of a portion only of the width of a street, usually along the edge of a subdivision where the remaining portion of a street has been or could later be dedicated 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 primarily for access to abutting properties.
- (20) Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (21) Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

SECTION 5 - APPEAL TO COMMISSION AUTHORIZED

Appeal may be made to the City Commission from any decision determination or requirement of the planning commission, or city engineer issued pursuant to the provisions of this ordinance. The appeal and hearing procedure shall be as follows:

- (1) Appeal may be made to the City Commission from any decision or requirement of the Planning Commission. Written notice of the appeal must be filed with the City Manager within 20 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirements and the grounds for the appeal.
- (2) The City Commission, following the filing of an appeal, shall set a time for a hearing on the appeal and shall give notice to the Planning Commission and applicant. The hearing may, for good cause, be continued by the City Commission. Following the hearing, the Commission may overrule or modify the decision or requirement made by the Planning Commission if the decision of the City Commission complies with the intent and purpose of these requirements. The disposition of the appeal shall be final.

SUBDIVISION OF LAND TENTATIVE PLAN

SECTION 6 - INITIAL SUBMISSION

- (1) Ten copies of a tentative plan and a statement of any proposed subdivision shall be submitted to the City Manager at least 30 days prior to the meeting of the Planning Commission, at which consideration is desired, together with an initial fee of \$50.00.
 - (A) The total filing fee shall be the initial \$50.00 plus reasonable and actual expenses incurred by the City during the process of technical evaluation of the tentative plan. The reasonable and actual expenses assessed shall be based upon the average hourly labor rate of those personnel participating in the technical evaluation, less \$50.00.

- (B) Upon completion of technical evaluation the total fee less the initial \$50.00, shall be computed by the City Staff and notification sent to the subdivider five (5) days prior to the date set for Planning Commission consideration of that preliminary plat.
 - (C) The Planning Commission shall not consider any preliminary plat until the total filing fees are paid.
 - (D) Regardless of Planning Commission action the filing fees are nonrefundable.
- (2) Optional Preliminary Procedure. Prior to the filing of a tentative plan, a subdivider may submit to the City Manager plans and other information concerning a proposed or contemplated development. The City Manager shall then, within thirty-five (35) days, schedule a conference with the subdivider on such plans and other data and make recommendations to the subdivider as shall seem proper regarding such plans or other data, and shall recommend consultation by the subdivider with other public or private agencies as may be disclosed by the plans to be interested. This subdivision conference is an optional procedure which may be elected by the subdivider and is not required by this ordinance.

SECTION 7 - PRELIMINARY REVIEW

- (1) The City Manager shall transmit one copy of the tentative plan to the City Commission, the City Engineer and additional copies to the city departments and other agencies as he deems necessary. Each city department upon receipt of a copy of the tentative plan, shall examine the plan for conformance with requirements coming within the authoritative scope of the department; and, within a reasonable time after receipt thereof, shall make a written report to the City Manager. The City Manager shall prepare a report on the plan for submission to the Planning Commission. The report shall include information on zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits, or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections together with any other data as appears pertinent to the Planning Commission's review of the plan.

SECTION 8 - TENTATIVE PLAN SCALE

Tentative plans shall be to a scale of one inch equals 100 feet or better except tracts over 100 acres which may be to a scale of one inch equals 200 feet, and shall be clearly and legibly reproduced.

SECTION 9 - INFORMATION ON TENTATIVE PLAN

The tentative plan shall contain the following information:

- (1) Proposed name, date, northpoint and scale of drawing.
- (2) Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
- (3) Name and address of the subdivider.
- (4) Appropriate identification of the drawing as a tentative plan.
- (5) Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
- (6) The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
- (7) Names of the record owners of all contiguous land.
- (8) The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.
- (9) The location and approximate dimensions of each lot and each to be numbered.
- (10) Setback lines, if any, proposed by the subdivider.
- (11) The outline of any existing buildings and their use showing those which will remain.
- (12) Contour lines where the data is made available by the city.

- (13) The location of at least one temporary bench mark within the subdivision boundaries.
- (14) City boundary lines crossing or bounding the subdivision.
- (15) Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all water courses.
- (16) Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
- (17) If practical to show on the tentative plan, a vicinity map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and water courses.

SECTION 10 - PARTIAL DEVELOPMENT

If the subdivision proposal pertains to only part of the tract owned or controlled by a subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

SECTION 11 - INFORMATION IN STATEMENT

The statement to accompany the tentative plan shall contain the following information:

- (1) A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
- (2) Deviations from subdivision ordinance, if any.
- (3) Public areas proposed, if any.
- (4) Tree planting proposed, if any.
- (5) A preliminary draft of restrictive covenants proposed, if any.

SECTION 12 - SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN

Any of the following may be required by the Planning Commission to supplement the plan of subdivision.

- (1) Approximate center line 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.
- (2) A plan for domestic water supply lines and related water service facilities.
- (3) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
- (4) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- (5) Proposals for other improvements such as electric utilities and sidewalks.

SECTION 13 - PLANNING COMMISSION DETERMINATION

The Planning Commission shall determine whether the tentative plan is in conformity with the provisions of law and of this ordinance. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefor. The action of the Planning Commission shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider, one shall be transmitted to the City Engineer and the other retained by the City Manager together with a memorandum setting forth the action of the Commission.

SUBDIVISION PLAT

SECTION 14 - SUBMISSION OF SUBDIVISION PLAT

Within one year after approval of the tentative plan, the subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. An original reproducible drawing and five blueline or blackline prints of the plat shall be submitted to the City Manager within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon statutes. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must submit a new tentative plan and make any revision necessary to meet changed conditions.

SECTION 15 - FORM OF PLAT

The subdivision plat shall be prepared in accordance with the provisions of this ordinance and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

SECTION 16 - INFORMATION ON FINAL PLAT

The final plat shall, in addition to other information required by law, show the following:

- (1) The date, scale, north point (generally pointing up), legend, and controlling topography (i.e., creeks, highways, railroads, etc.)
- (2) 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 establish the initial point of the subdivision boundary and to otherwise determine the boundaries of the subdivision.
 - b. Adjoining corners of all adjoining subdivisions.

- c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.
 - d. Whenever a city has established a 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 the provisions of this ordinance.
- (3) Tract boundary lines, right-of-way lines and center lines of streets, and lot and block lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary 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 foot. Error of closure shall be within the limit of one foot in 10,000 feet.
- (4) The location of additional monuments which are to be set upon completion of improvements.
- (5) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths each side of the center line. For streets on curvature, all curve data shall be based on the street center line, indicating thereon the radius, and central angle. Block corner curb data to be shown separately.
- (6) All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

- (7) Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.
- (8) Block numbers beginning with the number (1) and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be 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.
- (9) Appropriate words, symbols or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

SECTION 17 - CERTIFICATIONS

The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.

- (1) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.
- (2) A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.
- (3) A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.
- (4) Provisions for additional certificates and acknowledgments required by law.

SECTION 18 - SUPPLEMENTAL DATA

At the time of the submission of the final plat, the subdivider shall also submit the following:

- (1) A preliminary title report issued by a recognized 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 section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - b. The computation of all distances, angles and courses shown on the final plat.
 - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
 - d. Coordinates of all block corners and all street center points.
- (3) A copy of any deed restrictions applicable to the subdivision.
- (4) A list of all taxes and assessments on the tract which have become a lien on the tract.

SECTION 19 - APPROVAL BY CITY ENGINEER

- (1) Upon receipt, the plat and other data submitted to the City Manager shall be referred to the city engineer, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the tentative plan, as approved; that all provisions of the law and this ordinance applicable at the time of approval of the tentative plan have been complied with and that the plan is technically correct.
- (2) The city engineer may make checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.

- (3) If the city engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the city engineer determines that full conformity has been made, he shall so certify on the plat and shall transmit the plat to the Planning Commission.

SECTION 20 - FINAL APPROVAL OF PLANNING COMMISSION

Upon return of the plat by the City Engineer, the Planning Commission shall examine the same to determine whether it conforms with the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him an opportunity to make the same. If the Planning Commission determines that the plat conforms to all requirements, it shall approve the same, but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit, required in Sections 21 and 22, and when the agreement and bond have been filed and approved as prescribed, the Planning Commission's approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

SECTION 21 - AGREEMENT FOR IMPROVEMENTS

Before Planning Commission approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Manager 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, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city of the improvements to be installed. The agreement map may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

SECTION 22 - BOND

- (1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - a. A personal bond cosigned by at least one additional person who shall not be related to the subdivider by blood or consanguinity. The subdivider and cosigner shall submit evidence of financial responsibility and the financial resources of those signing the bond sufficient to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.
 - b. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
 - c. Cash
- (2) The assurance of full and faithful performance shall be for a sum approved by the City Manager sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the city attorney as to form.
- (3) In the event the subdivider fails to complete all improvement work in accordance with the provisions of this ordinance, and the city has to complete the same, or if the subdivider fails to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the subdivision, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. In any such case, if the amount of surety bond or cash deposit exceeds all cost and expense incurred by the city, it shall release the remainder of the bond or cash deposit, and if the amount of the surety 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 23 - FILING OF FINAL PLAT

A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

MAJOR LAND PARTITIONING

SECTION 24 - MINIMUM STANDARDS

The minimum standards for design and improvements in a major land partitioning shall conform to Sections 44 through 55. The Planning Commission may 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 public street is initiated by the city council or board of county commissioners 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 a major partition within a solitary ownership situation either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- (c) The street is the only reasonable method by which the rear portion of an extraordinarily deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access.

SECTION 25 - SUBMISSION OF TENTATIVE MAP FOR MAJOR PARTITIONING

A tentative map for the major partitioning of land shall be submitted to the City Manager for approval in conformance with these regulations.

SECTION 26 - SCALE

The tentative map shall be drawn on a tracing 18 by 24 inches or an even multiple thereof at a scale of 1" = 100 ft., or, for areas over 100 acres, 1" = 200 ft.

SECTION 27 - INFORMATION ON TENTATIVE MAP

The tentative map shall contain the following information:

- (1) Date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.
- (2) Names and addresses of the owner, partitioner, engineer and/or a surveyor, if any, or any other professional person employed in the preparation of the major partition.
- (3) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.
- (4) The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed major partition and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions and partitions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed major partition.
- (5) Contour lines where the data is made available by the city.
- (6) Outline and location of existing buildings to remain in place.
- (7) For land adjacent to and within the tract to be partitioned, the location and size of sewer and water lines and drainage ways.
- (8) Names of record owners of all contiguous land.
- (9) Parcel layout, showing size and relationship to existing or proposed streets and utility easements, and any proposed lot numbers.
- (10) If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and water courses.
- (11) Such additional information as required by the Planning Commission.

SECTION 28 - SUPPLEMENTAL DATA WITH TENTATIVE MAP

Any of the following may be required by the Planning Commission to supplement the map of a major partition.

- (1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.
- (2) If the parcel areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

SECTION 29 - PRELIMINARY REVIEW OF TENTATIVE MAP

The provisions of Section 7, Paragraph (1) of this Ordinance shall apply to the review of a major partition.

SECTION 30 - PLANNING COMMISSION DETERMINATION

Review by the Planning Commission shall conform to the requirements of Section 13.

SECTION 31 - SUBMISSION OF FINAL MAP

- (1) Not more than one year following approval of the tentative map, the partitioner shall prepare a final map in conformance of the tentative map as approved.
- (2) If the final map is not submitted within one year of approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations.

SECTION 32 - FORM OF FINAL MAP

- (1) All final maps shall be drawn in black India ink on good quality white, cold-pressed, double mounted drawing paper 18" x 24" in size with muslin extending three inches on one end for binding purposes.
- (2) Any exact copy of the final map shall also be submitted. This copy shall be made in black India ink on good linen tracing cloth or by photo-copy or black India ink on good quality Mylar or similar plastic film to the same size, scale and degree of legibility as the original copy of the final map.

SECTION 33 - INFORMATION ON FINAL MAP

The final map shall show the following:

- (1) The date, scale, north point (generally pointing up), legend, and controlling topography (i.e., creeks, highways, railroads, etc.).
- (2) Reference points of existing surveys identified, related to the map 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 establish the initial point of the partitioned area boundary and to otherwise determine the boundaries of the partitioned area.
 - b. Adjoining corners of all adjoining developed areas.
 - c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the map.
 - d. Whenever the city has established the center line of a street adjacent to or within the proposed partitioned area, the location of this line and monuments found or reset.
 - e. All other monuments found or established in making the survey of the partitioned area or required to be installed by the provisions of this ordinance.
- (3) Tract boundary lines, right-of-way lines and center lines of streets, and lot lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary 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 foot. Error of closure shall be within the limit of one foot in 10,000 feet.
- (4) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths each side of the center line. For streets on curvature, all curve data shall be based on the street center line, indicating thereon the radius, and central angle. Block corner curb data to be shown separately.

- (5) All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- (6) Lot numbers beginning with the number "1" and numbered consecutively in a clockwise direction.

SECTION 34 - SUPPLEMENTAL DATA

Such supplemental data shall be submitted with the final map as is required by Section 18.

SECTION 35 - APPROVAL BY CITY ENGINEER

Review of the Final Map by the City Engineer shall conform to the requirements of Section 19.

SECTION 36 - FINAL APPROVAL OF PLANNING COMMISSION

Final approval of a Major Partition by the Planning Commission shall be pursuant to the provisions of Section 20.

SECTION 37 - AGREEMENT FOR IMPROVEMENTS AND BONDING REQUIREMENTS

Prior to approval of the final map the developer shall complete improvements as proposed or enter into an agreement for improvements together with a bond pursuant to the provisions of Sections 21 and 22.

SECTION 38 - FILING OF FINAL MAP

Approval of the final map shall be null and void if the map is not recorded within 90 days after approval is obtained.

SECTIONS 39, 40, 41 and 42 - RESERVED FOR EXPANSION

GENERAL REGULATIONS AND DESIGN STANDARDS

SECTION 43 - PRINCIPLES OF ACCEPTABILITY

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

SECTION 44 - 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 land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
 - a. Provide for the continuation or appropriate 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) Street Widths. Unless otherwise indicated on any master plan, or by proceedings initiated by the City Commission or approved by the City Commission upon initiation by other legally constituted governmental bodies, widths shall conform with city standards, except where it can be shown by the land divider, to the satisfaction of the Planning Commission, that the topography or the small number of lots or parcels served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Planning Commission taking into consideration the

zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

- (3) Alignment. As far as is 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 in no case, shall be less than 100 feet.
- (4) Future Street Extension. Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.
- (5) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.
- (6) 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 the land division.
- (7) Reserved Strips. No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.

- (8) Half Streets. Half streets shall be prohibited except they may be approved where essential to the reasonable development of the subdivision or partitions 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 divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.
- (9) Cul-de-Sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.
- (10) Alleys. When any lots or parcels are proposed for commercial or industrial usage, alleys at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.
- (11) Grades and Curves. Grades shall not exceed six per cent on arterials, ten per cent on collector streets, or 12 per cent on other streets. 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 ten feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 per cent.
- (12) Marginal Access Streets. Where a land division 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 other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- (13) Street Names. All street names shall be approved by the planning commission for conformance with the established pattern and to avoid duplication and confusion.
- (14) Private Streets. The design and improvement of any private street shall be subject to all requirements prescribed by this ordinance for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major partition.

SECTION 45 - UTILITY EASEMENTS

Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than five feet on each side of rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, provided that easements of lesser width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the city.

SECTION 46 - BUILDING SITES

- (1) Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
 - a. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic 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 and parcel shall abut upon a street other than an alley for a width of at least 25 feet.
- (3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incomparable use.
- (4) Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

SECTION 47 - BLOCKS

- (1) General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- (2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.
- (3) Walkways. The subdivider may be required to dedicate and improve 10 foot walkways across blocks over 600 feet in length or to provide access to school, park, or other public areas.

SECTION 48 - LARGE BUILDING SITES

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

SECTION 49 - WATER COURSES

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easements or construction, or both to dispose of the surface and storm waters.

SECTION 50 - LAND FOR PUBLIC PURPOSES

- (1) The Planning Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the city has an interest or has been advised of interest on the part of the state highway commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.
- (2) The Planning Commission may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

SECTION 51 - UNSUITABLE LAND

The Planning Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or, if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities.

SECTION 52 - LAND SUBJECT TO INUNDATION

If any portion of any land proposed for development is subject to overflow, inundation or flood hazard by storm waters, an adequate system of storm drains, levees, dikes and pumping systems shall be provided.

IMPROVEMENTS

SECTION 53 - IMPROVEMENT STANDARDS AND APPROVAL

In addition to other requirements, all improvements shall conform to the requirements of this ordinance and any other improvement standards or 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 proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. All plans shall be prepared 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) All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the city.
- (4) All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connection for all underground utilities and sanitary sewers shall be placed to such length as will obviate 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 City Manager upon completion of the improvements.

SECTION 54 - IMPROVEMENT REQUIREMENTS

Improvements to be installed at the expense of the subdivider or partitioner and at the time of subdivision or partition:

- (1) Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.
- (2) Structures. Structures specified as necessary by the city, for drainage, access and public safety shall be installed.
- (3) Sidewalks. Sidewalks shall be installed along both sides of each street and in pedestrian ways unless a variance has been granted by the Planning Commission.
- (4) Sewers. Sanitary sewer facilities connecting with the existing city sewer system and storm water sewers, of design, layout and location approved by the City, shall be installed.
- (5) Water. Water mains and fire hydrants of design, layout and locations approved by the city shall be installed.
- (6) Railroad Crossings. Provision shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision or partition including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or partitioner.
- (7) Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including, but not limited to, electricity, communications, street lighting and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground. The Planning Commission may waive the requirements of this section if topographical, soil, or other conditions, make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground

installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.

- (8) Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the City.
- (9) Street Trees. Street trees may be required by the city. The number, kind and location shall be determined by the Planning Commission.
- (10) Street Name Signs. All streets shall be legibly marked with street name signs, not less than two (2) in number at each intersection, according to specifications furnished by the City.
- (11) Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.
- (12) Off-Site Street Improvements. All off-site street improvements, where required shall conform to the standards of the city.

SECTION 55 - MONUMENTS

- (1) In addition to requirements of state law and other provisions of this ordinance, permanent monuments of a type approved by the city shall be set in the following locations:
 - a. At each boundary corner of the subdivision, at the beginning and end of the property line curves and at any other points as may be required by the city.
 - b. At intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the center line curve or offsets therefrom.
- (2) Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

- (3) Complete field notes in a form satisfactory to the city, showing references, ties, locations, elevations and other necessary data relating to monuments and bench marks set in accordance with the requirements of this ordinance shall be submitted to the city, to be retained by the city as a permanent record.

VARIANCES AND ENFORCEMENT

SECTION 56 - VARIANCE APPLICATION

When necessary, the Planning Commission may grant conditional variances to requirements and regulations of this ordinance. Application for a variance shall be made by a petition of the subdivider or partitioner stating fully the grounds of the application and for the facts relied upon by the petitioner. The petition shall be filed with the tentative plan of the subdivision or tentative map of the partition. 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 and City Commission shall find the following facts with respect thereto.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

SECTION 57 - VARIANCE PROCEDURE

- (1) In granting any variance under the provisions of this section, 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 recommended and the conditions designated. A report and recommendation for approval of a variance application shall be submitted to the City Commission.
- (2) The City Commission shall consider the report and recommendation of the Planning Commission and 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.

- (3) The City shall keep the findings on file as a matter of public record.

SECTION 58 - SEVERABILITY

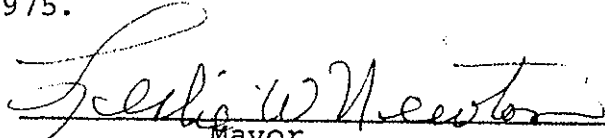
The provisions of this ordinance are severable. Should any Section, Clause, or Provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 59 - PENALTIES FOR VIOLATION

In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for not more than 100 days, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Passed by the City Commission of the City of Warrenton this 21st day of July, 1975.

Signed and approved by the Mayor of the City of Warrenton this 21st day of July, 1975.



Mayor

ATTEST:



Auditor and Police Judge.

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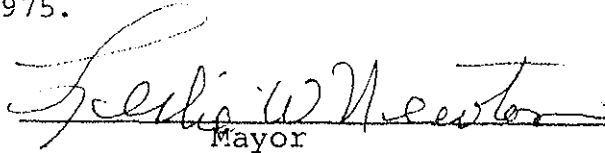
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ATTEST:



Auditor and Police Judge

