

AN ORDINANCE PROVIDING SUBDIVISION AND OTHER LAND ) ORDINANCE BILL NO. 24  
PARTITIONING STANDARDS AND PROCEDURES, AND ) for 1969  
DECLARING AN EMERGENCY. ) ORDINANCE NO. 1359

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

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

Section 1.020. Scope of Regulations. Subdivision plats and streets or ways created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. Within an established planning control area, changes in property boundary lines shall be made in accordance with these regulations. A person desiring to subdivide land, desiring to partition land by creation of a street or way or desiring to sell any portion not the whole of a parcel of land within a planning control area shall submit preliminary plans and final documents for approval as provided in this Ordinance and the state law.

ARTICLE 2. DEFINITIONS

Section 2.010. Definitions. Unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings:

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

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

(3) Development plan. Any plan adopted by the planning commission as a guide to the growth and improvement of the City, including modifications or refinements which may be made from time to time.

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

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

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

(b) Through lot. 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.

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

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

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

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

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

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

(c) Collector. A street supplementary to the arterial street system used partly by through traffic and partly for access to abutting properties.

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

(e) Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of a 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, and protected from through traffic.

(g) Minor street. A street intended primarily 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. Time is not a factor, and whenever the fourth parcel is partitioned from an original parcel, the land has, in effect, been subdivided, and is subject to the provisions of this ordinance.\*

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

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

### ARTICLE 3. PRELIMINARY PLAT

Section 3.010. Tentative Subdivision Sketch. A subdivider shall submit a sketch to the City Engineer of a tentative scheme for the layout of property to be subdivided. Following preliminary consultation and discussion, the subdivider may proceed to prepare a preliminary plat for submission to the planning commission.

Section 3.020. Submission of Preliminary Plat. The subdivider shall prepare a preliminary plat and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit ten copies of the preliminary plat to the city recorder's office at least 15 days prior to the planning commission meeting at which consideration of the plat is desired.

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\*Opinion No. 5575 of the Attorney General of the State of Oregon, January 13, 1963

Section 3.030. Information on Preliminary Plat.

(1) Scale. The preliminary plat shall be drawn on a sheet 18 x 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.

(2) General Information. The following information shall be shown on the preliminary plat:

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

(b) Date, northpoint and scale of drawing.

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

(d) Location of the subdivision sufficient to define the location and boundaries of the proposed tract.

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

(3) Existing Conditions. The following existing conditions shall be shown on the preliminary plat.

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

(b) Contour lines related to some established bench mark or other datum approved by the city surveyor and having minimum intervals as follows:

1. For slopes of less than 5 per cent; show the direction of slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed.

2. For slopes of 5 per cent to 10 per cent: two feet.

3. For slopes over 10 per cent: five feet.

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

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

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

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

(4) Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

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

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

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

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

(5) Supplemental Information. Any of the following plans or information may be required by the planning commission to supplement the plan of land partitioning.

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

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

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

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

(e) 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.

(f) A plan for domestic water supply, including the source, quality and quantity, and plans for water lines.

(g) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.

(h) If lot areas are to be graded, a plan showing the nature of cuts and fills and information of the character of the soil.

(i) Proposals for other improvements such as electric utilities, curbs, sidewalks, or street paving.

Section 3.040. Preliminary Review of Proposal. Upon receipt, the city recorder shall furnish one copy of the preliminary plat and supplementary material to the county surveyor, the county health department, the county assessor, the county planning office, to the city planning commission, and to the state highway department, if the plat is within 500 feet of a state highway. These officials and agencies shall be given at least 10 days to review the plat and to suggest any revisions that appear to be indicated in the public interest.

Section 3.050. Tentative Approval of Preliminary Plat.

(1) Within 40 days from the first regular planning commission meeting following submission of the proposed plat, the planning commission shall review the plan of the plat and the reports of appropriate officials and agencies. The planning commission may approve the preliminary plat as submitted or as it may be modified. If the planning commission does not approve of the plat, it shall express its disapproval and its reasons therefor.

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

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

ARTICLE 4. FINAL PLAT

Section 4.010. Submission of Final Plat. Within 12 months after approval of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat as approved. The subdivider shall submit the original drawing, as required by Oregon Revised Statutes 92.120, and three prints of the final plat and any supplementary information to the city recorder within 5 days after the plat has been recorded. If the subdivider wishes to proceed with the subdivision after the expiration of the 12-months' period following approval of the preliminary plat to the planning com-

mission, he must resubmit his preliminary plat to the planning commission and make any revisions considered necessary to meet changed conditions.

Section 4.020. 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, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing cultural features such as highways and railroads.

(2) Legal description of the tract boundaries.

(3) Name 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) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.

(b) Adjoining corners of adjoining subdivisions.

(c) City boundary lines when crossing or adjacent to the subdivision.

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

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

(6) Tract, block and lot boundary lines and street right of way and center lines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks may be used.

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

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

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

(9) Lot numbers beginning with the number "1" and numbered consecutively in each block, and the area of each lot containing one acre or more to the nearest hundredth of an acre.

(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) Identification of 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 recording of the plat.

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

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

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

Section 4.030. Supplementary Information with Final Plat. When necessary the following data shall accompany the final plat:

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

(2) Sheets and drawings showing the following:

(a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, 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, street corners and state highway stationing.

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

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

(5) Proof that all taxes and assessments on the tract are paid which have become a lien on the tract.

(6) A certificate by the City Engineer 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 4.060 and 4.070 to assure completion of required improvements.

Section 4.040. Technical Review. Upon receipt of the final plat and accompanying data, the City Engineer shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there has been compliance with provisions of the law and of this Ordinance. The City may make checks in the field to verify that the map is sufficiently correct on the ground, and the City representatives may enter the property for this purpose. Certifications of the county surveyor shall be used to determine that the map and survey are technically correct. If it is determined that there has not been full conformity, the City Engineer shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If it is determined that full conformity has been made, the City Engineer shall so certify.

Section 4.050 . Approval of Final Plat. If the City Engineer determines that the final plat is in full conformance with the approved preliminary plat and other regulations, he shall so advise the chairman of the planning commission. The chairman of the planning commission and the City Recorder may then sign the plat without further action by the planning commission. If the final plat is not in full conformance or

if the City Engineer elects, he shall submit the plat to the planning commission. If the final plat is referred to the chairman of the planning commission for signature without submission to the planning commission, he may elect to submit the plat to the planning commission for further review. When submitted to the planning commission, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the planning commission, the action shall be reported to the planning commission by the chairman of the commission at the next regular meeting. The approval of the final plat shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

Section 4.060. 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. The agreement shall provide that if the work is not completed within the period specified the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 4.070. 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.

(2) Such assurance of full and faithful performance shall be for a sum determined by the City Recorder as sufficient to cover the cost of the improvements and repairs, including related city expenses.

(3) If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. 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 4.080. Filing on 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 signature has been obtained.

#### ARTICLE 5. APPROVAL OF STREETS AND WAYS

##### Section 5.010. Creation of streets.

(1) The creation of streets shall be in conformance with requirements for subdivision except, however, the planning commission shall approve the creation of a street to be established by deed if any of the following conditions exist:

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

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

(c) The tract in which the street is to be dedicated is an isolated ownership of such size and conditions as to make it impractical to develop more than three lots.

(2) In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed deed together with a map, drawn to scale showing the proposed alignment and grade of the street and all parcels abutting the street shall be submitted to the secretary of the planning commission at least ten 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 Article 7 of these regulations, shall be approved with such conditions as are necessary to preserve these standards.

Section 5.020. Creation of Ways. An easement of way providing access to property and which is created to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision of as provided in Section 5.010. 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 if it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access, or if it is a rural area and is related to farm or forest land uses in which no land parcel is less than five acres. A copy of the proposed document to create the easement together with a map, drawn to scale showing the proposed alignment and grade of the way and all parcels abutting the way, shall be submitted to the secretary of the planning commission at least ten days prior to the planning commission meeting at which consideration is requested. The document and such information as may be submitted shall be reviewed by the planning commission

and, if assurance of adequate utility access as well as vehicular access is indicated, shall be approved.

#### ARTICLE 6. MINOR LAND PARTITIONING

Section 6.010. Planning Control Area. Upon recommendation of the planning commission, the city may by ordinance create planning control areas under the procedure described in ORS 92.048, consisting of any areas shown on official maps identified 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 city, 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 Article 7 of this ordinance. Subdivision or the creation of a street or way shall be subject to the same requirements in the planning control areas as in other areas of the city. Every other partitioning of land within a planning control area must be approved in accordance with Section 6.020 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 6.020. 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 planning control area, shall be approved under the following procedure:

(1) There shall be submitted to the secretary of the planning commission four copies of a sketch map  $8\frac{1}{2}$  by 11 inches, or 18 by 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 landowners directly involved in the minor partitioning.

(d) For land adjacent to and within the parcel to be partitioned, the locations, names, and existing widths of all streets and easements of way; location, width and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways and the location of 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 the planning commission.

(2) The planning commission may define the circumstances under which an application for minor land partitioning may be given routine administrative review and approval. Under this procedure the staff of the city planning office shall check the proposal against the development plan and approval of the proposal shall be as prescribed by the planning commission.

(3) If the location or type of land has not been defined 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 state 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 within a year is being partitioned into more than two parcels 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 city records, and one copy shall be retained in the planning commission files.

#### ARTICLE 7. DESIGN STANDARDS

Section 7.010. Principles of Acceptability. Subdivisions shall conform to any development plans and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of state law and the standards established by this ordinance.

#### Section 7.020. 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 arrangement of streets in a subdivision shall either::

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

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

(2) Minimum right-of-way and roadway widths. The width of streets and roadways in feet shall be adequate to fulfill city specifications as provided for in Section 8.020 of this Ordinance and, unless otherwise indicated on a development plan, shall not be less than the minimums shown in the following table:

<u>Type of Street</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Roadway</u>
Major arterials	100	(To be determined by planning commission)
Secondary arterials	80	
Service and industrial streets	80	
Collector streets and minor streets over 250 feet in length	60	
Minor streets under 250 feet in length which cannot be extended	50	36
Radius for turn-around at end of cul-de-sac	50	40
Alley	20	20

Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the planning commission may accept a narrower right of way, ordinarily not less than 50 feet. If necessary, special slope easements may be required.

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

(4) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center line thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

(5) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining lands, 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 right 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. The intersection of arterial or collector streets with other arterial or collector streets shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 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.

(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 have a maximum length of 600 feet but may be longer in cases where unusual circumstances exist. A cul-de-sac shall terminate with a turn-around.

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

(11) Grades and curves. Grades shall not exceed 6 per cent on arterials, 10 per cent on collector streets, or 12 per cent on any other street. Center line radius of curves shall not be less than 300 feet on

major arterials, 200 feet on secondary streets, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, 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) 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 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 street 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 non-access 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.

(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 approved by the planning commission. The corners of alley intersections shall have a radius of not less than 12 feet.

#### Section 7.030. Blocks.

(1) General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

(2) Size and width. No block shall be more than 1,200 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.

(3) Easements:

(a) Utility lines, easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever

necessary. The easements shall be at least 15 feet wide and centered on rear or side lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

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

(c) Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 7.040: Lots.

(1) Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. A lot shall have a minimum average width of 80 feet. A lot shall have a minimum average depth of 100 feet, and the depth shall not exceed two and a half times the average width. These minimum standards shall apply with the following exceptions:

(a) In areas that will not be served by a public water supply or a public sewerage system, minimum lot sizes shall conform to the requirements of the county health department, but in no case be smaller than the following:

1. If not served by either a public water supply or a public sewerage system no lot shall be less than 150 feet wide and one acre in area.
2. If served by a public water supply but not a public sewerage system no lot shall be less than one-half acre in area.

(b) If the area is served by a public water supply and a public sewerage system the minimum lot size shall be 8,000 square feet.

(c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

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

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

Section 7.050. Lot Grading. Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(1) Cut slopes shall not be steeper than one and one-half feet horizontally to one foot vertically.

(2) Fill slopes shall not be steeper than two feet horizontally to one foot vertically.

(3) The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

Section 7.060. Building Lines. If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

Section 7.070. 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 such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Section 7.080. Land for Public Purposes. If the city has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the city has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the planning commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed two years at a cost not to exceed 150% of the value of the land prior to subdivision, plus expenses incurred by the subdivider during this period.

## ARTICLE 8. IMPROVEMENTS

Section 8.010. Improvement Procedures. In addition to other requirements, improvements shall conform to the requirements of this Ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

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

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

(3) Required improvements shall be inspected by and constructed to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.

(4) 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 lengths that will avoid the need to disturb street improvements when service connections are made.

(5) A map showing public improvements as built shall be filed with the City Recorder upon completion of the improvements.

Section 8.020. Specifications for Improvements. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this Ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

(1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.

(2) Drainage facilities.

(3) Sidewalks in pedestrian ways.

(4) Sewers and sewage disposal facilities.

(5) Public water supplies and water distribution systems.

Section 8.030. Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

(1) Water supply. Lots within a subdivision located within the city limits shall be served by a public water supply system conforming with city specifications. Lots within a subdivision located outside the city shall either be served by a public domestic water supply system conforming to city specifications or the lot size shall be adequate to provide such separation of water sources and sewage disposal facilities as the county health department considers adequate for soil and water conditions. Lot sizes in an area without a public water supply shall be adequate to maintain a separation of at least 100 feet between each well and sewage disposal facility.

(2) Sewage. Lots within a subdivision located within the city limits shall be served by a public sewage disposal system conforming to city and state specifications. Lots within a subdivision located outside the city either shall be served by a public sewage disposal system conforming to city and state specifications or the lot size shall be adequate to provide a sufficient area for a septic tank disposal system approved by the county health department as being adequate for soil and water conditions and water supply.

(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to city specifications as is necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision shall be connected to drainage systems which shall be installed if necessary to protect the subdivision against flooding or other inundation.

(4) Streets. The subdivider shall grade and surface all streets to the roadway widths specified in Section 7.020 of this ordinance and in accordance with city specifications. Curbs and gutters shall be installed along both sides of each street and shall be designed and constructed to city specifications.

(5) Pedestrian ways. A sidewalk not less than five feet wide shall be installed in all pedestrian ways.

(6) Monuments. Monuments shall be installed in accordance with city standards.

Section 8.040. Areas Exempt from Street Improvement Requirements. Areas under the jurisdiction of the city subdivision regulations, not expected to experience significant development other than for farming and forestry are exempt from the requirement for street improvements in subsection (4) of Section 8.030. The city council shall indicate those areas of the city which are exempt by the adoption of maps showing areas which

are expected to experience significant development. The maps shall be adopted under the procedure for adoption or amendment of this ordinance, and shall be dated with the effective date of application of the map as attested by the signatures of the city council.

#### ARTICLE 9. EXCEPTIONS AND VARIANCES

Section 9.010. Exceptions in Case of Large Scale Development. The planning commission may modify the standards and requirements of this ordinance if the subdivision plat comprises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The planning commission shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

Section 9.020. Variance Application. When necessary, the planning commission may authorize conditional variances to the requirements of this ordinance. Application for a variance shall be made by petition of the subdivider, starting fully with the preliminary map of the subdivision.

Section 9.030. Conditions for Granting a Variance. Before a variance may be granted, the planning commission shall first determine that all of the following conditions exist:

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

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

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

Section 9.040. Planning Commission Action on Variances. In granting a variance, the planning commission shall make a written record of its findings and shall specifically describe the variance and any conditions which the commission may designate. The secretary of the planning commission shall keep the findings on files as a matter of public record.

ARTICLE 10. GENERAL PROVISIONS

Section 10.010. Appeal.

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

(2) The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the planning commission if the decision of the Council complies with the spirit and intent of the Ordinance. The disposition of the appeal shall be final.

Section 10.020. Interpretation. Where the conditions imposed by any provisions of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other Ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 10.030. Validity. If any provision of this Ordinance shall for any reason be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of the Ordinance.

Section 10.040. Penalties for Violation. In addition to penalties provided by state law, all persons or corporations who shall violate or maintain any violation, of any of the provisions of this Ordinance, or who shall fail to comply therewith, or with any requirements thereof, or who shall deviate from any of the plans or specifications submitted by them and approved by the City, shall, for each and every violation or non-compliance, be deemed guilty of a misdemeanor. Each day that a violation of this Ordinance continues shall be considered a separate offense.

Section 10.050. Emergency Clause. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 20th day of November, 1969.

  
JOHN E. EGGEN  
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Mayor

ATTEST:

  
VAN R. THOME  
\_\_\_\_\_  
City Recorder