

ORDINANCE BILL NO. 2

ORDINANCE NO. 1625

AN ORDINANCE PROVIDING FOR SUBDIVISION AND LAND PARTITIONING STANDARDS AND PROCEDURES, AND DECLARING AN EMERGENCY AND REPEALING CERTAIN ORDINANCES

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

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1 -- <u>INTRODUCTORY PROVISION</u>	
SECTION 1.01 TITLE	1-1
SECTION 1.02 PURPOSE	1-1
SECTION 1.03 SCOPE OF REGULATIONS	1-1
SECTION 1.04 COMPLIANCE WITH OTHER REGULATIONS	1-1
SECTION 1.05 DEFINITIONS	1-1
ARTICLE 2 -- <u>APPLICATION AND VARIANCE PROCEDURES</u>	
SECTION 2.01 LETTER OF INTENT	2-1
SECTION 2.02 LAND DIVISION	2-1
SECTION 2.03 SUBMISSION PROCEDURE	2-1
SECTION 2.04 REVIEW FEE	2-1
SECTION 2.05 VARIANCES PETITION	2-2
ARTICLE 3 -- <u>SUBDIVISION TENTATIVE PLAN</u>	
SECTION 3.01 SUBMISSION REQUIREMENTS	3-1
SECTION 3.02 FORM AND SCALE	3-1
SECTION 3.03 GENERAL INFORMATION ON TENTATIVE PLAN	3-1
SECTION 3.04 INFORMATION CONCERNING EXISTING CONDITIONS	3-1
SECTION 3.05 PROPOSED PLAN OF SUBDIVISION	3-2
SECTION 3.06 STATEMENTS TO ACCOMPANY TENTATIVE PLAN	3-3
SECTION 3.07 SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN	3-3
SECTION 3.08 REVIEW AND ACTION PROCEDURES	3-3
ARTICLE 4 -- <u>SUBDIVISION FINAL PLAT</u>	
SECTION 4.01 SUBMISSION REQUIREMENTS	4-1
SECTION 4.02 FORM AND SCALE	4-1
SECTION 4.03 INFORMATION ON FINAL PLAT	4-1
SECTION 4.04 SUPPLEMENTAL INFORMATION WITH PLAT	4-3
SECTION 4.05 SURVEY REQUIREMENTS	4-4
SECTION 4.06 DEDICATION REQUIREMENTS	4-5
SECTION 4.07 REVIEW AND ACTION PROCEDURES	4-6

34 pages

TABLE OF CONTENTS CONTINUED:

Page

ARTICLE 5 -- LAND PARTITIONS

SECTION 5.01	SUBMISSION REQUIREMENTS	5-1
SECTION 5.02	CREATION OF A PUBLIC OR PRIVATE STREET OUTSIDE A SUBDIVISION	5-1
SECTION 5.03	FORM AND SCALE	5-1
SECTION 5.04	GENERAL PARTITION REQUIREMENTS	5-2
SECTION 5.05	ADDITIONAL REQUIREMENTS FOR MAJOR PARTITIONS	5-2
SECTION 5.06	REVIEW AND ACTION PROCEDURES	5-3

ARTICLE 6 -- DESIGN STANDARDS

SECTION 6.01	PRINCIPLES OF ACCEPTABILITY	6-1
SECTION 6.02	STREETS	6-1
SECTION 6.03	BLOCKS	6-4
SECTION 6.04	BUILDING SITES	6-4
SECTION 6.05	GRADING OF BUILDING SITES	6-5
SECTION 6.06	BUILDING LINES	6-5
SECTION 6.07	LARGE BUILDING SITES	6-5
SECTION 6.08	LAND FOR PUBLIC PURPOSES	6-6

ARTICLE 7 -- IMPROVEMENT REQUIREMENTS

SECTION 7.01	IMPROVEMENT PROCEDURES	7-1
SECTION 7.02	SPECIFICATIONS FOR IMPROVEMENTS	7-1
SECTION 7.03	IMPROVEMENTS IN SUBDIVISIONS	7-1
SECTION 7.04	IMPROVEMENTS IN PARTITIONS	7-3
SECTION 7.05	AGREEMENT FOR IMPROVEMENTS	7-3
SECTION 7.06	BOND	7-4

ARTICLE 8 -- GENERAL PROVISIONS

SECTION 8.01	INTERPRETATION	8-1
SECTION 8.02	SEVERABILITY	8-1
SECTION 8.03	ENFORCEMENT AND APPEAL PROVISIONS	8-1
SECTION 8.04	PENALTIES	8-1
SECTION 8.05	AMENDMENTS	8-2
SECTION 8.060	REPEALING CERTAIN ORDINANCES	8-2
SECTION 8.070	EMERGENCY CLAUSE	8-2
SECTION 8.080	EFFECTIVE DATE	8-2

ARTICLE 1. INTRODUCTORY PROVISION

SECTION 1.01 TITLE

This ordinance shall be known as the "Lebanon Land Division Ordinance."

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to establish standards and procedures for the division of land within the jurisdiction of the City of Lebanon. These regulations are necessary in order to provide uniform procedures and standards for the division 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 1.03 SCOPE OF REGULATIONS

Subdivision plats and partition maps shall be approved in accordance with these regulations. A person desiring to subdivide land, desiring to partition land or desiring to sell any portion not the whole of a parcel of land within the City shall submit tentative plans and final documents for approval as provided in this ordinance and the state law.

SECTION 1.04 COMPLIANCE WITH OTHER REGULATIONS

In addition to the regulations contained herein, all land divisions within the City shall comply with the following regulations:

- (1) Chapter 92 of the Oregon Revised Statutes. (ORS 92)
- (2) The Comprehensive Plan adopted by the City Council.
- (3) Official Maps or Development Plans as adopted by the City Council.
- (4) Land Development Ordinance as adopted by the City Council.
- (5) Recording requirements of Linn County.
- (6) All other applicable regulations provided by law.

SECTION 1.05 DEFINITIONS

As used in this ordinance the following words and phrases shall mean:

- (1) Building line. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- (2) City. The City of Lebanon, Oregon.
- (3) Comprehensive Plan. A city plan for the guidance of 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 unit of land that is created by a subdivision of land.
- (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) Map. A final diagram, drawing or other writing concerning a major partition.
- (7) Parcel. A unit of land that is created by a partitioning of land.
- (8) 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.
- (9) 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.
- (10) Pedestrian way. A right-of-way for pedestrian traffic.
- (11) 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.
- (12) Planning Commission. The Planning Commission of the city.

- (13) Plat. The final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (14) Right-of-way. The area between boundary lines of a street or other easement.
- (15) Roadway. The portion of a street right-of-way developed for vehicular traffic.
- (16) Sidewalk. A pedestrian walkway with permanent surfacing.
- (17) Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "land," "avenue," "alley" or similar designations.
- (a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- (c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- (d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
- (e) Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (f) Marginal access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (g) Minor street. A street intended primarily for access to abutting properties.
- (18) 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.
- (19) Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

ARTICLE 2 APPLICATION AND VARIANCE PROCEDURES

SECTION 2.01 LETTER OF INTENT

Prior to submission of an application and a tentative plan for a subdivision or a major or minor partition, a land divider or his agent shall submit a letter and a sketch drawing for the layout of property to be divided to the Building and Planning Official for preliminary consultation to inform the land divider of conditions and policies of public or private agencies which may be pertinent to the preparation of the application and tentative plan. Following preliminary consultation, the Building and Planning Official may recommend filing of an application and preparation of a tentative plan for review and action or may suggest a land division conference with affected agencies to assist the land divider in preparing the tentative plan.

SECTION 2.02 LAND DIVISION CONFERENCE

Within 15 days after receipt of the letter of intent and preliminary consultation, the Building and Planning Official may schedule a land division conference with the land divider and representatives of the City and other affected public and private agencies to further clarify the conditions and requirements necessary in the preparation of the application and tentative plan. The land divider may request additional meetings with affected agencies either jointly or individually as may be necessary to clarify policies which may affect the proposed land division.

SECTION 2.03 SUBMISSION PROCEDURE

Following preliminary consultation and the land division conference, where applicable, the land divider shall prepare an application and a tentative plan with other supplementary data required to indicate the general program and objectives of the proposed land division. The form of application shall be as prescribed by the City and shall be submitted to the Building and Planning Official which shall coordinate the process of review and action. The submission and informational requirements and review procedures shall be as specified for each land division classification contained in this ordinance.

SECTION 2.04 REVIEW FEE

A review fee for each proposed subdivision and minor land partition shall be paid to the City. Said fee shall be paid at such time the applicant submits his letter of intent to the Planning Official. If the applicant withdraws his tentative plan before going before the Planning Commission, 50% of the fee may be refunded to the applicant.

Subdivisions:	1 - 5 lots	\$50 + \$1.50 per lot
	6 or more lots	\$75 + \$1.50 per lot

Minor Land Partitions:		
	Major Partition	\$50
	Minor Partition	\$15

These charges shall be in addition to other fees established by the County or State.

SECTION 2.05 VARIANCES PETITION

(1) Variances Authorized

Variances and conditional variances to the requirements of this ordinance may be authorized by the Planning Commission.

(2) Application

Petition for a variance shall be made on a form prescribed by the City and shall be submitted to the Building and Planning Official at the time the land division application and tentative plan is submitted. The variance petition shall cite the ordinance provisions from which a variance is requested and shall state fully the basis and facts relied upon and other data pertinent to the requested variance.

(3) Review and Action Procedure

- (a) The Building and Planning Official shall review the variance petition with all affected public and private agencies and submit a findings report to the Planning Commission.
- (b) The Planning Commission shall consider the variance petition at the same meeting at which it considers the land division application and tentative plan. A variance or conditional variance may be granted provided the following circumstances exist:
 - (1) That there are special circumstances or conditions affecting the property.
 - (2) That the variance is necessary for the proper design and/or function of the subdivision.
 - (3) That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
 - (4) That the granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan and other related ordinances of the City.
 - (5) That the variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.

- (6) That the variance is necessary to conform to an approved planned unit development approach which utilizes new planning and development techniques that do not necessarily conform with the more conventional standards of land division, design or improvements prescribed by this ordinance.
- (c) The Planning Commission may approve, conditionally approve or deny all or any part of a variance petition. A written record of the findings and action of the Planning Commission shall be attached and noted on two copies of the tentative plan as part of the conditions for approval of the proposed land division.

ARTICLE 3 SUBDIVISION TENTATIVE PLAN

SECTION 3.01. SUBMISSION REQUIREMENTS

The subdivider shall submit 15 copies of the tentative plan and supplementary data to the Building and Planning Official 30 days prior to the Planning Commission meeting at which consideration of the tentative plan is desired following preliminary consultation as required in Article 2.

SECTION 3.02 FORM AND SCALE

The tentative plan of a subdivision shall be clearly and legibly drawn on a sheet 18 by 24 inches in size to a scale of one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the sheet size, but in all cases the scale to be used shall be in multiples of ten (10).

SECTION 3.03 GENERAL INFORMATION ON TENTATIVE PLAN

- (1) No tentative plan or plat of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.
- (2) Date, northpoint, scale of drawing, approximate acreage and boundary lines.
- (3) Appropriate identification clearly stating the map is a subdivision tentative plan.
- (4) Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
- (5) Names and addresses of the owner, subdivider and engineer or surveyor.
- (6) The approximate acreage of the tract being subdivided, and the minimum size of proposed lots.

SECTION 3.04 INFORMATION CONCERNING EXISTING CONDITIONS

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

- (2) Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows (except the City Engineer may approve the omission of contours when he believes they are unnecessary):
 - (a) For slopes not in excess of ten (10) percent: two foot contours.
 - (b) For slopes over ten (10) percent: five-foot contours.
- (3) The location of at least one temporary bench mark within the tract boundaries.
- (4) The location and direction of all water courses and the location of all areas subject to flooding.
- (5) Natural features such as rock outcroppings, marshes, wooded area and isolated preservable trees.
- (6) Existing uses on the property, including location of all existing structures to remain on the property after platting.
- (7) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, sewer, water, culverts and drain lines and utility services.

SECTION 3.05 PROPOSED PLAN OF SUBDIVISION

- (1) The location, width, name and approximate grade and radii of street curves. The relationship of streets to any projected streets as shown on any Comprehensive General Plan adopted by the Planning Commission; or if no Comprehensive General Plan has been adopted, the Planning Commission may suggest, in order to assure adequate traffic circulation, a plan that is appropriate.
- (2) The location, width, and purpose of easements.
- (3) The location and approximate dimensions of lots and the proposed lot and block numbers.
- (4) Sites, if any, allocated for purposes other than single-family dwellings.
- (5) The location, approximate acreage and approximate dimensions of areas proposed for public use.
- (6) An outline of the areas proposed for partial recording of a final plat if phased recording is proposed.
- (7) The relationship of the proposed subdivision to future streets on adjacent land controlled by the subdivider.

SECTION 3.06 STATEMENTS TO ACCOMPANY TENTATIVE PLAN

The tentative plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:

- (1) Adequacy and source of water supply.
- (2) Proposed method of sewage disposal.
- (3) Protective covenants and deed restrictions to be recorded, if any.
- (4) The time the proposed improvements are to be made or installed.
- (5) A statement that the owner of the property or his agent is submitting the tentative plan for approval or that the owner consents to the filing of the plat.

SECTION 3.07 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 rainage 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.

SECTION 3.08 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the Building and Planning Official shall furnish one copy of the tentative plan and supplementary material to all affected public and private agencies. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given 10 working days to review the plan and to suggest revisions that appear to be in the public interest.
- (2) The Building and Planning Official shall review the tentative plan proposal and the reports of agencies and submit a findings report to the Planning Commission.

- (3) Before the Planning Commission may take action on a tentative plat, it shall hold a public hearing. Notification of the hearing shall be by at least one publication in a newspaper of general circulation in the City, not less than 3 days nor more than 10 days prior to the date of the hearing. Notification of the hearing shall be with at least one notice of the hearing giving the date and place of the hearing, and notifying by mail, at least 10 days prior to the time of the hearing, the developer, owner and the abutting property owners which are listed as recorded owners as shown in the records of the County Assessor. Failure of a person to receive the notice shall not invalidate any proceedings.
- (4) Within 30 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. 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.
- (5) The Planning Commission may continue the review for good cause or may schedule a public hearing to gain additional information on neighborhood impacts relative to the proposed subdivision.
- (6) Approval of the tentative plan 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.
- (7) The action of the Planning Commission shall be noted on two copies of the tentative plan, 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 SUBDIVISION FINAL PLAT

SECTION 4.01 SUBMISSION REQUIREMENTS

Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. 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 resubmit the tentative plan and make any revision necessary to meet changed conditions. The subdivider shall submit the completed plat, the exact duplicate transparency as required by ORS 92 and five prints to the Building and Planning Official for review and action by the Planning Commission.

SECTION 4.02 FORM AND SCALE

The final plat shall be submitted in the form prescribed by ORS 92 and the Linn County recording standards. The scale of the final plat shall be one (1) inch equals 100 feet. The scale may be increased or decreased if necessary to fit the legal-sized plat of 18 by 24 inches, but in all cases the scale used shall be in multiples of ten (10).

SECTION 4.03 INFORMATION ON FINAL PLAT

In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- (1) The name of the subdivision, the date, scale, northpoint, legend and existing features such as highways and railroads.
- (2) Legal description of the subdivision boundaries.
- (3) 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) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- (4) The exact location and width of streets and easements intersecting the boundary of the tract.
- (5) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. 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 shall be used.

- (6) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
- (7) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. (If and easement is not definitely located or recorded, there shall be a written 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 certificates of dedication.
- (8) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.

Numbering of lots and blocks as follows:

- (a) Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.
 - (b) 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 and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.
 - (c) Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
- (9) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
 - (10) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the City Council.

(11) Certificates on Final Plat

The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.

- (a) A certificate, signed and acknowledged by the owner of record of the land to be subdivided who is consenting to the following: (1) preparation and recordation of the final plat; (2) offering for dedication all parcels of land, streets, alleys, pedestrian-ways, drainage channels, easements and other rights-of-way intended for public use; and (3) offering for dedication rights of access to and from prescribed streets, lots, and parcels of land.
- (b) A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat.
- (c) A certificate for execution by the President of the Planning Commission on behalf of the Planning Commission.
- (d) A certificate for execution by the Building and Planning Official.
- (e) A certificate for execution by the City Engineer, or
A certificate for execution by the County Surveyor.
- (f) A certificate for execution by the County Tax Collector.
- (g) A certificate for execution by the County Assessor.
- (h) A certificate for execution by the Board of County Commissioners.
- (i) Other certifications now or hereafter required by law.

SECTION 4.04 SUPPLEMENTAL INFORMATION WITH PLAT

The following data shall accompany the plat:

- (1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:
 - (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

- (b) The computation of distances, angles and courses shown on the plat.
 - (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 have been paid as provided by ORS 92.
 - (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 tentative plan.
 - (b) An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

SECTION 4.05 SURVEY REQUIREMENTS

- (1) A complete and accurate survey of the land to be subdivided shall be made by a registered engineer or surveyor licenses to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as provided in this ordinance and state law.
- (2) Monuments
 - (a) All monuments shall be set according to the provisions of state law.
 - (b) In making the survey for the subdivision, the survey shall set sufficient permanent monuments prior to the recording of the final plat so that the survey or any part thereof may be retraced according to standards required by the Linn County Surveyor except interior monuments may be delayed with approval of the Planning Commission.
 - (c) Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the tentative plan or upon special request prior to filing the final plat subject to the following:

1. The developer has shown that it is necessary and practical to delay the interior monumentation.
2. The developer of the plat agrees to furnish a bond or cash deposit in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monuments.
3. That the developer, will sign an agreement with his surveyor and the City Engineer as to the amount of the bond or cash deposit to be furnished at the time of submitting the final plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation as provided in ORS 92 shall be followed; establish a date when the monumentation will be completed, and set out other particulars that may be necessary to insure the completion of the monumentation at a later date.

(3) Utility Markers

Permanent markers shall be provided for all underground water, sewer and utility stubs within the prepared subdivision as approved by the City Engineer.

SECTION 4.06 DEDICATION REQUIREMENTS

- (1) All parcels of land shown on the final plat intended for public use shall be offered for dedication for public use at the time the plat is filed. Exception: Those parcels which are intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants; and also excepted are those parcels of land reserved for public purposes under the provisions of Section 6.08 of this ordinance.
- (2) All streets, pedestrianways, drainage channels, easements and other rights-of-way shown on the final plat intended for public use shall be offered for dedication for public use at the time the final plat is filed.
- (3) All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
- (4) The subdivider shall provide one-foot reserve strips across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land and they shall be designated as such. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

SECTION 4.07 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt by the city, the plat and other data shall be reviewed by the Building and Planning Official and the City Engineer to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of this ordinance.
- (2) The City may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and City representatives may enter the property for this purpose. Certifications of the County Surveyor shall be used to determine that the plat and survey are technically correct.
- (3) If it is determined that full conformity has not been made, the Building and Planning Official shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. If it is determined that full conformity has been made, the City Engineer shall so certify. Upon receipt of the plat from the Building and Planning Official with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission. The approval of the 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 4.08 FILING OF 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.

ARTICLE 5 LAND PARTITIONS

SECTION 5.01 SUBMISSION REQUIREMENTS

The partitioner shall submit the original transparency intended for recording with the County Surveyor and 5 copies of the tentative plan map with other supplementary data to the Building and Planning Official for review and action following preliminary consultation as required in Article 2.

SECTION 5.02 CREATION OF A PUBLIC OR PRIVATE STREET OUTSIDE A SUBDIVISION

- (1) The creation of a public street and the resultant separate land parcels shall be in conformance with Article 6, Design Standards and Article 7, Improvement Requirements except the Planning Commission may approve the creation of a street to be established by deed without full compliance with the improvement requirements of Article 7 provided any of the following conditions exist:
 - (a) The establishment of the public 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 a major partition within an isolated ownership 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.
- (2) A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a public street in a subdivision or major partition except that a private street to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access.
- (3) In those cases where a public or private street is proposed without full compliance with this ordinance, a variance Petition and the proposed deed shall be submitted to the Building and Planning Official at the time the application and tentative plan map are submitted for review and action.

SECTION 5.03 FORM AND SCALE

The tentative plan map of a partition shall be clearly and legibly drawn on a sheet size as specified by the County Surveyor for partition maps offered for record. The scale shall be selected to fit the sheet size, but in all cases the scale selected shall be in multiples of ten (10).

SECTION 5.04 GENERAL PARTITION REQUIREMENTS

All major and minor partition tentative plan maps shall contain the following information:

- (1) A survey map that meets the requirements of the County Surveyor for recording the survey of the partition containing the date, northpoint, scale and survey information to accurately locate the monuments and identify the parcels.
- (2) Name and address of the record owner and of the surveyor who prepared the tentative plan map.
- (3) A legal description of the parcels being offered for sale.
- (4) 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.
- (5) For land adjacent to and within the tract to be partitioned, the locations, names and widths of streets; location, width and purpose of other easements; and location and size of sewer and water lines and drainage ways and the location of serving utilities.
- (6) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
- (7) Location of buildings, slope of land, trees and other features of the land important to its development.
- (8) Proposed improvements such as pavement, curbs and gutters, sidewalks, grading and filling, and other major improvements to develop the parcels.
- (9) A designated space for approval signatures of the Building and Planning Official, the City Engineer, the Chairman of the Planning Commission where applicable and the County Surveyor.
- (10) Such additional information as may be required by the Building and Planning Official or the Planning Commission.

SECTION 5.05 ADDITIONAL REQUIREMENTS FOR MAJOR PARTITIONS

The following additional information shall be required for major partitions:

- (1) The identification of the street area to be dedicated and its relation to existing streets serving the property shall be included on the tentative plan map.
- (2) A signed and notarized deed for the street area being dedicated and including any other easements rights being granted to the city related to the partition parcels.

- (3) Reference to the deed shall be noted on the tentative plan map.

SECTION 5.06 REVIEW AND ACTION PROCEDURES

Upon receipt, the Building and Planning Official shall review the tentative plan map and supplementary data with all affected public and private agencies and the City Engineer.

If it is determined that the proposed partition is consistent with the Comprehensive Plan and other related ordinances of the City and that adequate vehicular access and utilities can be provided, the Building and Planning Official and City Engineer may grant administrative approval of the proposal without submitting it to the Planning Commission.

If the proposed partition does not fully comply with city ordinances, requiring a Variance Petition, or if unusual circumstances exist relative to the proposed partition, the Building and Planning Official shall submit the proposal to the Planning Commission for review. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan map as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.

Upon approval, two copies and the original transparency shall be signed. The tentative plan map then becomes the final partition map. The original shall be forwarded to the County Surveyor for filing as a recorded survey, a signed copy returned to the applicant and a signed copy maintained on file with the Building and Planning Official.

If required conditions of approval are not met, the tentative plan map shall not be signed and the original transparency shall be returned to the applicant with a letter stating the reasons for denial. The applicant may modify the tentative plan map or improve the parcels to meet the requirements or may request an appeal within 15 days.

ARTICLE 6 DESIGN STANDARDS

SECTION 6.01 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 6.02 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) 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 7.02 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	36
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 conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted, ordinarily not less than 50 feet. If necessary, slope easements may be required.

- (3) Reserve strips. Reserve strips or street plugs controlling 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 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 125 feet.
- (5) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition 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 angles as near to right angles as practical except where topography require 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. 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 an 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 the land division.
- (8) Half Street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition 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 provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

- (9) Cul-de-sac. A cul-de-sac shall have a maximum length of 600 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular 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 name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.
- (11) Grades and curves. Grades shall not exceed 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) Streets adjacent to railroad right-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (13) Marginal access streets. Where a 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.
- (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 6.03 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 1,200 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. 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) Easements.
 - (a) Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 15 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width.
 - (b) Water courses. If a tract 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 the major water courses may be required.
 - (c) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

SECTION 6.04 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 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 nonresidential 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 incompatible 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 6.05 GRADING OF BUILDING SITES

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- (1) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.
- (3) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

SECTION 6.06 BUILDING LINES

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

SECTION 6.07 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 6.08 LAND FOR PUBLIC PURPOSES

- (1) If the City has an interest in acquiring a portion of a 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 one year, at a cost not to exceed the value of the land prior to subdivision.

ARTICLE 7 IMPROVEMENT REQUIREMENTS

SECTION 7.01 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications followed 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.
- (2) Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason it shall not be resumed until after the City is notified.
- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- (4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing public improvements as built shall be filed with the City upon completion of the improvements.

SECTION 7.02 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 design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS

The following improvements shall be installed at the expense of the subdivider and at the time of subdivision:

- (1) Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. 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 of their center lines.

- (2) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- (3) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the City trunk system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the City Engineer shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:

- (a) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.
- (b) If the installation is not made as an assessment project, the City will reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten years from the time of installation of the sewers. The actual amount shall be as determined by the Planning Commission at the time of approval of the plat, considering current construction costs.
- (4) Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the serving utility and the City Engineer taking into account provisions for extension beyond the subdivision.

- (5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.
- (6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- (7) Street name signs. Street name signs shall be installed at all street intersections.
- (8) Street lights. Street lights shall be installed and shall be served from an underground source of supply.
- (9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

SECTION 7.04 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

SECTION 7.05 AGREEMENT FOR IMPROVEMENTS

Before Planning Commission approval of a subdivision plat or partition map, the land divider 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 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 which shall not exceed ten per cent of the cost of the improvements to be installed.

SECTION 7.06 BOND

- (1) The land divider 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) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 - (c) Cash.
- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- (3) If the land divider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

ARTICLE 8 GENERAL PROVISIONS

SECTION 8.01 INTERPRETATION

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance or another ordinance, the provisions which are more restrictive shall govern.

SECTION 8.02 SEVERABILITY

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

SECTION 8.03 ENFORCEMENT AND APPEAL PROVISIONS

- (1) The Building and Planning Official shall have authority to enforce the provisions of this ordinance.
- (2) An appeal from a ruling of the Building and Planning Official regarding a requirement of this ordinance may be made only to the Planning Commission.
- (3) An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within 15 days after the Planning Commission has rendered its decision.

Written notice of the appeal shall be filed with the Building and Planning Official. If the appeal is not filed within the above specified period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendations thereon from the Planning Commission and shall hold a public hearing on the appeal. The City Council may continue the hearing for good cause. Following the hearing, the City Council may sustain, reject or overrule any recommendations or rulings of the Planning Commission, provided such action complies with the provisions of this ordinance.

SECTION 8.04 PENALTIES

Violation of any provision of this ordinance or any amendment thereto is punishable, upon conviction, by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars or imprisonment in the municipal jail for not less than twenty-five (25) days nor more than fifty (50) days, or both.

Each violation of a provision of this ordinance and each day a violation continues shall constitute a separate offense.

SECTION 8.05 AMENDMENTS

- (1) An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms provided by the City.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment after publishing notice of the hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation within the City. The notice shall specify the time, place and purpose of the hearing.
- (3) Within ten (10) days after such hearing, the Planning Commission shall recommend to the City Council approval, disapproval, or modified approval of the proposed amendment.

Upon receiving a recommendation of approval from the Planning Commission, the City Council shall hold a public hearing on the proposed amendment following the same procedures as prescribed for the Planning Commission.

- (4) No applications of a property owner for an amendment to the text of this ordinance shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- (5) A copy of the subdivision ordinance and any amendment adopted to such ordinance shall be filed with the recording officer of Linn County.

SECTION 8.060 Ordinances No. 1229 and 1359 are hereby repealed.

SECTION 8.070 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.

SECTION 8.080 EFFECTIVE DATE

Passed by the Council by a vote of 6 for and 0 against, and approved by the Mayor this 23 day of February, 1977.

ATTEST:

W. F. Squires
Mayor

Edward R. King
Recorder