

ORDINANCE NO. 2718

AN ORDINANCE PROVIDING SUBDIVISION STANDARDS AND PROCEDURES.

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

1.0 DEFINITIONS

1.01 BUILDING LINE: A line on a plat indicating the limit beyond which buildings or structures may not be erected.

1.02 DEVELOPMENT PLAN: Any plan adopted by the planning commission for the guidance of growth and improvement of the city and within the area of planning jurisdiction or any portion thereof. The planning commission may make adjustments in any such plan from time to time to meet unanticipated problems and conditions affecting the public or land owners.

1.03 EASEMENT: A grant of the right to use a strip of land for specific purposes.

1.04 LOT A portion of a subdivision intended as a unit for transfer of ownership or for development.

1.041 REVERSED CORNER LOT: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

1.042 THROUGH LOT: A lot having frontage on two parallel or approximately parallel streets.

1.05 PEDESTRIAN WAY: A right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

1.06 PLAT: The map, drawing or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.

1.07 PLANNING CONTROL AREA: An area within the city or within the area of planning jurisdiction outside the city for which the planning commission has adopted a development plan as authorized by ORS 92.046-92.048 and which upon recommendation by the planning commission, the city council has established as an area subject to the regulation of land partitioning as authorized by ORS 92.048.

1.08 PRIMARY PLANNING AREA: The area within the city boundaries and immediately adjacent to the city which is designated by the planning commission as that area of most active urban development and of primary concern in planning considerations.

1.09 RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

1.10 ROAD WAY: The portion or portions of a street right-of-way available for vehicular traffic.

1.11 SIDEWALK: A surfaced walk not less than five feet wide constructed of portland cement concrete.

1.12 STREET: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic including the placement of utilities.

1.121 ALLEY: A narrow street through the middle of a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

1.1222 ARTERIAL: A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

1.123 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.

1.124 CUL-DE-SAC (Dead-end street): A short street having one end open to traffic and being terminated by a vehicle turn-around.

1.125 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.

1.126 MARGINAL ACCESS: A minor street parallel and adjacent to a major arterial street providing access to abutting properties and protection from through traffic.

1.127 MINOR STREET: A street used exclusively for access to abutting properties.

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1.113 SUBDIVIDE LAND means 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.

1.114 SUBDIVISION means either an act of subdividing land or a tract of land subdivided as defined in this section.

2.0 PROCEDURE

As authorized by ORS Chapter 92 and ORS 227.100-227.110 all subdivision plats and all streets or ways both inside the city and within the city's area of subdivision jurisdiction outside the city created for the purpose of partitioning land shall be approved by the planning commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street or way within the area under initial jurisdiction of the planning commission shall submit preliminary plans and final documents for approval as provided in this ordinance and the state law.

3.0 PRELIMINARY PLAT

3.01 PREPARATION The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.

3.02 SCOPE: The preliminary plat need not be a finished drawing but it should show all pertinent information to scale, in order that the planning commission may properly review the proposed development,

3.03 PARTIAL DEVELOPMENT: Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the planning commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

3.04 INFORMATION REQUIRED: The preliminary plat shall include the following information:

3.041 Vicinity Map: if the detailed map does not show the following information a vicinity map at a small scale (400 feet to the inch) shall be prepared showing:

(1) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed sub-division and between it and the nearest existing major streets.

(2) Names of the record owners of all contiguous land parcels.

(3) How streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

3.042 Detailed map: The preliminary plat shall be drawn at a scale of 1" = 100' or for areas over 100 acres, 1" = 200'.

3.043 General information: The following general information shall be shown on the preliminary plat:

(1) Name of the subdivision; this name must not duplicate nor resemble the name of another subdivision in the same county or in the area within six miles of Albany and shall be approved by the planning commission.

(2) Date, northpoint and scale of drawing.

(3) Location of the subdivision by section, township and range and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.

(4) Names and addresses of the owner or owners, subdivider, engineer or surveyor, and land planner or landscape architect.

(5) Date of the property survey.

3.044 Existing conditions: The following existing conditions shall be shown on the preliminary plat:

(1) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; railroad rights-of-way and other important features, such as section lines and corners, city boundary lines, monuments.

(2) The location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be sub-divided and invert elevations of sewers at points of proposed connections.

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- (3) Contour lines having the following minimum intervals:  
One (1) foot contour intervals for ground slopes less than five (5%) per cent.  
Two (2') feet contour intervals for ground slopes between five (5%) per cent and ten (10%) per cent.  
Five (5') feet contour intervals for ground slopes exceeding ten (10%) per cent.

The elevations of all control points which are used to determine the contours.

Contours shall be related to city of Albany datum.

- (4) Approximate location of areas subject to inundation or storm water overflow with approximate high water elevation.  
(5) Location, width, direction and flow of all water courses.  
(6) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.  
(7) Existing uses of the property and adjacent property within 100' including location of all existing structures to remain on the property or adjacent property after platting.  
(8) Zoning on and adjacent to the tract if any.

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

- (1) Proposed streets: location, widths, names, approximate radii of curves. The relationship of all streets to any projected streets as shown on any development plan adopted by the planning commission.  
(2) Easements: Location on the site or abutting property, showing the width and purpose of all easements.  
(3) Lots: Approximate dimensions of all lots, minimum lot size, proposed lot and block numbers.  
(4) Proposed Land Use: Sites, if any, allocated for:  
Multiple family dwelling  
shopping centers  
churches  
industry  
parks, schools, play grounds  
public or semi-public buildings.

3.046 Explanatory Information

Any of the following information which may be required by the planning commission and which may not be shown practicably on the preliminary plat may be submitted in separate statements accompanying the preliminary plat.

- (1) Proposed deed restrictions in outline form.  
(2) Total acreage in the subdivision and the per cent of usable land in streets.  
(3) Center line profiles showing the finished grade of all streets.  
(4) Improvements to be requested of the city and the approximate time such request will be made.  
(5) Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, state laws and other applicable city ordinances. If, however, the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least 30 days prior to the time the planning commission is to act on the final plat. Agreements on any recommended changes shall be obtained prior to approval of the final plat.

#### 4.0 SUBMISSION OF PRELIMINARY PLAT

4.01 **SUBMISSION:** The subdivider shall file five (5) prints of the preliminary plat with the secretary of the planning commission at least ten (10) days prior to the planning commission meeting at which consideration of the plat is desired.

4.02 **PRELIMINARY REVIEW:** Within two (2) days after being submitted by the subdivider, the secretary shall furnish two prints to the city manager, one print to the county surveyor and one print to the State Highway Department (when development is adjacent to a state highway and access to the highway is desired by the subdivider). These agencies will be given five days to review the plan, suggest revisions and return the plans to the city planning office.

4.03 **TENTATIVE APPROVAL OF PRELIMINARY PLAT:** Within forty (40) days from the first regular planning commission meeting following submission of the plat, the planning commission will review the plan and the reports of the agencies listed above and may give tentative approval to the preliminary plat as submitted or as it may be modified or if disapproved, shall express its disapproval and its reasons therefore. The action of the planning commission shall be noted on two (2) copies of the preliminary plat, including reference to any attached documents describing any conditions. One copy shall be returned to the subdivider and the other retained by the planning commission.

#### 5.0 FINAL PLAT

5.01 **TIME LIMIT:** The official plat must be prepared and submitted within six (6) months following the tentative approval given on the preliminary plat by the planning commission and it shall incorporate the recommendations made by the commission. If the owner or subdivider wishes to proceed with the subdivision of his land after the expiration of the six (6) months period following the tentative approval of the preliminary plat by the planning commission, he must re-submit his preliminary plat to the planning commission and make any revisions considered necessary to meet changed conditions.

5.02 **PREPARATION:** The final plat shall be submitted to the city planning commission in the form required by these regulations and state laws including ORS 92.050-92.120 for plats of record.

5.021 **Information Required:** In addition to that specified by state law, the following information shall be shown on the final plat:

- (1) Date, north point and scale of drawing.
- (2) Legal description of the tract boundaries.
- (3) Name and address of the owner or owners, subdivider, engineer or surveyor and land planner or landscape architect.
- (4) Primary control points, approved by the city engineer if within the city or by the county surveyor if outside the city; description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (5) Tract boundary lines, right-of-way lines of streets and other easements and property lines of all lots with accurate dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings.
- (6) Purpose of all easements.
- (7) All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to street and alley lines.
- (8) Minimum building set-back lines where not otherwise fixed by city zoning ordinance.
- (9) Location and purpose for which sites, other than residential lots, are dedicated or reserved.
- (10) Easements and any other areas for public use shall be dedicated without any reservation or restriction whatever.
- (11) A copy of any deed restrictions shall be written on the face of the plat or shall be prepared to record with the plat.

#### 5.022 **Supplementary Information**

- (1) Certification of title showing ownership of the land and also written proof that all taxes and assessments on the tract are paid to date.
- (2) Cross sections and profiles of the proposed streets showing width and grade of roadways.

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(3) Grades of pedestrian ways.

(4) Assurance satisfactory to the planning commission that streets and pedestrian ways will be graded and sidewalks installed in all pedestrian ways.

(5) Assurance satisfactory to the planning commission that improvements installed by the subdivider within the primary planning area will be in conformity with the standards of the city.

6.0 SUBMISSION OF FINAL PLAT

6.01 SUBMISSION: The subdivider shall file the original drawings of the final plat and any supplementary information with the secretary of the planning commission at least two (2) days prior to the planning commission meeting at which consideration of the plat is desired.

6.02 REVIEW: The planning commission shall check the final plat with the tentatively approved preliminary plat for conformity with recommended revisions and these regulations.

6.03 PLANNING COMMISSION APPROVAL: Approval of the final plat shall be indicated by the signatures of the city engineer and the president of the planning commission or, in the absence of the president, by the secretary of the planning commission.

The approval of the final plat by the planning commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.

7.0 FILING OF FINAL PLAT

7.01 TIME LIMIT: Approval of the final plat by the planning commission shall be conditioned on its prompt recording and shall be null and void if the plat is not recorded within thirty (30) days after the date of approval.

8.0 CREATION OF STREETS

The planning commission may approve the creation of a street to be established by deed without full compliance with these regulations provided either of the following conditions exists:

8.01 Such street is deemed essential by the city council or county court for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the creation.

8.02 The tract in which the street is to be dedicated is one acre or less and such dedication in the judgment of the planning commission is not an attempt to evade the provisions of this ordinance governing the control of land partitioning.

Such conditions as are deemed desirable and which are not at variance with the objectives of this ordinance may be required by the planning commission prior to the approval of the creation of any street.

9.0 CREATION OF WAYS

The planning commission may approve an easement of way to be established by deed without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough to partition into more than two parcels a street must be dedicated.

10.0 DESIGN STANDARDS AND PRINCIPLES OF ACCEPTABILITY

In all respects, the subdivision shall be in conformity with any development plans or preliminary plans made in anticipation thereof and in conformity with the requirements of state laws and the standards established by this ordinance.

11.0 STREETS

11.01 GENERAL: The location, width, and grade of all streets shall conform to any existing development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. Streets within the subdivision shall be placed at proper grade. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

11.011 Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

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

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11.02 MINIMUM RIGHT-OF-WAY WIDTHS: Unless otherwise indicated on a development plan the width of streets in feet shall not be less than the minimums shown in the following table.

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY</u>
Primary arterials	90
Secondary arterials	80
Business and industrial streets	66
Collector streets	60
Minor streets (streets generally not exceeding 1800 feet in length)	50
Culs-de-sac	50
Radius for turn around at end of cul-de-sac	45
Alley	20

11.03 RESERVE STRIPS: Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land composing such strips is placed definitely with the jurisdiction of the city or county under conditions approved by the planning commission.

11.04 ALIGNMENT: All streets shall, as far as practical, be in alignment with existing streets by continuations of the center lines thereof. In no case shall the staggering of streets making "T" intersections be so designed that a dangerous jog is produced. Jogs of less than 100 feet on such streets, measured along the center line of the main thoroughfare, must be adjusted by curves or diagonals so that the alignment across the thoroughfare is continuous.

11.05 FUTURE EXTENSION OF STREETS: Where a subdivision adjoins acreage, streets which in the opinion of the planning commission should be continued in the event of the subdivision of the acreage will be required to be provided through to the boundary lines of the tract.

11.06 INTERSECTION ANGLES: Streets shall intersect one another at an angle as near to a right angle as practical, and no intersections of streets at angles of less than 30 degrees will be approved unless necessitated by topographic conditions. When intersections of other than 90 degrees are unavoidable, the right-of-way within the acute angle shall be based on a minimum 30 foot center line radius.

11.07 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.

11.08 HALF STREET: 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.

11.09 CULS-DE-SAC: A cul-de-sac shall be as short as possible and shall in no event be more than 400 feet long nor serve more than 18 single family dwellings. All culs-de-sac shall terminate with a circular turn around.

11.10 STREET NAMES: No street names shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.

11.11 GRADES AND CURVES: Grades shall not exceed six per cent on major or secondary arterials, ten per cent on collector streets, or twelve per cent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of one-half per cent. Center line radii of curves shall not be less than 300 feet on primary arterials, 200 feet on secondary arterials, or 100 feet on other streets.

11.12 PLANTING EASEMENTS: Where streets are less than 60 feet in width additional easements for planting of street trees or shrubs may be required.

11.14 STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY: Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made 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 such streets and the railroad. Such 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.

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11.15 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 property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

11.16 ALLEYS

11.161 Location: Alleys having a minimum width of 20 feet shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the planning commission.

11.162 Intersections: Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

12.0 BLOCKS

12.01 GENERAL: The lengths, widths, and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

12.02 SIZES: Blocks shall not exceed 1200 feet in length, except block adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1800 feet.

12.03 EASEMENTS:

12.031 Utility Lines: Easements for electric lines or other public utilities may be required. Easements for utility lines shall be a minimum of 12 feet in width, and centered on rear or side lot lines. Poles for electric and telephone lines shall be installed along alleys or rear lot lines wherever possible. Tie-back easements six feet wide by 20 feet long for utility poles shall be provided along lot side lines at change of direction points of easements.

12.032 Water Courses: Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose. Streets or park-ways parallel to water courses may be required.

12.033 Pedestrian Ways: In any block over 750 feet in length a pedestrian way with a minimum width of ten feet shall be provided through the middle of the block. If unusual conditions require blocks longer than 1200 feet two pedestrian ways shall be provided. When essential for public convenience, pedestrian ways may be required to connect to culs-de-sac. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety. The subdivider shall install sidewalks through all pedestrian ways in conformity with standards of the city.

13.0 LOTS

13.01 SIZE AND SHAPE: The lot size, width, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

13.02 MINIMUM LOT SIZES: The minimum sizes for various types of lots shall be as given in the following table:

TYPE OF LOT	MINIMUM SIZE IN FEET	
	AVERAGE WIDTH	AVERAGE DEPTH
Corner Lot	65	100
Interior Lot	60	100
Butt (Key) Lot	65	100
Double Frontage	60	200
Reverse Frontage	60	120

The lot width shall be as measured on the building setback line as established herein. In no case shall the average depth be more than two and one-half times the average width. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

13.021 In areas in which minimum lot sizes are required to be greater than the minimum herein specified, because of soil structure adverse to sewage disposal by septic tanks, such lot sizes shall conform to the requirements of the County Health Department unless provisions are made for sanitary sewers.

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13.022 Where property is zoned or deeded 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.

13.03 ACCESS: The subdividing of the land shall be such that each lot shall abut upon a public street.

13.04 DOUBLE FRONTAGE AND REVERSE FRONTAGE: Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. If so screened the lots shall not be classified as double frontage lots.

13.05 LOT SIDE LINES: The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable or on curved streets they shall be radial to the curve.

13.06 RESUBDIVISION: In subdividing tracts into large lots which at some future time are likely to be resubdivided into normal sized city lots, the location of lot lines and other details of the layout shall be such that re-subdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the planning commission considers it necessary.

13.07 BUILDING LINES:

13.071 Residential: Building setback lines should be shown on the subdivision plan or included in the deed restrictions. The minimum setback in residential areas shall be 20 feet from the street right-of-way or as established by a zoning ordinance or development plan. Within the primary planning area as designated by the planning commission, minimum side yard requirements shall be as established by a zoning ordinance for comparable type of development within the city.

13.072 Proposed Commercial: Where the subdivided area is not under zoning control the city planning commission shall require commercial building lines in accordance with the needs of the property and may require provision in deeds to insure proper building lines and yards.

13.08 PUBLIC OPEN SPACES: The provision of public open spaces for schools, parks and playgrounds is considered essential for the good development of residential areas. Within the primary planning area as designated by the planning commission, the subdivider shall dedicate to the city for public open space an area of land in a location determined as desirable by the planning commission, equal to .015 acres per lot within the plat, or in lieu of dedication of such land shall make payment to the city for each lot an amount of money equal to .015 times the estimated acreage value of land for residential purposes, whichever is determined by the planning commission to be reasonable. The fund which accumulates from payments in lieu of dedication shall be expended for the acquisition of public open space in locations and for those purposes as determined by the planning commission to be desirable. The acreage value of land within the primary planning area for determining payment in lieu of dedication of land shall be established by the planning commission. The method of payments in lieu of dedication of land shall be established by agreement with the planning commission prior to final approval of the plat. The dedication of land for public open spaces shall be without any reservation or restriction whatever.

Where a proposed school or other public use shown in a development plan is located in whole or in part in a subdivision, the planning commission may request the dedication or reservation of such area within the subdivision in those cases in which the planning commission deems such requirements to be reasonable.

Where deemed essential by the planning commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in a development plan, the planning commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

No subdivider shall be required to dedicate, or make payments in lieu thereof, more than 40 per cent of his land for all public purposes including streets but not including utility easements or drainage ways. If greater land areas are required for public use, the planning commission may require the reservation of such areas for a period of two years during which time the appropriate agency may acquire such land at such prices as is established prior to final approval of the plat.

14.0 MINOR LAND PARTITIONING

14.01 CREATION OF PLANNING CONTROL AREA: When a development plan for an area within the city or its area of subdivision jurisdiction has been adopted by the planning commission and a planning control area defined by such development plan has been created by the city council as authorized by ORS 92.046-92.048, the regulation of land partitioning in such planning control area shall be as provided in section 14.02 to 14.06 of this ordinance.



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**14.02 PROPERTY BOUNDARY CHANGES SUBJECT TO APPROVAL:** From the date a map is filed with the recording officer of the county establishing a planning control area, a parcel of land or contiguous parcels under a single ownership within such area shall not be partitioned for transfer of ownership or building development so as to conflict with the development plan of the planning commission for such area. Every partitioning of land within a planning control area must be approved in accordance with 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.

**14.03 REQUIREMENTS FOR SUBDIVISION REMAIN CONSTANT:** Subdivision or the creation of a street or way shall be subject to the same requirements in a planning control area as in other areas under city jurisdiction for subdivision control.

**14.04 MINOR PARTITIONING; PROCEDURE FOR APPROVAL:** Land partitioning other than subdivision or the creation of a street or way shall be known as minor partitioning and in a planning control area shall be approved under the following procedure:

**14.041** There shall be submitted to the planning commission office four copies of a sketch map eight and one-half by eleven inches in size with the following information:

- (1) The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned and its location in the planning control area.
- (2) Name and address of the record owner or owners and of the person who prepared the sketch map.
- (3) Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the minor partitioning.
- (4) For land adjacent to and within the parcel to be partitioned locations, names and existing widths of all streets and easements of way; locations, widths and purposes of all other existing easements; and location and size of sewer and water lines, drainage ways and power poles.
- (5) Outline and location of existing buildings to remain in place.
- (6) Lot lay-out showing size and relationship to existing or proposed streets and utility easements.
- (7) Such additional information as required by planning commission procedures.

**14.042** The planning commission may prescribe certain procedures and define certain land or types of land within a planning control area to allow for routine administrative approval of minor partitioning. Under this procedure the sketch map, upon being submitted to the planning office will be checked against the development plan and, if conforming, may be approved without being submitted to the entire planning commission.

**14.043** If the location or type of land is not such as has 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 such dedication of land and easements and may specify such conditions or modifications in the sketch plan as are deemed 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 entire parcel were subdivided. If the partitioning provided in the sketch map results in complete accomplishment of those parts of the development plan which would be affected by partitioning of the parcel, the planning commission shall designate on the sketch map that future partitioning within the area shown on the sketch map may occur without submission for approval of the planning commission.

**14.05 DISPOSITION OF APPROVED SKETCH MAPS:** When a sketch map has been approved all copies shall be marked with the date and conditions, if any, of approval. Two copies shall be returned to the applicant, one copy shall be attached to the map of the planning control area in the county records and one copy shall be retained in the planning commission files.

**14.06 LARGE PARCELS; MAY REQUIRE SUBDIVISION:** If the parcel of land to be partitioned in a planning control area exceeds five acres at the time of creation of the planning control area and is being partitioned into more than two parcels within a year any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the planning commission should determine, in its judgment, that the entire parcel being partitioned is in the process of being divided into small parcels for non-farm use.

**15.0 IMPROVEMENT STANDARDS**

Within the primary planning area as designated by the planning commission, the quality of all improvements installed by the subdivider either as a requirement of these regulations or at his own option shall be in conformity with the standards of the city or subject to the approval of the city engineer.

PUBLIC OPEN SPACES

Park & Recreation Standard applied to Subdivision Regulations:

Subdivisions should pay for:

- (1) Minor Park at 1 acre per 800 population
- (2) Neighborhood Playground at 1 acre per 800 population.
- (3) Community Playfield at 1 acre per 400 population.

or: to provide total need:

4 acres per 800 population

or: need for each person:

$4/800 = .005$  acres per person

Using the average of 3 persons per family, the need created by each lot is:

$.005 \times 3 = .015$  acres per lot

At an estimated cost of \$2,500 per acre for land, the cost of needed land per lot is:

$\$2,500 \times .015 = \underline{\$37.50}$

The cost per person on this basis is:

$\$37.50/3 = \$12.50$

16.0 VARIATIONS AND EXCEPTIONS

16.01 **HARDSHIP:** Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of a development plan or these regulations.

16.02 **LARGE SCALE DEVELOPMENT:** The standards and requirements of these regulations may be modified by the planning commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center or large industrial area development, which in the judgment of the planning commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

16.03 **CONDITIONS:** In granting variances and modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements to be varied or modified.

17.0 VALIDITY


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

18.0 PENALTIES FOR VIOLATION

Any person, firm, corporation, partnership or co-partnership offering to sell, contracting to sell or selling land contrary to the provisions of these subdivision regulations shall be punishable as provided by ORS 92.990.

Passed by the Council: December 12, 1956

Approved by the Mayor: December 12, 1956

  
\_\_\_\_\_  
Mayor

ATTEST

  
Recorder