

Title IX
SUBDIVISION

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Chapter 1

PURPOSE AND GENERAL PROVISIONS

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9.1.1 PURPOSE

The purpose of adopting and enacting this Ordinance is to provide standards and guidelines and establish procedures for regulating the subdivision and partitioning of land in the City of Vale. The study and approval of subdivision and partitioning plans are necessary in order that the City secure and provide for the proper width and arrangement of streets, ways or thoroughfares, to provide for conformity to the Comprehensive Plan for physical development and improvement to the City; to provide for public utilities and for securing safety from fires, flood, pollution or other dangers; to prevent overcrowding of land and to facilitate adequate provisions of transportation, water supply, sewage, drainage, educational facilities or other needs.

9.1.2 SHORT TITLE

This Ordinance shall be known as the Subdivision Ordinance.

9.1.3 RELATIONSHIP TO COMPREHENSIVE PLAN

A subdivision plat shall take into consideration the policies of the Comprehensive Plan and its elements as adopted by the City Council with respect to the type and intensity of land use, population densities and distribution, location and sizes of public areas, rights-of-way and street improvement.

9.1.4 RELATIONSHIP TO ZONING ORDINANCE

A subdivision plat shall conform in all respects with applicable regulations of the Zoning Ordinance. (*Ord. 591, 9-13-77*)

Chapter 2

CONSTRUCTION AND DEFINITIONS

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9.2.1 CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance:

- (A) *Tense:* Words used in the present tense include the future tense.
- (B) *Number:* Words used in the singular include the plural, and words used in the plural include the singular.
- (C) *Shall and May:* The word “shall” is mandatory; the word “may” is permissive.
- (D) *Gender:* The masculine shall include the feminine and neuter.

9.2.2 DEFINITIONS

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

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

THE CITY: The City of Vale, Oregon.

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

CITY ENGINEER: An engineer or a person with the necessary qualifications appointed by the City Council. The City’s Public Works Supervisor is empowered to perform any of the functions and discharge any of the duties required of and placed upon the Engineer. In the absence of the Public Works Supervisor, the Engineer’s duties may be delegated to another City official by the City Manager or, alternatively, by the Council. (*Ord. 749, 9-12-95; amended by Ord. 832, 3-11-2003*)

LOT: A unit of land that is created by a subdivision of land.

- (A) *Corner Lot:* A lot with a least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135°).
- (B) *Reversed Corner Lot:* A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.
- (C) *Through Lot:* A lot having frontage on two (2) parallel or approximately parallel streets other than alleys.

MAP: A final diagram, drawing or other writing concerning a major partition.

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.

PARCEL: A unit of land that is created by partitioning of land.

PARTITION LAND: To divide an area or tract of land into two (2) or three (3) 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 each year. "Partition land" does not include divisions of land resulting from lien foreclosure; 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 an adjustment to 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.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

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.

PLANNING COMMISSION: The Planning Commission of the City.

PLAT: The final map, drawing, diagram, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning the subdivision.

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

ROADWAY: The portion of a street right-of-way developed for vehicular traffic.

SIDEWALK: A pedestrian walkway with permanent surfacing.

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," *[sic]* "avenue," "alley," or similar designations.

- (A) *Alley:* A narrow street through a block primarily for vehicular traffic service access to the back or side of properties otherwise abutting on another street.
- (B) *Arterial:* A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- (C) *Collector:* A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- (D) *Cul-de-sac (dead-end street):* A short street having one end open to traffic and being terminated by a vehicle turn-around.

- (E) *Half Street:* A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (F) *Marginal Access Street:* A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (G) *Minor Street:* A street intended primarily for access to abutting properties.

SUBDIVIDED [sic] LAND: To divide an area or tract of land into four (4) or more lots within a calendar year when such an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION: Either an act of subdividing land or an area or tract of land subdivided as defined in this Section. (*Ord. 591, 9-13-77; definition of "City Engineer" changed by Ord. 749, 9-12-95*)

Chapter 3

TENTATIVE PLAT

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9.3.1 SUBMISSION–FILING PROCEDURE

The subdivider shall prepare a tentative plat with other supplemental material required to indicate his general program and objectives. Fifteen (15) copies of the tentative plat and supplementary data shall be submitted to the City Manager’s office at least fifteen (15) days prior to the Planning Commission meeting at which consideration of the plat is desired. (*Ord. 832, 3-11-2003*)

9.3.2 SERVICE CHARGE

Upon filing application for the approval of tentative subdivision plat or partitioning plan, the applicant shall pay a fee which shall be set by resolution of the City Council and may be revised from time to time.

9.3.3 SCALE

The tentative plat of a subdivision shall be drawn on a sheet eighteen by twenty four inches (18” x 24”) in size or a multiple thereof at a scale of one inch equals one hundred feet (1”= 100’) or, for areas over one hundred (100) acres, one inch equals two hundred feet (1”= 200’).

9.3.4 INFORMATION ON TENTATIVE PLAT

- (A) *General Information:* The following general information shall be shown on the tentative plat of a subdivision:
- (1) Proposed name of subdivision. The name shall not duplicate or resemble the name of another subdivision in the County and shall be approved by the Planning Commission.
 - (2) Date, northpoint, scale of drawing and approximate acreage of area to be subdivided.

- (3) Appropriate identification of the drawing as a tentative plat.
 - (4) Location of the subdivision by section, township and range sufficient to define its boundaries and a legal description of the tract boundaries.
 - (5) Names and addresses of the owner, subdivider and engineer or surveyor.
- (B) *Existing Conditions:* The following existing conditions shall be shown on the tentative plat:
- (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 an engineer or other person with the necessary qualifications appointed by the City, and having contour intervals as follows (except the engineer may approve omission of contours when he believes they are unnecessary):
 - (a) For slopes not in excess of ten percent (10%): two-foot (2') contours.
 - (b) For slopes over ten percent (10%): five-foot (5') contours.
 - (3) The location of at least one temporary bench mark within the plat 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 areas and isolated preservable trees.
 - (6) Existing uses on the property, including location of all existing structures to remain on the property after the platting.
- (C) *Proposed Plan of Subdivision:* The following information shall be included with the tentative plat of a 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 Plan adopted by the Planning Commission; or if no Comprehensive Plan has been adopted, the Planning Commission may suggest, in order to assure adequate traffic circulation, a plan that is appropriate.
 - (2) The location and approximate dimensions of lots and the proposed lot numbers.
 - (3) Sites, if any, allocated for purposes other than single-family dwellings.
 - (4) The location, approximate acreage and approximate dimensions of areas proposed for public use.
 - (5) An outline of the areas proposed for partial recording of a final plat if phased recording is proposed.
 - (6) The relationship of proposed subdivision to future streets on adjacent land controlled by the subdivider.

9.3.5 STATEMENTS TO ACCOMPANY TENTATIVE PLAT

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

- (A) Protective covenants to be recorded, if any.
- (B) The time the proposed improvements are to be made or installed.
- (C) A statement that the owner of the property or his agent is submitting the tentative plat for approval or that the owner consents to the filing of the map.

9.3.6 SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAT:

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

- (A) 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.
- (B) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- (C) Proposals for other improvements such as electrical utilities and sidewalks.

9.3.7 PLANNING COMMISSION REVIEW AND ACTION

- (A) *Preliminary Review of Tentative Plat:* Upon receipt, the City Manager shall furnish one copy of the tentative plat and supplementary [sic] material to the City Engineer, and to such other agencies as are known to be affected. Other agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given a reasonable time to review the plat and to suggest revisions that appear to be in the public interest. (*Ord. 832, 3-11-2003*)
- (B) *Planning Commission Review:* The tentative plat, supplementary information and recommendations of the officials and agencies reviewing the plat shall be submitted to the Planning Commission at the hearing. The Planning Commission shall review the plan of the plat and reports submitted by officials and agencies taking action upon the proposal within forty (40) days from the time of the hearing.

They may approve, conditionally approve, or disapprove the proposed subdivision. If the plat is not approved the Commission shall state its reasons. Approval of the tentative plat shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with established requirements as set by the Commission.

The action of the Planning Commission shall be noted on two (2) copies of the tentative plat, including reference to any attached documents describing conditions imposed by the Commission. One copy shall be returned to the subdivider and the other retained in the files of the Planning Commission.

- (C) *Hearing:* Before the Planning Commission may take action on a tentative plat, it shall hold a public hearing. Notification of the hearing shall be by posting property to be developed with at least one notice of the hearing and notifying by mail, the developer and all property owners within one hundred feet (100') who are listed as recorded owners in the records of the County Assessor. Notice of the hearing shall be posted and mailed twenty (20) days (*Ord. 712, 9-8-92*) prior to the time of the hearing. (*Ord. 591, 9-13-77*)

Chapter 4

FINAL PLAT

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9.4.1 SUBMISSION OF FINAL PLAT

Within one year after approval of the tentative plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the tentative plat as approved. The subdivider shall submit the original drawing, five (5) prints and any supplementary material or information to the City Manager. If the subdivider wishes to proceed with the subdivision after the expiration date of the one year period following the approval of the tentative plat, he must submit a new tentative plat and make any revisions necessary to meet changed conditions. (*Ord. 832, 3-11-2003*)

9.4.2 INFORMATION ON FINAL PLAT

In addition to that required for the tentative plat or otherwise specified by law, the following information shall be shown on the plat:

- (A) Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
 - (1) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (2) Adjoining comers of adjoining subdivisions.
 - (3) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

- (B) The exact location and width of streets and easements intercepting the boundary of the tract.

- (C) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing 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 bearing shall be shown to the nearest thirty seconds (30") with basis of bearings. Distances shall be shown to the nearest one hundredth foot (0.01'). No ditto marks shall be used.
- (D) The width of the portion of the streets being dedicated and the width of the existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- (E) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- (F) Lot numbers beginning with the number one and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (G) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- (H) Building setback lines, if any, are to be made a part of the subdivision restriction.
- (I) The following certificates which may be combined where appropriate:
 - (1) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and record of plat.
 - (2) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
 - (3) A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
 - (4) Other certificates now or hereafter required by law.

9.4.3 SUPPLEMENTAL INFORMATION WITH FINAL PLAT

The following information shall accompany the final plat:

- (A) 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.
- (B) Sheets and drawings showing the following:
 - (1) Traverse data including the coordinates of the boundaries of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - (2) The computation of distances, angles, and courses shown on the plat.
 - (3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and State highway stationing.
- (C) A copy of any deed restrictions applicable to the subdivision.

- (D) A copy of any dedication requiring separate documents.
- (E) A list of all taxes and assessments on the tract which have become a lien on the tract.
- (F) A certificate by the City Manager that the subdivider has complied with the requirements of Sections 9.4.6 and 9.4.7. (*Ord. 832, 3-11-2003*)

9.4.4 TECHNICAL PLAT REVIEW

- (A) Upon receipt by the City, the plat and other data shall be reviewed by the City Engineer who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plat and that there has been compliance with provisions of the law and of this Ordinance.
- (B) The City Engineer may make such checks in the field as are desirable to the City to verify that the map is sufficiently correct on the ground and his representatives may enter the property for that purpose.
- (C) If the City Engineer determines that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

9.4.5 APPROVAL OF THE PLAT

Upon receipt of the plat, with the approval of the City Engineer, the Planning Commission shall determine whether it conforms with the tentative plat and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by 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.

9.4.6 AGREEMENT FOR IMPROVEMENTS

Before Planning Commission approval of a final 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 Manager an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover full cost and expense, together with court costs and attorney fees necessary to collect said amount 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 percent (10%) of the cost of the improvements to be installed. (*Ord. 832, 3-11-2003*)

9.4.7 BONDS

- (A) The land divider shall file with the agreement, to ensure his full and faithful performance thereof, one of the following:
 - (1) 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.
 - (2) A personal bond, co-signed with 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.

- (3) Cash.
- (B) Such assurance of full and faithful performance shall be for a sum approved by the City Manager 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.
- (C) 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 expenses incurred by the City, the land divider shall be liable to the City for the difference. (*Ord. 832, 3-11-2003*)

9.4.8 FILING OF FINAL PLAT

The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within the thirty (30) days after the date the last required signature has been obtained. (*Ord. 591, 9-13-77*)

Chapter 5

LAND PARTITIONS

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9.5.1 PURPOSE

This Chapter describes procedures and standards governing the partition of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or continuous units of land under single ownership at the beginning of such year. Such partitions, when involving the creation of a street or road, are a major partition. When they do not involve the creation of a street or road they are minor partitions.

9.5.2 CREATION OF A PUBLIC STREET OUTSIDE A SUBDIVISION

- (A) The creation of a public street and the resultant separate land parcels shall be in conformance with the requirements for subdivision except, however, the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - (1) The establishment of the public street is initiated by the City Council or County Court 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.
 - (2) The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one acre of land or of such size and characteristics as to make it impossible to develop building sites for more than three (3) dwelling units.

- (B) In those cases where approval of a public street is to be without a full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the City Manager at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted

shall be reviewed by the Planning Commission and, if not in conflict with the standards of these regulations, shall be approved with the conditions necessary to preserve these standards. (*Ord. 832, 3-11-2003*)

9.5.3 CREATION OF A PRIVATE STREET OUTSIDE A SUBDIVISION

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 street in a subdivision or as provided in Section 9.5.2 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two (2) parcels may be provided with access. A copy of the tentative plan to create a street and partition the tract will be submitted to the City Manager at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated shall be approved.

9.5.4 MAJOR PARTITIONING PROCEDURE

A major partition authorized by Sections 9.5.2 and 9.5.3 shall be approved under the following conditions:

- (A) There shall be submitted to the City Manager a tracing of a tentative plan eight and one-fourth by eleven inches (8.25 x 11”), or eighteen by twenty-four inches (18 x 24”) in size with the following information:
- (1) The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.
 - (2) The name and address of the record owner and of the person who prepared the tentative plan.
 - (3) Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the land owners directly involved in the partitioning.
 - (4) For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location and size of water and sewer lines and drainage ways and the location of power poles.
 - (5) Outline and location of existing buildings to remain in place.
 - (6) Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
 - (7) Such additional information as required by the Planning Commission.
- (B) The Planning Commission may define the circumstances under which an application for partitioning may be given routine administrative review and approval. Under this procedure the City Manager shall check the proposal against the development plan and approve the proposal without submitting it to the Planning Commission.
- (C) If the location or type of land is not such as has been defined for routine administrative approval or if the proposed partitioning does not appear to comply with the requirements for routine administrative approval, the tentative plan shall be submitted for the Planning Commission review and determination that the proposal will comply with this Ordinance. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedication or conditions than could have been required if the tract were subdivided.

- (D) When a tentative plan has been approved, all copies shall be marked with the dates and conditions, if any, of the approval. When compliance with conditions has been assured, the plan shall be approved and then becomes the partition map.
- (E) The provisions of Section 9.3.6 apply to review of a major partition. (*Ord. 832, 3-11-2003*)

9.5.5 STANDARDS AND IMPROVEMENTS

The design standards in Chapter 6, the improvement requirements in Chapter 7 and the provisions of Chapter 4, Sections 9.4.7 and 9.4.8 shall apply to major partitions.

9.5.6 MINOR PARTITIONING PROCEDURE

The land partitions located within the City that do not contain a street dedication and which are not considered major partitions shall be submitted for review and approval.

- (A) *Minor Partition Map.*
 - (1) The map shall be a survey map that meets the requirements of the County Surveyor for filing the survey of the parcel.
 - (2) The survey information to locate the parcel and the monuments set to identify its location.
 - (3) The dimensions and area of the parcel proposal for approval.
 - (4) The legal description of the parcel.
 - (5) The names of the owner [sic] of the property.
 - (6) The street that serves the parcel, its widths and improvements.
 - (7) Location of services to the parcels, including sewer, water, drainage, power, and telephone.
 - (8) Location of buildings, slope of land, drainage ways, trees, easements and any other features of land important to its development.
- (B) *Application for Approval.* Application shall include the original map and five (5) copies filed with the City Manager. The map shall be reviewed by the City Manager and the chairman of the Planning Commission. They shall determine that the proposed parcel is consistent with the Zoning Ordinance, the subdivision regulations and that it has adequate City services and that, upon request, the proposed parcel could be issued a building permit. (*Ord. 832, 3-11-2003*)

If these conditions are met, three (3) copies and the original map shall be signed. The original shall be forwarded to the County Surveyor for filing as a recorded survey, a signed copy returned to the applicant, a signed copy filed in the Planning Commission files and a signed copy forwarded to the appropriate building department.

If the above conditions are not met, the map shall not be signed and the original map shall be returned to the applicant with the letter stating the reasons for refusal. The applicant may modify the map or improve the parcel to meet the requirements or he may, within ten (10) days request review by the Planning Commission at its next regular meeting. The Commission may uphold the decision of the staff, establish conditions of approving the application or approve the application as proposed. (*Ord. 591, 9-13-77*)

Chapter 6

DESIGN STANDARDS

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9.6.1 PRINCIPLES OF ACCEPTABILITY

Subdivisions shall conform to the objectives of the Comprehensive Plan and the preliminary *[sic]* in anticipation of developing comprehensive plans. Subdivisions shall conform to the requirements of State law and standards established by this Ordinance.

9.6.2 STREETS

- (A) *General.* The location, width and grade of the streets shall be considered in their relation to existing and planned streets 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 and the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:
 - (1) Provide for the continuation or appropriate projection of existing principal street *[sic]* in surrounding areas; or
 - (2) 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.

- (B) *Minimum Right-of-Way and Road-Way Width.* Unless otherwise indicated on the development plan, the street right-of-way and road-way widths shall not be less than the minimum width in feet shown in the following tables:

Type of Street Min.	Right-of-Way Width Min.	Roadway Width
Arterial	80 feet	60 feet
Collector Street	60 feet	38 feet
Continuous Minor Street	60 feet	38 feet
Radius for Turn Around at the end of Cul-de-Sacs	50 feet	40 feet
Alleys	20 feet	16 feet

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 fifty feet (50'). If necessary, slope easements may be required.

- (C) *Reserved Strips.* Reserve strips or street plugs controlling access to street 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 the conditions approved by the Planning Commission.
- (D) *Alignment.* As far as it is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center line thereof. Staggered street alignment resulting from "T" intersections shall, when practical, leave a minimum distance of two hundred feet (200') between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred feet (100').
- (E) *Future Extensions of Streets.* Where necessary to give access to or permit a future division of adjoining land, streets shall be extended to the boundary of the subdivision 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.
- (F) *Intersection Angles.* Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty degrees (80°) unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet (100') of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet (50') of a tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty degrees (80°) or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of twenty feet (20') and maintain a uniform width between the roadway and right-of-way line. Ordinarily, the intersection of more than two (2) streets at any one point will not be approved.
- (G) *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.
- (H) *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 tract 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.
- (I) *Cul-de-sacs.* A cul-de-sac shall be as short as possible and shall have a maximum length of four hundred feet (400') and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turn-around.

- (J) *Street Names.* Except for extensions of existing streets, no street name shall be used which will duplicate the name of an existing street. Street names and numbers shall conform to the established pattern of the City and shall be subject to the approval of the Planning Commission.
- (K) *Grades and Curves.* Grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets and twelve percent (12%) on other streets. Center line radii and curves shall not be less than three hundred feet (300') on major arterials, two hundred feet (200') on secondary arterials or one hundred feet (100') on other streets, and shall be to an even ten feet (10'). 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, as determined by the City Engineer.
- (L) *Streets Adjacent to Railroad Right-of-Way.* Whenever the proposed land divisions [sic] contains or is adjacent to a railroad right-of-way, provisions 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 grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (M) *Marginal Access Streets.* Where 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 non-access reservation along the rear or side property lines, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (N) *Alleys.* Alleys shall be provided in residential, 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 twelve feet (12').

9.6.3 BLOCKS

- (A) *General.* The length, width, and shape of the blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- (B) *Size.* No block shall be more than one thousand feet (1,000') 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 along an arterial street is one thousand eight hundred feet (1,800'). A block shall have sufficient width to provide for two (2) tiers of building sites unless topography or the location of adjoining streets justifies an exception.
- (C) *Easements.*
- (1) *Utility Lines.* Easements for sewers, water mains, electric lines or public utilities shall be dedicated wherever necessary. The easements shall be at least twelve feet (12') wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced six feet (6') in width.
 - (2) *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. Street or parkways parallel to the major water course may be required.
 - (3) *Pedestrian and Bicycle Ways.* When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

9.6.4 BUILDING SITES

- (A) *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 [*sic*]:
- (1) Where the 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 purpose shall be adequate to provide for the off-street parking facilities required by the type of use and development contemplated.
- (B) *Access.* Except as set forth in Section 9.2.2, each lot and parcel shall abut upon a street other than an alley for a width of at least twenty five feet (25').
- (C) *Through Lots and Parcels.* Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet (10') 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.
- (D) *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.

9.6.5 GRADING OF BUILDING SITES

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

- (A) Cut slopes shall not exceed one and one-half feet (1.5') horizontally to one foot (1') vertically.
- (B) Fill slopes shall not exceed two feet (2') horizontally to one foot (1') vertically.
- (C) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

9.6.6 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 should be included in the deed restrictions.

9.6.7 LARGE BUILDING SITES

If tracts are to be divided 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 and parcels of smaller size.

9.6.8 LAND FOR PUBLIC PURPOSE

If the City has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition for a period of not to exceed two (2) years.
(Ord. 591, 9-13-77)

Chapter 7

IMPROVEMENTS

Sections

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9.7.1 IMPROVEMENTS PROCEDURE

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:

- (A) 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 plat of a subdivision or partition.
- (B) Improvement work shall not commence until after the City is notified and if the work is discontinued for any reason it shall not be resumed until after the City is notified.
- (C) Improvements shall be constructed under the inspection and to the satisfaction of the City Manager. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change. *(Ord. 832, 3-11-2003)*
- (D) 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.
- (E) A map showing public improvements as built shall be filed with the City upon completion of the improvements.

9.7.2 SPECIFICATIONS FOR IMPROVEMENTS

The City Manager 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. *(Ord. 832, 3-11-2003)*

9.7.3 IMPROVEMENTS IN SUBDIVISIONS

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

- (A) *Streets.* Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved to meet the standards required by the City Council. Catch basins shall be installed and connected to the 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 tangency of their center lines.
- (B) *Surface Drainage and Storm Sewer System.* Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the 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.
- (C) *Sanitary Sewers.* Sanitary sewers shall be installed to serve the subdivision to existing mains. 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:
 - (1) 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 this construction.
 - (2) 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 the subdivision for a period of ten (10) years from the time of the installation of the sewers. The actual amount shall be determined by the Planning Commission at the time of the approval of the plat, considering current construction costs.
- (D) *Water System.* Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to City mains shall be installed. The engineer's design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. If required water mains will directly serve property outside the subdivision, the City will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten (10) years from the time of installation of the mains. The actual amount shall be determined by the Planning Commission at the time of approval of the plat, considering current costs.
- (E) *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 case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half (2.5) or less dwellings per gross acre, the requirements for sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.
- (F) *Street Name Signs.* Street name signs shall be installed at all street intersections.
- (G) *Other.* The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of lines and facilities.

9.7.4 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. (*Ord. 591, 9-13-77*)

Chapter 8

EXCEPTIONS, VARIANCES, ENFORCEMENT, AMENDMENTS AND EMERGENCY DECLARATION

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9.8.1 EXCEPTIONS IN THE CASE OF A PLANNED UNIT DEVELOPMENT

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a planned unit development.

9.8.2 VARIANCE APPLICATION

The Planning Commission may authorize conditional variances to requirements of this Ordinance. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plat. A variance may be granted in the event that all of the following circumstances exist:

- (A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to the other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of the property since enactment of this Ordinance have had no control.
- (B) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other properties in the same vicinity possess.

- (C) The variance would not be materially detrimental to the purpose of this Ordinance, or to the property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- (D) The variance requested is the minimum variance which would alleviate the hardship.

9.8.3 PLANNING COMMISSION ACTION ON VARIANCES

In granting or denying a variance, the Planning Commission should make written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

9.8.4 APPEAL

- (A) A person may appeal to the City Council from a decision or requirement made by the Planning Commission or the City Manager. Written notice of the appeal must be filed with the City within ten (10) days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for appeal.
- (B) The City Council shall hold a hearing on the appeal within thirty (30) days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the Council may overrule or modify the decision or requirement made by the Planning Commission or the City Manager if the decision of the Council complies with the spirit and intent of this Ordinance. The disposition of the appeal shall be final. (*Ord. 832, 3-11-2003*)

9.8.5 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.

9.8.6 PENALTIES

Violations of any provision of this Ordinance or amendment thereto is punishable, upon conviction, by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment in the County jail for not less than twenty five (25) days, or both.

Each violation of a provision of this Ordinance shall constitute a separate offense.

9.8.7 AMENDMENTS

- (A) An amendment to the text of this Ordinance may be initiated by the City Council, the Planning Commission, or by the application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Manager using forms provided by the City Manager. (*Ord. 832, 3-11-2003*)
- (B) The Planning Commission shall conduct a public hearing on the proposed amendment after publishing notice of the hearing once a week for two (2) successive weeks prior to the hearing in the [sic] newspaper of general circulation within the City of Vale. The notice shall specify the time, place, and purpose of the hearing.
- (C) 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 described for the Planning Commission in subsection (B) of this Section.

- (D) No applications of this 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.
- (E) A copy of the Subdivision Ordinance and any amendment adopted to such Ordinance shall be filed with the recording officer of Malheur County. (*Ord. 591, 9-13-77*)