

ORIGINAL

ORDINANCE NUMBER 147

AN ORDINANCE PROVIDING FOR
SUBDIVISION, PARTITION AND
OTHER STANDARDS AND PROCEDURES

The City of Lakeside ordains as follows:

Section 1.

Effect. This ordinance supersedes prior Lakeside Ordinance 19.

Section 2.

Purpose. The purpose of this ordinance is to establish standards and procedures for the partitioning and subdivision of land in the City of Lakeside. These regulations are necessary in order to provide for the proper width and arrangement of streets, to coordinate proposed development with any overall plan, to provide for public facilities, including utilities and open space for recreation, to avoid undue population congestion, to assure adequate sanitation and water supply, to provide for the protection, conservation and proper use of land and, in general, to protect the length, safety and general welfare of the public.

Section 3.

Definitions. As used herein, the following words shall mean:

- 1) Block Length. The distance measured along all that part of one side of the street which is between two intersecting or intercepting streets.
- 2) Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
- 3) City. City of Lakeside.
- 4) City Council. The Common Council of the City, which is the governing body of the City.
- 5) Development Plan. A city plan for guidance of growth and improvement of the City, including any modifications or refinements which from time to time may be made.
- 6) Division of Land. The creation of lots or parcels.

7. Easement. A grant of right to use land.
8. Lot. A unit of land created by subdivision of land.
 - a) Corner Lot. A lot having at least adjacent sides which abut streets other than alleys provided the angle of intersection of the adjacent streets do not exceed 135 degrees.
 - b) Through Lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
9. Parcel. A unit of land created by partitioning of the land.
10. Partition. Either an act of partitioning land or an area or tract of land partitioned.
 - a) Major Partition. A partition which includes a road or street and not more than three (3) lots.
 - b) Minor Partition. A partition which does not include the creation of a road or street.
11. Partition Land. To divide land into two or three parcels of land within a year, but does not include:
 - a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for sale of real property or creation of cemetery lots;
 - b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or
 - c) A sale or grant by a person to a public agency or public body for a state highway, county road, city street or other right of right of way purposes, provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and ORS 215.283(2)(p) to (r).
12. Partition Plat. Includes a final map other writing containing all the descriptions, locations,

specifications, provisions, dedications and information concerning major or minor partitions.

13. Pedestrian Way. A right of way pedestrian traffic.

14. Person. An individual, firm, partnership, corporation, company, association or other legal entity, including any trustee, receiver, assignee or similar representative.

15. Planning Commission. The planning commission of the City.

16. Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions, dedications and information concerning major and minor partitions.

17. Replat. Includes a final map of the reconfigurations of lots, parcels and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications, provisions and information.

18. Reserve Strip or Street Plug. A stripe of land in a roadway which serves to limit or restrict access to dedicated public right-of-ways.

19. Right of Way. The area between boundary lines of a street or other easements.

20. Roadway. The portion or portions of a street right-of-way developed for motorized vehicular traffic.

21. Sidewalk. A pedestrian way where vehicular traffic is prohibited.

22. 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, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A street may be designated as "road", "highway", "lane", "avenue", "alley", or other similar "designations".

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

- b). Arterial. A street 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 partly by through traffic and partly for access to abutting properties.
- d) Cul-de-sac (dead end street). A short street with one end open to traffic and the other terminated by a vehicle turn around.
- e) Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of 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 property, but protected from through traffic.
- g) Minor Street. A street intended exclusively for access to abutting properties.

23. Subdivide Land. To divide land into four (4) or more lots within a calendar year.

24. Subdivision. Either an act of subdividing land or an area or tract of land subdivided.

25. Subdivider. Any person who causes land to be subdivided for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

26. Subdivision Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

27. Representative of the City: A person designated by the city council to carry out specific tasks required or allowed by this ordinance.

GENERAL PROVISIONS

Section 4.

Scope of Regulations. All subdivision and partition plats must be approved by the Planning Commission or its delegates in accordance with these regulations. Within an existing or later established planning control area, changes in property boundary lines shall be in accordance with these regulations. Persons desiring to subdivide or partition land or desiring to sell any portion not the whole parcel of land within a planning control area shall submit preliminary plans and final documents for approval as provided in this ordinance and state law. All proposed subdivisions and partitions shall comply with applicable zoning ordinances and regulations.

Section 5.

Notice Concerning Water Rights. All persons proposing a subdivision or partition must file a statement of water right and, if a water right is appurtenant, a copy of an acknowledgment from the Water Resources Department must be attached before the county recording officer may accept the plan or plat of the subdivision or partition for recording.

Section 6.

General Requirements for Subdivision and Partition Plats.

- 1) No person shall submit a plat of a subdivision or partition until all the requirements of ORS 209.250 and all other applicable requirements have been met.
- 2) The survey for the plat of the subdivision or partition shall be made by a registered, professional land surveyor and shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.
- 3) The plat of the subdivision or partition shall have a minimum drawing scale of one and one half inch to fifty feet for 1-10 acres, one inch to 100 feet for 10-100 acres and one inch to 200 feet for over 100 acres. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each lot or parcel shall be shown. Each street shall be named. All plats shall be presented on a minimum size sheet of 8 1/2 by 13 inches or any multiple thereof.

4) The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

5) The location, dimensions and purpose of all recorded and proposed easements, public or private, shall be shown on the subdivision or partition plat together with the county clerk's recording reference number if the easement has been recorded.

6) The area of each parcel or lot shall be shown on the partition or subdivision plot.

7) In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

- a) Arc length;
- b) Chord length;
- c) Chord bearing;
- d) Radius; and
- e) Central angle.

9. Subdivision and partition plats within one-half mile of an established geodetic control monument, that has been approved by The National Geodetic Society or has been approved by and filed with the county shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or intervisible control monument.

Section 7. :

Delegation to Planning Commission, Appeals.

1. The City Planning Commission and other delegate

appointed by the City shall have power to take action approving or disapproving subdivisions and partitions on behalf of the City.

2. Appeals from the approval or disapproval of the Planning Commission shall be filed with the City Recorder within 10 days after the date of the approval or disapproval appealed from.

3. The City Council shall hear the appeals within 45 days of the filing thereof with the city recorder. A majority vote of the City Council is required to affirm or reverse the decision of the Planning Commissioner or other delegate.

4. The City Council may establish a fee to be charged for an appeal under this section. The fee shall be reasonable and shall be no more than the average cost of such appeals or the actual costs of the appeal, excluding the cost of preparing a written transcript. The City Council may establish a fee for preparation of a written transcript. That fee shall be reasonable and shall be no more than the actual cost of the transcript up to \$500.00 plus one-half of the actual costs over \$500.00.

Section 8.

Water Supply. Subject to any standards and procedures adopted pursuant to ORS 92.044, no subdivision or partition plat shall be approved unless the Planning Commission or its delegate has received and accepted:

1) A certification by a City owned domestic water supply system or by the owner of a privately owned water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to every lot or parcel line of each and every lot or parcel in the subdivision or partition plat;

2) A bond, contract or other assurance that a domestic water supply system shall be installed to the lot line of each and every lot or parcel in the subdivision or partition plat. The amount of the bond, contract or other assurance shall be determined by the city engineer. The City may charge a reasonable fee, not to exceed the expense of the engineer's fee for determining the amount of the bond, contract or other assurance; or

3) In lieu of subsections 1 and 2 of this section, a statement that no water supply facility will be

provided to the lot or parcel. A copy of any such statement, signed by the person seeking the subdivision or partition and endorsed by the Planning Commission, shall be filed by the person with the Real Estate Commissioner and furnished to each prospective purchaser of the lots or parcels prior to the first written agreement for purchase thereof. The person shall take a signed receipt from the purchaser upon delivery of such a statement, immediately send a copy thereof to the Real Estate Commissioner, and shall also keep a copy on file within Oregon for three years after the receipt is taken.

Section 9.

Sewage Disposal System. Subject to any standards and procedures adopted pursuant to ORS 92.044, no subdivision or partition plat shall be approved unless the Planning Commission or its delegate has received and accepted:

- 1) A certification by a City owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that sewage disposal will be installed to the lot or partition line of each and every lot or parcel depicted on the subdivision or partition plat;
- 2) A bond, contract or other assurance to the City that a sewage disposal system will be installed to each and every lot or parcel depicted on the plat. The amount of the bond, contract or other assurance shall be determined by the City engineer and a fee charged in accordance with Section 8 (2) of this ordinance; or
- 3) In lieu of subsections 1 and 2 of this section, a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel depicted on the plat, where the Department of Environmental Quality has approved the proposed method or alternative method of sewage disposal in its evaluation report described in ORS 454.755(1)(b) or any subsequent statute enacted in its place. A copy of any such statement, signed by the person seeking subdivision or partition and endorsed by the Planning Commission, shall be filed by the person with the Real Estate Commissioner and furnished to each prospective buyer of the lots or parcels prior to the signing of the first written agreement for the purchase thereof. The person shall take a receipt from the purchaser, send a copy thereof to the Real Estate Commissioner and retain a copy thereof as provided in Section 8 (3) of this

ordinance.

Section 10.

Engineering Review. The City or its designate may require an engineering review and approval of a subdivision or partition to assure compliance with state and local subdivisional partition requirements relating to matters other than survey adequacy.

Section 11.

Submission of Preliminary Plat. A subdivider shall prepare a tentative plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit seven (7) copies of the tentative plan to the designated city office at least 15 days prior to the Planning Commission meeting at which consideration of the plan is desired.

Section 12.

General Information. In addition to other information required by this ordinance, the following general information shall be shown on the preliminary plat:

- 1) Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
- 2) Date, north point on scale of drawing.
- 3) Appropriate identification clearly stating the map as a preliminary plat.
- 4) Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract designation or other description according to the real estate records of the county assessor.
- 5) Names and addresses of the owner, subdivider and engineer or surveyor.

Section 13.

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 adjacent to the tract, 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 some established bench mark or other datum approved by the City representative and having minimum intervals as follows:

a) For slopes less than five percent; show the direction of slope by means of arrows or other suitable symbol together with no less than four spot elevations per acre, evenly distributed.

b) For slopes of five percent to fifteen percent; five feet.

c) For slopes of fifteen percent to twenty percent; ten feet.

d) For slopes of over 20 percent; 20 feet.

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

4) The location and direction of all water courses and areas subject to flooding.

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

6) Existing uses of the property, including location of all existing structures to remain on the property after platting and designate future uses of those structures which will remain.

Section 14.

Preliminary Plan of Land Partitioning. In addition to other information required by this ordinance, the following information shall be included on the preliminary plat:

1. The location, width, name and approximate grade of all streets. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission or, if no development plan has been adopted, as may be suggested by the Planning Commission in order to assure adequate traffic circulation.

2. The location and purpose of easements.

3. The location and approximate dimensions of all lots and proposed lot and block numbers.

4. Sites, if any, allocated for purposes other than single-family dwellings.

Section 15.

Partial Development. If 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.

Section 16.

Explanatory Information with Preliminary Plat. Any of the following information may be required by the Planning Commission and, if it cannot be shown practicably on the preliminary plat:

1) A vicinity map, showing existing subdivision, streets and subdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets may be extended to connect to existing streets.

2) Proposed deed restrictions, if any, in outline form.

3) Approximate center line profiles and extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of all streets as approved by the appointed city representative.

4) The location within the subdivision and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, and elevations of sewers at points of probable connections.

5) A certified list of the names and addresses of land owners within the boundaries of the preliminary plat.

Section 17.

Preliminary Review of Proposal. Within two weeks after being submitted by the subdivider, the appointed city representative shall furnish one copy of the preliminary plat and supplemental material to the county surveyor, to the appointed city representative, to the county health officer if the property is not to be served by sewers, to

the county planning office and to the State Highway Department if the property is adjacent to a state highway or state park. These agencies will be given at least five days and no more than fourteen days to review the plan, suggest revisions, and return the plans to the city. In addition, the Planning Commission shall notify all adjoining property

owners of the proposed action to be considered at the designated public hearing.

Section 18.

Tentative Approval of Preliminary Plat.

1) By the next regularly scheduled Planning Commission meeting, or earlier if the Planning Commission desires, but not exceeding sixty (60) days following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. If the preliminary plat is approved by the Planning Commission, the preliminary plat must also be approved by the City Council. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefore.

2) Approval of the tentative plant shall indicate approval of the final plat if there is not change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.

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

FINAL PLATS

Section 19.

Submission of Final Plat. Within one year after tentative approval of the preliminary plat, the subdivider shall cause the subdivision or any part thereof to be surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. The subdivider shall submit the drawing in the form required by ORS 92.080 and five prints of the final plat and any supplementary information to the appointed city representative at least 10

days prior to the Planning Commission meeting at which consideration of the plat is desired. If the subdivider wishes to proceed with the subdivision after the expiration of the one year period following the tentative approval of the preliminary plat to the Planning Commission, he must resubmit his preliminary plat to the Planning Commission and make any revisions considered necessary to meet changed conditions. The final plat shall be accompanied by a checking fee established by resolution to be paid to the City.

Section 20.

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

- 1) The date, scale, north point (generally pointing up), legend, and controlling topography such as creeks, highways and railroads.
- 2) Legal description of the tract boundaries.
- 3) Name and address of the owner, subdivider, and engineer or surveyor.
- 4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b) Adjoining corners of adjoining subdivisions.
 - c) Township, section and donation land claim lines within and adjacent to the plat.
 - d) Whenever the City has established the center line of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
 - e) All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- 5) The exact location and width of streets and easements intersecting the boundary of the tract.
- 6) Tract boundary lines, right-of-way lines and

center lines of streets; lot and block lines with dimensions; bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks may be used.

7) The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street and central angle and tangent distance shall be indicated.

8) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

9) Lot numbers beginning with the number "1" and numbered consecutively in each block.

10) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

11) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale.

12) Building setback lines, if any, are to be made a part of the subdivision restrictions.

13) The following certificates may be combined where appropriate:

a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the plat.

b) A certificate signed and acknowledged as

above, dedicating all parcels of land shown on the final map and intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

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

d) For all other certifications now or hereafter required by law.

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

Section 21.

Technical Plat Review.

1) Upon receipt by the City, the final map and other data shall be reviewed by the appointed by the city representative who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat and that there has been compliance with the provisions of the law and of this ordinance.

2) The appointed city representative may make checks in the field as to verify that the map is sufficiently correct on the ground, and he or his representative may enter the property for this purpose.

3) if the appointed city representative determines that there has not been full conformity, he shall advise the subdivider of the changes and additions that must be made and afford the subdivider an opportunity to make such changes or additions. If the appointed city representative determines that full conformity has been made, he shall so certify and transmit the plat to the planning commission.

Section 22.

Supplementary Information with Final Plat. The following information shall accompany the final plat:

1) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises.

- 2) Sheets and drawings showing the following:
 - a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corner, and showing the error of closure, if any.
 - b) The computation of all distances, angles, and courses shown on the final map.
 - c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- 3) Written proof that all taxes and assessments on the tract are paid to date.
- 4) A certificate by the city administration that the subdivider has complied with one of the following alternatives:
 - a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat.
 - b) An agreement has been executed as provided in Sections 17 and 18.

Section 23.

Agreement for Improvements. Before planning commission approval is certified on the final plat the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or execute and file with the City Recorder an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement of the City for the cost of city inspection. The agreement may provide for the construction of the improvements in units, for an extension of time under specified conditions, and for the termination of the agreement upon which the establishment of an assessment district for the construction of improvements.

Section 24.

Bonds.

1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.

b) A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

c) Cash.

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

3) If the subdivider fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city, the city shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

Section 25.

Approval of Planning Commission. Upon receipt of the final plat, the Planning Commission shall determine whether it conforms with the approved preliminary plat and with these regulations. The Planning Commission shall approve the plat if it determines that the plat conforms to all requirements, including Oregon Revised Statute 92.120, and that supplementary documents and provisions for required improvements are satisfactory. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes and additions that must be made and shall afford him an opportunity to make the necessary changes. Approval shall be indicated by the signature of the chairman of the

Planning Commission. Approval of the final plat by the Planning Commission shall not constitute an acceptance of the public of the dedication of any street or other easement of way shown on the plat. If the final plat is approved by the Planning Commission, it can be assumed that the final plat will be approved by the City Council.

Section 26.

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 30 days after the date the last required signature has been obtained.

LAND PARTITIONING

Section 27.

Land Partitioning Procedure for Approval. Land partitioning creating a road or street and not more than three lots shall be known as a major partition. Land partitioning either major or minor shall be approved under the following procedure.

- 1) There shall be submitted to the appointed city representative a tracing of a sketch map 8 1/2 by 11 inches, or 18 by 24 inches in size with the following information:
 - a) 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.
 - b) Name and address of the record owner and of the person who prepared the sketch map.
 - c) Approximate acreage of parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partitioning.
 - d) For land adjacent to and within the parcel to be partitioned, show the location, names and existing width of all streets and easements of way; location, width, and purpose of all other existing easements, and location and size of sewer and water lines and drainage ways and the location of power poles.

- e) Outline and location of existing buildings to remain in place.
 - f) Lot layout, showing size and relationship to existing or proposed streets and utility easements.
 - g) Such additional information as required by the Planning Commission.
- 2) Under the following circumstances the city representative or Planning Commission may approve minor partitions following routine administrative review:
- a) Parcels being divided are larger than two (2) acres;
 - b) All parcels have road access;
 - c) Section 28(1) has been complied with.

Under this procedure, the appointed city representative shall check the proposed against the development plan and may approve the proposal without submitting it to the entire Planning Commission. Decisions of the city representative shall be reviewed by the Planning Commission at its next meeting.

3) 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 requirement for routine administrative approval, the sketch map shall be submitted for Planning Commission review and determination that the proposal will be compatible with the development plan. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the development plan. In no event, however, shall the Planning Commission require greater dedications or conditions that could be required if the parcel were subdivided. If the partitioning provided in the sketch map results in complete accomplishment of those parts of the development plan which should be affected by partitioning of the parcel, the Planning Commission shall state on the sketch map that future partitioning within the area shown of the sketch map may occur without submission for approval of the Planning Commission.

4) If the parcel of land to be partitioned in a planning control area exceeds five acres and within a

year is being partitioned into more than two parcels any one of which is less than one acre, full compliance with all requirements for subdivision may be required if the Planning Commission should determine, on its own judgment, that the entire parcel being partitioned is in the process of being divided into small parcels.

5) When a sketch map has been approved, all copies shall be marked with the date and conditions, if any of approval. Two copies shall be returned to the applicant, one copy shall be attached to the map of the planning control area in the county records, and one copy shall be retained in the Planning Commission files.

APPROVAL OF STREETS AND WAYS

Section 28.

Creation of Streets.

1) The creation of a public street and the resultant separate land parcels shall be in conformance with the requirements for subdivision unless any of the following conditions exist:

a) The establishment of the public street is initialed by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

b) The tract in which the street is to be dedicated is an isolated ownership of one acre or less of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

2. In those cases where approval of a street may be given without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the appointed city representative at least five days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 24-29 of these regulations, shall be approved with such conditions as are necessary to preserve these standards. The deed and such information shall also require approval by the City Council.

Section 29.

Creation of Ways. The Planning Commission may approve an easement of way to be established by deed without fully 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 so that two or more parcels not having frontage on an existing lot may be created, an easement of way will not be acceptable and a street must be dedicated.

DESIGN STANDARDS

Section 30.

Principles of Acceptability. Subdivisions shall conform to any development plans of the city or county including conformance with state-wide land use goals and guidelines, and shall take into consideration preliminary plans made in anticipation thereof. Subdivisions shall conform to the requirements of state law and the standards by this ordinance.

Section 31.

Streets.

1) General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

- a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuation or conformance to existing streets impractical.

2. Design Standards. The design standards as tabulated herein, shall be used for all street designs within the city. The design standards shall include paved streets with such appurtenances as curbs, sidewalks, storm drainage, lighting and other

amenities. Minimum dimensions and criteria are listed in Table 1. Where existing conditions such as topography or in the size or shape of land parcels make it otherwise impractical to provide these minimum standards, the Planning Commission may make exception to these standards in accordance with the variance procedure requirements of Section 25.

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

4. Alignment. As far as practical, all streets other than minor streets or cul-de-sacs, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignments resulting in "T" intersections shall wherever practical leave a minimum distance as listed in Table I between the center lines of streets.

5. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

6. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

7. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs may be required to preserve the objective of half streets.

8. Cul-de-sacs. A cul-de-sac shall have a maximum length of 400 feet and serve no more than 18 single-family dwellings. All cul-de-sacs shall terminate with a turnaround. Minimum radius to property line 65 feet, to pavement 55 feet.

9. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern of the city and the surrounding area, and shall be subject to the approval of the Planning Commission.

10. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets, or 12 percent on any other street, grades up to but not exceeding 20 percent shall be allowable where topography and lot size would prohibit lesser grades. In flat areas allowance shall be made for finished street grades having a minimum slope of 1/2 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet.

11. Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

12. 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 nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

13. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provision for access is designated by the Planning Commission. The corners of alley intersections shall

have a radius of not less than 12 feet.

14. Pavement characteristics. Minimum thickness for asphaltic concrete and concrete pavement along with their corresponding base rock requirements are listed in Table 2. Variations in thickness may occur when specific site conditions are considered.

Table 1
STREET DESIGN STANDARDS.

Characteristics	Arterial	Collector	Local	Alley
1. Right-of-way width	80'	60'	50'-60'	20'
2. Pavement width	48'	36'	28'-36'	20'
3. Sidewalk width	5'	5'	5'	
4. Minimum grade	0.5%	0.5%	0.5%	
5. Maximum grade	5%	7%	12%	
6. Minimum center line radius	600'	300'	150'	
7. Minimum tangent between curves of reverse alignment	300'	200'	100'	
8. Minimum distance between street intersections:				
same side:	400'	300'	200'	
opposite side	300'	200'	100'	
9. Curb radius at intersection	30'	20'	15'	
10. Minimum angle of street intersections	75°	75°	75°	
11. Minimum sight distance	350'	275'	200'	

Table 2
PAVEMENT THICKNESSES

Material	Arterial	Collector	Local
Asphalt concrete pavement	4"	3"	2"
Aggregate base	2"	2"	2"
Aggregate sub-base	10"	8"	6"
Concrete pavement	8"	7"	6"
Aggregate base	2"	2"	2"

Section 32 Blocks

1. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
2. Size. No block may be more than 1,000 feet in length between street corner lines unless it is adjacent to an

- arterial street or unless the topography or the location
- of adjoining streets justifies an exception.

3. Easements.

- a. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 15 feet wide and centered on rear or side lot lines.
- b. Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose of maintenance. Streets or park-ways parallel to major water courses may be required.

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

Section 33.

Lots.

1. Size and shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. An interior lot shall have a minimum average width of 60 feet and a corner lot shall have a minimum average width of 65 feet. A lot shall have minimum average depth of 100 feet, and the depth shall not exceed two and a half times average width. These minimum standards shall apply with the following exceptions:

a) In areas that will not be served by a public sewer, minimum lot sizes shall conform to the requirements for water supply and sewage disposal.

b) Where property is zoned or planned for business or industrial use, other standards 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 parking and service facilities required by the type of use contemplated.

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

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

4. The Planning Commission shall require developers of subdivisions, on property abutting Tenmile Lake, consisting of more than 15 building lots, to provide for public access to Tenmile Lake and its coastal shorelands.

Section 34.

Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed

restrictions.

Section 35.

Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks shall be of such size and shape, be so divided into lots, and contain such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

IMPROVEMENTS

Section 36.

Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the requirements of this ordinance and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

- 1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city representative. To the extent necessary for evaluation for the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
- 2) Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason, it shall not be resumed until after the city is notified.
- 3) Improvements shall be constructed under the inspection and to the satisfaction of the appointed city representative. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- 4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Streets for service connections for underground utilities (excluding water connections) and sanitary sewers shall be placed to a length obviating the necessity for distributing the street improvements when service connections are made.

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

Section 37.

Lakeside Plan, Specifications for Improvements. The appointed City Representative shall prepare and submit to the City Council specifications for the construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities and construction of pedestrian ways in subdivisions and partitions. Such specifications shall conform to engineering standards for the improvements concerned.

Section 38.

A. Improvements in Subdivisions. The following improvements shall be installed at the expense of the subdivider and at the time of the subdivision:

1) Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved according to the city standards. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected and all points of curvature and points of tangency of their center line.

2) Surface drainage and storm sewer systems. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by the city engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from the area draining through the subdivision and to allow extension of the system to serve such areas.

3) Sanitary sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city trunk system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design by the city engineer shall take into account the

capacity and grade to allow for desirable extension beyond the subdivision.

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

- a) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.
- 4) 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 city engineers design shall take into account provisions for extension beyond the subdivisions and to adequately grid the city system.
- 5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.
- 6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- 7) Street name signs. Street name signs shall be installed and shall be served from an underground source of supply.
- 8) Street lights. Street lights shall be installed and shall be served from an underground source of supply.

- 9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

B. Right of Waiver. Where the above-mentioned improvements are not practical, the Planning Commission may waive all requirements providing health, safety and welfare are not jeopardized.

Section 39.

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 some improvements are 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.

EXCEPTIONS, VARIANCES AND ENFORCEMENT

Section 40.

Exceptions in 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.

Section 41.

Variations Application. The Planning Commission may authorize conditional variances to requirements of this ordinance. Application for a variance shall be made by petition of the subdivider stating fully the ground for the application. The petition shall be filed with the preliminary map of the subdivision. A variance may be granted only in the event that all of the following circumstances exist:

- 1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.

2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

Section 42.

Appeal

1) A person may appeal to the City Council from a decision or requirement made by the Planning Commission or the city representative. Written notice of the appeal must be filed with the City within ten days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

2) The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The council may continue the hearing for good cause. Following the hearing the council may overrule or modify the decision or requirement made by the Planning Commission or city representative if the decision of the council complies with the spirit and intent of the ordinance.

Section 43.

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

Section 44.

Sanctions for Violation. If the City Council shall determine that property has been partitioned or divided in violation of the terms of this ordinance, it may by motion or resolution refuse to extend any utility services to the property. Notice of such action shall be given to the owner or purchaser of the property who shall be informed that if hearing is not requested before the council within 20 days of receipt of the notice, the action of the council shall

become final. The Council may provide for recording of it's aciton.

tion 39 Severability The provisions of this ordinance are severable. If a section a sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 40 If this ordinance shall be deemed in conflict with the Lakeside Comprehensive Plan, then the Plan shall rule.

The foregoing ordinance was duly passed by the City Council of the City of Lakeside and approved by the Mayor this 16th day of May 1991.

APPROVED:

Tim Gannon, Mayor

ATTEST:

Janelle Evans, City Recorder