

ORDINANCE NUMBER 19

AN ORDINANCE PROVIDING SUBDIVISION  
AND

OTHER LAND PARTITIONING STANDARDS AND PROCEDURES

SEE AMEND  
ORD#68

The City of Lakeside ordains as follows:

Purpose. The purpose of this Ordinance is to establish standards and procedures for the partitioning 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 congestion of population, to assure adequate sanitation and water supply, to provide for the protection, conservation, and proper use of land, and in general, to protect the health, safety, and general welfare of the public.

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

- (1) Block Length. The distance measured along all that part of one side of a 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. The City of Lakeside.
- (4) City Council. The Common Council of the City of Lakeside, Oregon, which is the governing body of said City.
- (5) Development Plan. A City plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.
- (6) Division of Land. The creation of lots or parcels.
- (7) Easement. A grant of right to use a strip of land for specific purposes.

- (8) Lot. A unit of land that is created by a subdivision of the land.
- (a) Corner Lot. A lot of at least two adjacent sides of 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) Map. A final diagram drawing or other writing concerning a major partition.
- (10) Parcel. A unit of land that is created by partitioning of the land.
- (11) 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 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.
- (12) Pedestrian Way. A right-of-way for pedestrian traffic.
- (13) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or similar representative thereof.
- (14) Planning Commission. The Planning Commission of the City.
- (15) Plat. The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
- (16) Reserve Strip or Street Plug. A strip of land in a roadway which serves to limit or restrict access to dedicated public right-of-ways.
- (17) Right of Way. The area between boundary lines of a street or other easements.

- (18) Roadway. The portion or portions of a street right-of-way developed for motorized vehicular traffic.
- (19) Sidewalk. A pedestrian way where vehicular traffic is prohibited.
- (20) 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.

- (21) Subdivided Land. Means to divide an area or tract of land into four (4) or more lots when such area or tract exists as a unit or contiguous units of land under a single ownership.
- (22) Subdivision. Means either an act of subdividing land or an area or tract of land subdivided herein.
- (23) Subdivider. Any person who causes land to be subdivided into a subdivision 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.
- (24) City Representative: An individual designated by the City Council to carry out specific tasks required or allowed by the subdivision ordinance.

Section 3. Scope of Regulations. All subdivision plots and all streets or ways created for the purpose of partitioning land must be approved by the Planning Commission in accordance with these regulations. Within an established planning control area, changes in property boundary lines shall be in accordance with these regulations. A person desiring to subdivide land, desiring to partition land by creation of a street or way or desiring to sell any portion not the whole of a parcel of land within a planning control area shall submit preliminary plans and final documents for approval as provided in this ordinance and the state law.

PRELIMINARY PLAT

Section 4. 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 5. Scale. The preliminary plat shall be drawn on a minimum size sheet of 8 1/2 by 13 inches or any multiple thereof. The minimum drawing scale shall be one and one inch to fifty feet for 0-10 acres, one inch to 100 feet for 10 to 100 acres, and one inch to 200 feet for over 100 acres.

Section 6. General Information. 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 and the 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 7. 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 8. Preliminary Plan of Land Partitioning. 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 the proposed lot and block numbers.
- (4) Sites, if any, allocated for purposes other than single-family dwellings.

Section 9. 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 10. 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, it shall be submitted in separate statements accompanying the preliminary plat:

- (1) A vicinity map, showing existing subdivision, streets and unsubdivided 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 with 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 11. 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 12. 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 plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.
- (3) The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider and the other shall be retained by the Planning Commission.

#### FINAL PLAT

Section 13. 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 or cloth copy, as required by Oregon Revised Statutes 92.120, 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 14. 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 15. Technical Plat Review.

- (1) Upon receipt by the City, the final map and other data shall be reviewed by the appointed 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 representatives 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 16. 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 corners, and showing the error of closure, if any.
  - (b) The computation of all distances, angles, and courses shown on the final map.
  - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
- (3) 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 17. 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 the establishment of an assessment district for the construction of improvements.

Section 18. 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 19. 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 by 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 20. Filing of Final Plat. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of

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 locations, 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) The planning Commission may define the circumstances which must be developed with conformance and standards set forth by the City Council under which an application for minor land partitioning may be given



routine administrative review and approval. Under this procedure, the appointed city representative shall check the proposal against the development plan and may approve the proposal without submitting it to the entire planning commission.

- (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 would 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, in its judgement, that the entire parcel being partitioned is in the process of being divided into small parcels.

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

APPROVAL OF STREETS AND WAYS

Section 22. Creation of Streets.

- (1) The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision unless any of the following conditions exist:
  - (a) The establishment of the public street is initiated 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 or 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 Sections 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 23. Creation of Ways. The Planning Commission may approve an easement of way to be established by deed without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with access. If the existing lot is large enough 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 24. 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 25. Streets.

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

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

(2) Minimum right-of-way and roadway widths. Unless otherwise indicated on a developed plan, the width of streets and roadways in feet shall not be less than the minimum shown in the following table:

<u>Type of Street</u>	<u>Minimum right-of-way</u>	<u>Minimum Roadway</u>
Major arterials	100	varies
Secondary arterials	80	varies
Service and industrial streets	80	varies
Collector streets and continuing residential streets	60	36
Minor streets (disconnected streets not over 1,800 feet in length)	50	28
Radius for turnaround at end of cul-de-sac	50	40
Alley	20	20

Where existing conditions, such as the topography or the size of shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way not less than 40 feet. If necessary, slope easements may be required.

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

(4) Alignment. As far as practical, 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

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"T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

- (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) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires lesser angles, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right-of-way lines of the acute angle. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.
- (7) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- (8) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs may be required to preserve

the objective of half streets.

- (9) 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.
- (10) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names 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.
- (11) 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.
- (12) Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (13) Marginal access streets. Where a 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.

- (14) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access is designated by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

#### Section 26. 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 to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 27. 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 a minimum average width of 65 feet. A lot shall have a minimum average depth of 100 feet, and the depth shall not exceed two and a half times the average width. These minimum standards shall apply with the following exceptions:
- (a) In areas that will not be served by a public sewer, minimum lot sizes shall conform to the requirements of the Department of Environmental Quality and shall take into consideration 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 for 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.

Section 28. 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 29. 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 30. 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 disturbing the street improvements when service connections are made.

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

Section 31. 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 32. 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 re-established and protected and all points of curvature and points of tangency of their center lines.
- (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 arrangements will be made to equitably distribute the cost:

- (a) If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.

- (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 subdivision 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 at all street intersections.
  - (8) Street lights. Street lights shall be installed and shall be served from an underground source of supply.
  - (9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.
- 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 33. 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 ~~33~~<sup>34</sup> Exceptions in Case of a Planned Unit Development. ~~That~~<sup>The</sup> standards and requirements of these regulations may be modified by the Planning Commission in the case of a planned unit development.

Section 35. 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 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.

- (4) The variance requested is the minimum variance which would alleviate the hardship.

Section 36. 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 37. 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 38. 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

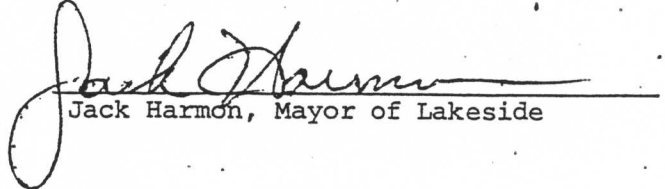
the Council within 20 days of receipt of the notice, the action of the Council shall become final. The Council may provide for recording of its action.

Section 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.

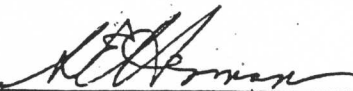
Section 40. If this ordinance shall be deemed in conflict with the Lakeside Comprehensive Plan, then the Plan shall rule.

The foregoing ordinance was duly passed by the City Council of the City of Lakeside and approved by the Mayor this 19th day of May, 1977.

Approved:

  
\_\_\_\_\_  
Jack Harmon, Mayor of Lakeside

ATTEST/S/:

  
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Steve Herman, City Recorder