

9-4.1

CAPS GARIBALDI ORDINANCES

ORDINANCE NO. ~~90~~ 90 amended by 9-4.4.2 / 102

AN ORDINANCE PROVIDING FOR SUBDIVISION AND LAND PARTITIONING PROCEDURES AND STANDARDS FOR THE CITY OF GARIBALDI, IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.

THE CITY OF GARIBALDI, OREGON ORDAINS AS FOLLOWS:

GENERAL PROVISIONS

Refer to plat map

SECTION 1. TITLE

THIS ORDINANCE SHALL BE KNOWN AS THE "SUBDIVISION AND LAND PARTITIONING ORDINANCE" OF THE CITY OF GARIBALDI, OREGON.

SECTION 2. PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO ENACT SUBDIVISION AND LAND PARTITIONING REGULATIONS FOR THE CITY WHICH WILL PROVIDE FOR BETTER LIVING CONDITIONS WITHIN NEW LAND DIVISIONS; ASSURE NECESSARY STREETS, UTILITIES AND PUBLIC AREAS AND PROVIDE FOR THEIR INSTALLATION OR IMPROVEMENT; ENHANCE AND SECURE PROPERTY VALUES IN LAND DIVISIONS AND ADJACENT LAND; SIMPLIFY AND MAKE LAND DESCRIPTIONS MORE CERTAIN AND IN GENERAL TO PROMOTE THE HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE OF THE PEOPLE OF GARIBALDI.

SECTION 3. COMPLIANCE REQUIRED.

NO PERSON SHALL SUBDIVIDE OR PARTITION AN AREA OR TRACT OF LAND WITHOUT COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE.

- (1) NO PERSON SHALL DISPOSE OF, TRANSFER, SELL OR AGREE, OFFER OR NEGOTIATE TO SELL ANY LOT IN ANY SUBDIVISION WITH RESPECT TO WHICH APPROVAL IS REQUIRED BY THE PROVISIONS OF THIS ORDINANCE UNTIL SUCH APPROVAL IS OBTAINED AND THE PLAT THEREOF HAS BEEN ACKNOWLEDGED AND RECORDED WITH THE COUNTY RECORDING OFFICER.
- (2) NO PERSON MAY DISPOSE OF, TRANSFER, SELL OR AGREE TO SELL ANY PARCEL IN A MAJOR PARTITION OR A MINOR PARTITION PRIOR TO APPROVAL AS REQUIRED BY THE PROVISIONS OF THIS ORDINANCE.
- (3) NO PERSON SUBDIVIDING OR PARTITIONING A PARCEL OF LAND SHALL LAY OUT, CONSTRUCT, OPEN OR DEDICATE THEREON A STREET, SANITARY SEWAGE DISPOSAL SYSTEM, STORM SEWER, WATER SUPPLY OR OTHER IMPROVEMENTS FOR PUBLIC OR COMMON USE UNLESS THE PARTITIONING HAS RECEIVED PRELIMINARY AND CONSTRUCTION PLAN APPROVAL PURSUANT TO THE PROVISIONS OF THIS ORDINANCE.

SECTION 4. DEFINITIONS.

AS USED IN THIS ORDINANCE, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE FOLLOWING WORDS AND PHRASES SHALL MEAN:

- (1) BUILDING LINE. A LINE ON A PLAT MAP INDICATING THE LIMIT BEYOND WHICH BUILDINGS OR STRUCTURES MAY NOT BE ERECTED.
- (2) CITY. THE CITY OF GARIBALDI, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, WHERE THE PROVISION INVOLVES A DUTY OWED THE CITY IN EITHER ITS GOVERNMENTAL OR ITS CORPORATE CAPACITY; OTHERWISE, THAT OFFICER, DEPARTMENT OR AGENCY OF THE CITY INDICATED BY THE CONTEXT, OR WHERE THE CONTEXT DOES NOT CLEARLY INDICATE A SPECIFIC OFFICER, DEPARTMENT OR AGENCY, THEN THE CITY RECORDER OF SAID CITY.

- (3) CITY RECORDER. THE DULY APPOINTED ADMINISTRATIVE OFFICER OF THE CITY OF GARIBALDI OR A PERSON DESIGNATED BY HIM/HER TO FULFILL HIS/HER OBLIGATIONS AS SET FORTH IN THIS ORDINANCE.
- (4) CITY ENGINEER. THE DULY APPOINTED CITY ENGINEER OF THE CITY OF GARIBALDI.
- (5) CITY PLANNER. THE DULY APPOINTED CITY PLANNER OF THE CITY OF GARIBALDI.
- (6) FINAL MAP. A MAP PREPARED IN ACCORDANCE WITH THIS ORDINANCE, WHICH IS DESIGNATED TO BE FILED WITH THE TILLAMOOK COUNTY CLERK AND THE STATE OF OREGON.
- (7) LOT. A UNIT OF LAND THAT IS CREATED BY A SUBDIVISION OF LAND.
- (8) MAP. A FINAL DIAGRAM, DRAWING OR OTHER WRITING CONCERNING A MAJOR OR MINOR PARTITION.
- (9) ORS. OREGON REVISED STATUTES - (STATE LAW).
- (10) OWNER. THE INDIVIDUAL, FIRM, PARTNERSHIP OR CORPORATION HAVING SUFFICIENT PROPRIETARY INTEREST IN THE LAND SOUGHT TO BE SUBDIVIDED OR PARTITIONED TO COMMENCE AND MAINTAIN PROCEEDINGS TO SUBDIVIDE THE SAME.
- (11) PARCEL. A UNIT OF LAND THAT IS CREATED BY A PARTITION OF LAND.
- (12) PARTITION. EITHER AN ACT OF PARTITIONING LAND OR AN AREA OR TRACT OF LAND PARTITIONED AS DEFINED IN THIS SECTION.
 - A. MAJOR PARTITION. A PARTITION WHICH INCLUDES THE CREATION OF A STREET.
 - B. MINOR PARTITION. A PARTITION THAT DOES NOT INCLUDE THE CREATION OF A STREET.
- (13) PARTITION LAND. TO DIVIDE AN AREA OR TRACT OF LAND INTO TWO OR THREE PARCELS WITHIN A CALENDAR YEAR WHEN SUCH AREA OR TRACT OF LAND EXISTS AS A UNIT OR CONTIGUOUS UNITS OF LAND UNDER SINGLE OWNERSHIP AT THE BEGINNING OF SUCH YEAR.
- (14) PEDESTRIAN WAY. A RIGHT-OF-WAY FOR PEDESTRIAN TRAFFIC.
- (15) PERSON. A NATURAL PERSON, FIRM, PARTNERSHIP, ASSOCIATION, SOCIAL OR FRATERNAL ORGANIZATION, CORPORATION, TRUST, ESTATE, RECEIVER, SYNDICATE, BRANCH OF GOVERNMENT, OR ANY GROUP ACTING AS A UNIT.
- (16) PLAT. THE FINAL MAP, DIAGRAM, DRAWING, REPLAT OR OTHER WRITING CONTAINING ALL THE DESCRIPTIONS, LOCATIONS, SPECIFICATIONS, DEDICATIONS, PROVISIONS AND INFORMATION CONCERNING A SUBDIVISION.
- (17) RIGHT-OF-WAY. THE AREA BETWEEN BOUNDARY LINES OF A STREET OR OTHER EASEMENT.
- (18) ROADWAY. THE PORTION OF A STREET RIGHT-OF-WAY DEVELOPED FOR VEHICULAR TRAFFIC.

- (19) SIDEWALK. A PEDESTRIAN WALKWAY WITH PERMANENT SURFACING.
- (20) STREET. A PUBLIC OR PRIVATE WAY BEING THE ENTIRE WIDTH FROM LOT LINE TO LOT LINE THAT IS CREATED TO PROVIDE INGRESS OR EGRESS FOR PERSONS TO ONE OR MORE LOTS, PARCELS, AREAS OR TRACTS OF LAND AND INCLUDING THE TERM "ROAD", "HIGHWAY", "LANE", "AVENUE", "ALLEY", OR SIMILAR DESIGNATIONS.
- A. ALLEY. A NARROW STREET THROUGH A BLOCK WHICH AFFORDS ONLY SECONDARY ACCESS TO ABUTTING PROPERTY AT THE REAR OR SIDES THEREOF.
 - B. ARTERIAL. A STREET OF CONSIDERABLE CONTINUITY WHICH IS PRIMARILY A TRAFFIC ARTERY FOR INTERCOMMUNICATION AMONG LARGE AREAS.
 - C. FEEDER. A STREET SUPPLEMENTARY TO THE ARTERIAL STREET SYSTEM AND A MEANS OF INTERCOMMUNICATION BETWEEN THIS SYSTEM AND A SMALLER AREA; USED TO SOME EXTENT FOR ACCESS TO ABUTTING PROPERTIES.
 - D. CUL-DE-SAC. (DEAD END STREET.) A SHORT STREET HAVING ONE END OPEN TO TRAFFIC AND BEING TERMINATED BY A VEHICLE TURN-AROUND.
 - E. HALF STREET. THE DEDICATION OF A PORTION ONLY OF THE WIDTH OF A STREET, USUALLY ALONG THE EDGE OF A SUBDIVISION WHERE THE REMAINING PORTION OF A STREET HAS BEEN OR COULD LATER BE DEDICATED IN ANOTHER SUBDIVISION.
 - F. MARGINAL ACCESS STREET. A MINOR STREET PARALLEL AND ADJACENT TO A MAJOR ARTERIAL STREET PROVIDING ACCESS TO ABUTTING PROPERTIES, BUT PROTECTED FROM THROUGH TRAFFIC.
 - G. MINOR STREET. A STREET INTENDED PRIMARILY FOR ACCESS TO ABUTTING PROPERTIES.
- (21) SUBDIVIDE LAND. TO DIVIDE AN AREA OR TRACT OF LAND INTO FOUR OR MORE LOTS WITHIN A CALENDAR YEAR WHEN SUCH AREA OR TRACT OF LAND EXISTS AS A UNIT OR CONTIGUOUS UNITS OF LAND UNDER A SINGLE OWNERSHIP AT THE BEGINNING OF SUCH YEAR.
- (22) SUBDIVISION. EITHER AN ACT OF SUBDIVIDING LAND OR AN AREA OR TRACT OF LAND SUBDIVIDED AS DEFINED IN THIS SECTION.

SUBDIVISION OF LAND

TENTATIVE PLAN

SECTION 6. INITIAL SUBMISSION.

- (1) TEN COPIES OF A TENTATIVE PLAN AND A STATEMENT OF ANY PROPOSED SUBDIVISION SHALL BE SUBMITTED TO THE CITY RECORDER AT LEAST 30 DAYS PRIOR TO THE MEETING OF THE CITY COUNCIL, AT WHICH CONSIDERATION IS DESIRED, TOGETHER WITH AN INITIAL FEE OF \$50.00.

- A. THE TOTAL FILING FEE SHALL BE THE INITIAL \$50.00 PLUS REASONABLE AND ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF THE TENTATIVE PLAN. THE REASONABLE AND ACTUAL EXPENSES ASSESSED SHALL BE BASED UPON THE AVERAGE HOURLY LABOR RATE OF THOSE PERSONNEL PARTICIPATING IN THE TECHNICAL EVALUATION, LESS \$50.00.
 - B. UPON COMPLETION OF TECHNICAL EVALUATION, THE TOTAL FEE LESS THE INITIAL \$50.00, SHALL BE COMPUTED BY THE CITY STAFF AND NOTIFICATION SENT TO THE SUBDIVIDER FIVE (5) DAYS PRIOR TO THE DATE SET FOR CITY COUNCIL CONSIDERATION OF THAT PRELIMINARY PLAT.
 - C. THE CITY COUNCIL SHALL NOT CONSIDER ANY PRELIMINARY PLAT UNTIL THE TOTAL FILING FEES ARE PAID.
 - D. REGARDLESS OF CITY COUNCIL ACTION, THE FILING FEES ARE NON-REFUNDABLE.
- (2) OPTIONAL PRELIMINARY PROCEDURE. PRIOR TO THE FILING OF A TENTATIVE PLAN, A SUBDIVIDER MAY SUBMIT TO THE CITY RECORDER PLANS AND OTHER INFORMATION CONCERNING A PROPOSED OR CONTEMPLATED DEVELOPMENT. THE CITY RECORDER SHALL THEN, WITHIN 15 DAY, SCHEDULE A CONFERENCE WITH THE SUBDIVIDER ON SUCH PLANS AND OTHER DATA, AND SHALL RECOMMEND CONSULTATION BY THE SUBDIVIDER WITH OTHER PUBLIC OR PRIVATE AGENCIES WHERE INTEREST MIGHT BE AFFECTED. THIS SUBDIVISION CONFERENCE IS AN OPTIONAL PROCEDURE WHICH MAY BE ELECTED BY THE SUBDIVIDER AND IS NOT REQUIRED BY THIS ORDINANCE.

SECTION 7. PRELIMINARY REVIEW.

- (1) THE CITY RECORDER SHALL TRANSMIT ONE COPY OF THE TENTATIVE PLAN TO THE CITY COUNCIL, THE CITY ENGINEER AND ADDITIONAL COPIES TO THE CITY DEPARTMENTS AND OTHER AGENCIES, SUCH AS THE COUNTY AND AFFECTED SPECIAL DISTRICTS, AS HE DEEMS NECESSARY. EACH CITY DEPARTMENT UPON RECEIPT OF A COPY OF THE TENTATIVE PLAN, SHALL EXAMINE THE PLAN FOR CONFORMANCE WITH THE REQUIREMENTS COMING WITHIN THE AUTHORITATIVE SCOPE OF THE DEPARTMENT; AND, WITHIN A REASONABLE TIME AFTER RECEIPT THEREOF, SHALL MAKE A WRITTEN REPORT TO THE CITY RECORDER. THE CITY RECORDER SHALL PREPARE A REPORT ON THE PLAN FOR SUBMISSION TO THE CITY COUNCIL. THE REPORT SHALL INCLUDE INFORMATION ON THE COMPREHENSIVE PLAN AND ZONING IN THE AREA AND ON THE LOCATION IN THE ADJOINING STREETS AND PROPERTY OF EXISTING SEWERS AND WATER MAINS, CULVERTS AND DRAIN PIPES, ELECTRIC CONDUITS, OR LINES PROPOSED TO BE USED ON THE PROPERTY TO BE SUBDIVIDED AND INVERT ELEVATIONS OF SEWERS AT POINTS OF PROPOSED CONNECTIONS TOGETHER WITH ANY OTHER DATA PERTINENT TO THE REVIEW OF THE PLAN.

SECTION 8. TENTATIVE PLAN SCALE.

TENTATIVE PLANS SHALL BE TO A SCALE OF ONE INCH EQUALS 50 FEET OR BETTER, EXCEPT TRACTS OVER 10 ACRES WHICH MAY BE TO A SCALE OF ONE INCH EQUALS 100 FEET, AND SHALL BE CLEARLY AND LEGIBLY PRODUCED.

SECTION 9. INFORMATION ON TENTATIVE PLAN.

THE TENTATIVE PLAN SHALL CONTAIN THE FOLLOWING INFORMATION:

- (1) PROPOSED NAME, DATE, NORTHPOINT, AND SCALE OF DRAWING.
- (2) SUFFICIENT DATA TO DEFINE THE BOUNDARIES OF THE TRACT, OR A LEGAL DESCRIPTION.
- (3) NAME AND ADDRESS OF THE OWNER, OR AUTHORIZED AGENT.
- (4) APPROPRIATE IDENTIFICATION OF THE DRAWING AS A TENTATIVE PLAN.
- (5) NAMES, BUSINESS ADDRESS AND NUMBER OF THE REGISTERED ENGINEER AND LICENSES SURVEYOR WHO PREPARED THE PLAN OF THE PROPOSED SUBDIVISION.
- (6) THE LOCATIONS, NAMES, WIDTHS, APPROXIMATE RADII OF THE CURVES AND GRADES OF ALL EXISTING AND PROPOSED STREETS AND EASEMENTS IN THE PROPOSED SUBDIVISION AND ALONG THE BOUNDARIES THEREOF, AND THE NAMES OF ADJOINING PLATTED SUBDIVISIONS AND PORTIONS OF THE SUBDIVISIONS AS SHALL BE NECESSARY TO SHOW THE ALIGNMENT OF STREETS AND ALLEYS IN THE PROPOSED SUBDIVISION.
- (7) NAMES OF THE RECORD OWNERS OF ALL CONTIGUOUS LAND.
- (8) THE APPROXIMATE LOCATION AND CHARACTER OF ALL EXISTING AND PROPOSED EASEMENTS AND PUBLIC UTILITY FACILITIES, INCLUDING WATER AND SEWER LINES IN THE SUBDIVISION OR ADJACENT THERETO, STORM WATER DRAINAGE FACILITIES, AND UTILITY LINES.
- (9) THE LOCATION AND APPROXIMATE DIMENSIONS OF EACH LOT, WITH EACH LOT NUMBERED.
- (10) SETBACK LINES, IF ANY, PROPOSED BY THE SUBDIVIDER.
- (11) THE OUTLINE OF ANY EXISTING BUILDINGS AND THEIR USE SHOWING THOSE WHICH WILL REMAIN.
- (12) CONTOUR LINES AT 20' CONTOUR INTERVALS.
- (13) THE LOCATION OF AT LEAST ONE TEMPORARY BENCH MARK WITHIN THE SUBDIVISION BOUNDARIES.
- (14) CITY BOUNDARY LINES CROSSING OR BOUNDING THE SUBDIVISION.
- (15) APPROXIMATE LOCATION OF ALL AREAS SUBJECT TO INUNDATION OF STORM WATER OVERFLOW AND THE LOCATION, WIDTH, KNOWN HIGH WATER ELEVATION FLOOD FLOW AND DIRECTION OF FLOW OF WATER COURSES. (REFERENCE CITY FLOOD MAP.)
- (16) IF IMPRACTICAL TO SHOW ON THE TENTATIVE PLAN, A KEY MAP SHOWING THE LOCATION OF THE TRACT IN RELATIONSHIP TO SECTION AND TOWNSHIP LINES AND TO ADJACENT PROPERTY AND MAJOR PHYSICAL FEATURES SUCH AS STREETS, RAILROADS AND WATER COURSES.
- (17) THE NET DENSITY OF THE SUBDIVISION, THE TOTAL ACREAGE OF LAND, SQUARE FOOTAGE OF EACH LOT, AND SQUARE FOOTAGE OF OPEN AREAS OR COMMON OPEN SPACE.

- (18) ENGINEERING GEOLOGICAL OR SOILS ENGINEER REPORT OF THE STABILITY OF SLOPES GREATER THAN 20% AND DUNE AREAS, INCLUDING METHODS OF EROSION CONTROL, OR REVEGETATION.

SECTION 10. PARTIAL DEVELOPMENT.

IF THE SUBDIVISION PROPOSAL PERTAINS TO ONLY PART OF THE TRACT OWNED OR CONTROLLED BY THE SUBDIVIDER, THE CITY COUNCIL MAY REQUIRE A SKETCH OF A TENTATIVE LAYOUT FOR STREETS IN THE UN-SUBDIVIDED PORTION.

SECTION 11. INFORMATION IN STATEMENT.

THE STATEMENT TO ACCOMPANY THE TENTATIVE PLAN SHALL CONTAIN THE FOLLOWING INFORMATION:

- (1) A GENERAL EXPLANATION OF THE IMPROVEMENTS AND PUBLIC UTILITIES, INCLUDING WATER SUPPLY AND SEWAGE DISPOSAL PROPOSED TO BE INSTALLED.
- (2) DEVIATIONS OR VARIANCES FROM CITY ORDINANCES.
- (3) PUBLIC AREAS PROPOSED, IF ANY.
- (4) OPEN SPACE, LANDSCAPED AREAS, AND TREE PLANTING PROPOSED, IF ANY.
- (5) A PRELIMINARY DRAFT OF RESTRICTIVE COVENANTS PROPOSED, IF ANY.
- (6) MEANS OF MAINTAINING COMMON OPEN SPACE, IF ANY.

SECTION 12. SUPPLEMENTAL PROPOSALS WITH TENTATIVE PLAN.

ANY OF THE FOLLOWING MAY BE REQUIRED BY THE CITY COUNCIL TO SUPPLEMENT THE PLAN OF SUBDIVISION.

- (1) APPROXIMATE CENTER LINE PROFILES WITH EXTENSIONS FOR A REASONABLE DISTANCE BEYOND THE LIMITS OF THE PROPOSED SUBDIVISION SHOWING THE FINISHED GRADE OF STREETS AND THE NATURE AND EXTENT OF STREET CONSTRUCTION.
- (2) A PLAN FOR DOMESTIC WATER SERVICE LINES AND RELATED WATER SERVICE FACILITIES.
- (3) PROPOSALS FOR SEWAGE DISPOSAL, STORM WATER DRAINAGE AND FLOOD CONTROL.
- (4) INFORMATION SHOWING AREAS TO BE CUT OR FILLED.
- (5) PROPOSALS FOR OTHER IMPROVEMENTS SUCH AS ELECTRIC UTILITIES AND SIDEWALKS, FIRE HYDRANTS AND STREET LIGHTS.

SECTION 13. CITY COUNCIL DETERMINATION.

THE CITY COUNCIL SHALL DETERMINE WHETHER THE TENTATIVE PLAN IS IN CONFORMITY WITH THE PROVISIONS OF LAW AND OF THIS ORDINANCE. THE CITY COUNCIL MAY APPROVE THE TENTATIVE PLAN AS SUBMITTED, OR AS IT MAY BE MODIFIED. IF THE CITY COUNCIL DOES NOT APPROVE THE PLAN, IT SHALL EXPRESS ITS DISAPPROVAL AND ITS REASONS THEREFORE. THE ACTION OF THE CITY COUNCIL SHALL BE NOTED ON THREE COPIES OF THE TENTATIVE PLAN. ONE COPY SHALL BE RETURNED TO THE SUBDIVIDER, ONE SHALL BE TRANSMITTED TO THE CITY ENGINEER, AND THE OTHER RETAINED BY THE CITY RECORDER, TOGETHER WITH A MEMORANDUM SETTING FORTH THE ACTION OF THE COUNCIL.

- (4) THE LOCATION OF ADDITIONAL MONUMENTS WHICH ARE TO BE SET UPON COMPLETION OF IMPROVEMENTS.
- (5) THE CENTER AND SIDE LINES OF ALL STREETS, THE WIDTH OF THE PORTION BEING DEDICATED, THE WIDTH OF EXISTING RIGHTS-OF-WAY, AND THE WIDTHS EACH SIDE OF THE CENTER LINE. FOR STREETS ON CURVATURE, ALL CURVE DATA SHALL BE BASED ON THE STREET CENTER LINE, INDICATING THEREON THE RADIUS, AND CENTRAL ANGLE. BLOCK CORNER CURB DATA TO BE SHOWN SEPARATELY.
- (6) ALL EASEMENTS CLEARLY LABELED, AND IDENTIFIED AND IF ALREADY OF RECORD, THE RECORDED REFERENCE. IF ANY EASEMENT IS NOT DEFINITELY LOCATED OF RECORD, A STATEMENT OF THE EASEMENT. EASEMENTS SHALL BE DENOTED BY FINE DOTTED LINES. THE WIDTHS OF THE EASEMENTS AND THE LENGTHS AND BEARINGS OF THE LINES THEREOF, AND SUFFICIENT TIES THERETO, TO DEFINITELY 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 CERTIFICATION OF DEDICATION.
- (7) LOT NUMBERS BEGINNING WITH THE NUMBER "1" IN EACH BLOCK AND NUMBERED CONSECUTIVELY IN A CLOCKWISE DIRECTION, UNLESS IN CONFLICT WITH ADJOINING SUBDIVISIONS.
- (8) BLOCK NUMBERS BEGINNING WITH THE NUMBER "1" AND CONTINUING CONSECUTIVELY WITHOUT OMISSION OR DUPLICATION THROUGHOUT THE SUBDIVISION. THE NUMBERS SHALL BE SOLID AND OF SUFFICIENT SIZE AND THICKNESS TO STAND OUT AND SHALL BE SO PLACED AS TO NOT OBLITERATE ANY FIGURE. BLOCK NUMBERS IN AN ADDITION TO A SUBDIVISION OF THE SAME NAME SHALL BE A CONTINUATION OF THE NUMBERING IN THE ORIGINAL SUBDIVISION.
- (9) APPROPRIATE WORDS, SYMBOLS, OR LEGENDS DISTINGUISHING LOTS INTENDED FOR SALE FROM LAND PARCELS DEDICATED FOR ANY PURPOSE, PUBLIC OR PRIVATE, WITH ALL DIMENSIONS, BOUNDARIES, AND COURSES CLEARLY SHOWN AND DEFINED IN EVERY CASE.

SECTION 17. CERTIFICATIONS.

THE FOLLOWING CERTIFICATES SHALL APPEAR ON THE PLAT AS SUBMITTED. THE CERTIFICATES MAY BE COMBINED WHERE APPROPRIATE.

- (1) A CERTIFICATE SIGNED AND ACKNOWLEDGED BY ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SUBDIVIDED, CONSENTING TO THE PREPARATION AND RECORDATION OF THE PLAT.
- (2) A CERTIFICATE SIGNED AND ACKNOWLEDGED AS ABOVE, OFFERING FOR DEDICATION ALL PARCELS OF LAND SHOWN ON THE FINAL PLAT AND INTENDED FOR ANY PUBLIC USE EXCEPT THOSE PARCELS OTHER THAN STREETS, WHICH ARE INTENDED FOR THE EXCLUSIVE USE OF THE LOT OWNERS IN THE SUBDIVISION, THEIR LICENSEES, VISITORS, TENANTS, SERVANTS.
- (3) A CERTIFICATE SIGNED AND ACKNOWLEDGED BY THE ENGINEER OR SURVEYOR RESPONSIBLE FOR THE SURVEY AND PLAT, THE SIGNATURE OF SUCH ENGINEER OR SURVEYOR, TO BE ACCOMPANIED BY HIS SEAL.
- (4) PROVISIONS FOR ADDITIONAL CERTIFICATES AND ACKNOWLEDGEMENTS REQUIRED BY LAW, ORS 92.090.

SUBDIVISION PLAT

SECTION 14. SUBMISSION OF SUBDIVISION PLAT.

WITHIN ONE YEAR AFTER APPROVAL OF THE TENTATIVE PLAN, THE SUBDIVIDER SHALL CAUSE THE PROPOSED SUBDIVISION, OR ANY PART THEREOF, TO BE SURVEYED AND A PLAT THEREOF PREPARED IN CONFORMANCE WITH THE TENTATIVE PLAN AS APPROVED OR CONDITIONALLY APPROVED. AN ORIGINAL REPRODUCIBLE DRAWING AND FIVE BLUELINE OR BLACKLINE PRINTS OF THE PLAT SHALL BE SUBMITTED TO THE CITY RECORDER WITHIN ONE YEAR AFTER APPROVAL OR CONDITIONAL APPROVAL. THE TRACING AND PRINTS ARE IN ADDITION TO THOSE REQUIRED BY OREGON STATUTES. IF THE SUBDIVIDER WISHES TO PROCEED WITH THE SUBDIVISION AFTER THE EXPIRATION OF THE ONE-YEAR PERIOD FOLLOWING APPROVAL OF THE TENTATIVE PLAN, AN EXTENSION MAY BE GRANTED FOR A PERIOD OF SIX MONTHS.

SECTION 15. FORM OF PLAT.

THE SUBDIVISION PLAT SHALL BE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE AND STATE LAWS, INCLUDING BUT NOT LIMITED TO ORS 92.080. ALL TRACINGS REQUIRED SHALL BE IN ACCORDANCE WITH STATE STANDARDS, INCLUDING BUT NOT LIMITED TO ORS 92.120.

SECTION 16. INFORMATION ON FINAL PLAT.

THE FINAL PLAT SHALL, IN ADDITION TO OTHER INFORMATION REQUIRED BY LAW, SHOW THE FOLLOWING:

- (1) THE DATE, SCALE, NORTHPOINT (GENERALLY POINTING UP), LEGEND, AND CONTROLLING TOPOGRAPHY (I. E., CREEKS, HIGHWAYS, RAILROADS, ETC.).
- (2) 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. ALL STAKES, MONUMENTS OR OTHER EVIDENCE FOUND ON THE GROUND AND USED TO ESTABLISH THE INITIAL POINT OF THE SUBDIVISION BOUNDARY AND TO OTHERWISE DETERMINE THE BOUNDARIES OF THE SUBDIVISION.
 - B. ADJOINING CORNERS OF ALL ADJOINING SUBDIVISIONS.
 - C. WHENEVER THERE HAS BEEN ESTABLISHED OR ADOPTED A SYSTEM OF COORDINATES, TIES INTO THIS SYSTEM BUT IN THE ABSENCE OF SUCH A SYSTEM, TOWNSHIP AND SECTION AND DONATION LAND CLAIM LINES WITHIN OR 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 THE PROVISIONS OF THIS ORDINANCE.
- (3) TRACT BOUNDARY LINES, RIGHT-OF-WAY LINES AND CENTER LINES OF STREETS, AND LOT AND BLOCK LINES WITH DIMENSIONS, BEARINGS OR DEFLECTION ANGLES AND RADII, ARCS, POINTS OF CURVATURE AND TANGENT BEARINGS. TRACT BOUNDARY AND STREET BEARINGS SHALL BE SHOWN TO THE NEAREST 10 SECONDS WITH BASIS OF BEARINGS. ALL DISTANCES SHALL BE SHOWN TO THE NEAREST 0.01 FOOT. ERROR OF CLOSURE SHALL BE WITHIN THE LIMIT OF ONE FOOT IN 10,000 FEET.

SECTION 18. SUPPLEMENTAL DATA.

AT THE TIME OF THE SUBMISSION OF THE FINAL PLAT, THE SUBDIVIDER SHALL ALSO SUBMIT THE FOLLOWING:

- (1) A PRELIMINARY TITLE REPORT ISSUED BY A RECOGNIZED TITLE INSURANCE COMPANY IN THE NAME OF THE OWNER OF THE LAND, SHOWING ALL PARTIES WHOSE CONSENT IS NECESSARY AND THEIR INTEREST IN THE PREMISES.
- (2) SHEETS AND DRAWINGS SHOWING THE FOLLOWING:
 - A. TRAVERSE DATA INDICATING THE COORDINATES OF THE BOUNDARY OF THE SUBDIVISION AND TIES TO SECTION CORNERS, DONATION LAND CLAIM CORNERS, IF ANY, OR TRIANGULATION SYSTEMS, AND SHOWING THE ERROR OF CLOSURE, IF ANY.
 - B. THE COMPUTATION OF ALL DISTANCES, ANGLES AND COURSES SHOWN ON THE FINAL PLAT.
 - C. TIES TO EXISTING MONUMENTS, PROPOSED MONUMENTS, ADJACENT SUBDIVISIONS, STREET CORNERS, AND STATE HIGHWAY STATIONING.
 - D. COORDINATES OF ALL BLOCK CORNERS AND ALL STREET CENTER POINTS.
- (3) A COPY OF ANY DEED RESTRICTIONS APPLICABLE TO THE SUBDIVISION.
- (4) A LIST OF ALL TAXES AND ASSESSMENTS ON THE TRACT WHICH HAVE BECOME A LIEN ON THE TRACT.

SECTION 19. TECHNICAL REVIEW.

- (1) UPON RECEIPT OF THE FINAL PLAT AND ACCOMPANYING DATA, THE STAFF OF THE CITY SHALL REVIEW THE PLAT AND DOCUMENTS, TO DETERMINE THAT IT CONFORMS WITH THE PROPOSED TENTATIVE PLAN, AND THAT THERE HAS BEEN COMPLIANCE WITH PROVISIONS OF THE LAW AND WITH THIS ORDINANCE.
- (2) AN ENGINEER OR SURVEYOR SHALL EXAMINE THE PLAT FOR COMPLIANCE WITH REQUIREMENTS FOR ACCURACY AND COMPLETENESS AND SHALL COLLECT SUCH FEES AS ARE PROVIDED BY STATE LAW. HE MAY MAKE CHECKS IN THE FIELD TO VERIFY THAT THE MAP IS SUFFICIENTLY CORRECT IN THE GROUND, AND HE MAY ENTER THE PROPERTY FOR THIS PURPOSE. IF HE DETERMINES THAT THERE HAS NOT BEEN FULL CONFORMITY, HE SHALL ADVISE THE SUBDIVIDER OF THE CHANGES OR ADDITIONS THAT MUST BE MADE AND AFFORD THE SUBDIVIDER AN OPPORTUNITY TO MAKE SUCH CHANGES OR ADDITIONS.
- (3) IF THE ENGINEER DETERMINES THAT FULL CONFORMITY HAS BEEN MADE, HE SHALL SO CERTIFY AND TRANSMIT THE PLAT TO THE CITY COUNCIL.

SECTION 20. FINAL APPROVAL OF CITY COUNCIL.

THE CITY COUNCIL SHALL EXAMINE THE PLAT TO DETERMINE WHETHER IT CONFORMS WITH THE TENTATIVE PLAN AND WITH ALL CHANGES PERMITTED AND ALL REQUIREMENTS IMPOSED AS A CONDITION OF ITS ACCEPTANCE. IF THE CITY COUNCIL DOES NOT APPROVE THE PLAT, IT SHALL ADVISE THE SUBDIVIDER OF THE CHANGES OR ADDITIONS THAT MUST BE MADE FOR THIS PURPOSE, AND SHALL AFFORD HIM THE OPPORTUNITY TO MAKE THE SAME. IF THE CITY COUNCIL DETERMINES THAT THE PLAT CONFORMS TO ALL REQUIREMENTS, IT SHALL APPROVE SAME, BUT BEFORE CERTIFYING ITS APPROVAL THEREON, IT SHALL

REQUIRE THE SUBDIVIDER TO FILE THE AGREEMENT AND BOND, OR MAKE THE DEPOSIT, REQUIRED IN SECTIONS 21 AND 22. AND WHEN THE AGREEMENT AND BOND HAVE BEEN FILED AS APPROVED AND PRESCRIBED, THE CITY COUNCIL'S APPROVAL SHALL BE ENDORSED UPON THE PLAT BY EXECUTION OF THE APPROPRIATE CERTIFICATE AS PRESCRIBED BY LAW. THE APPROVAL OF THE PLAT DOES NOT CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE PUBLIC OF THE DEDICATION OF ANY STREET OR OTHER EASEMENT SHOWN ON THE PLAT.

SECTION 21. AGREEMENT FOR IMPROVEMENTS.

BEFORE CITY COUNCIL APPROVAL OF A FINAL PLAT AND PUBLIC FACILITIES, THE SUBDIVIDER SHALL EITHER INSTALL REQUIRED STREET IMPROVEMENTS AND REPAIR EXISTING STREETS AND OTHER EXISTING PUBLIC FACILITIES DAMAGED IN THE DEVELOPMENT OF THE PROPERTY 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 AND PROVIDING THAT, IF THE WORK IS NOT COMPLETED WITHIN THAT PERIOD SPECIFIED, THE CITY MAY COMPLETE THE WORK AND RECOVER THE FULL COST AND EXPENSE, TOGETHER WITH COURT COSTS AND ATTORNEY FEES NECESSARY TO COLLECT SAID AMOUNT FROM THE LAND DEVELOPER. THE AGREEMENT SHALL ALSO PROVIDE FOR REIMBURSEMENT OF THE CITY FOR THE COST OF INSPECTION BY THE CITY OF IMPROVEMENTS TO BE INSTALLED. THE AGREEMENT MAY ALSO PROVIDE FOR THE CONSTRUCTION AND IMPROVEMENTS TO BE COMPLETED IN UNITS AND FOR AN EXTENSION OF TIME UNDER THE CONDITIONS THEREIN SPECIFIED.

SECTION 22. BOND.

- (1) THE SUBDIVIDER SHALL FILE WITH THE AGREEMENT, TO ASSURE HIS FULL AND FAITHFUL PERFORMANCE THEREOF, ONE OF THE FOLLOWING:
 - A. A PERSONAL BOND COSIGNED BY AT LEAST ONE ADDITIONAL PERSON WHO SHALL NOT BE A SPOUSE NOR RELATED TO THE SUBDIVIDER BY BLOOD. THE SUBDIVIDER AND COSIGNER SHALL SUBMIT EVIDENCE OF FINANCIAL RESPONSIBILITY AND RESOURCES OF THOSE SIGNING THE BOND SUFFICIENT TO PROVIDE REASONABLE ASSURANCE OF THE ABILITY OF THE SUBDIVIDER TO PROCEED IN ACCORDANCE WITH THE AGREEMENT.
 - B. A SURETY BOND EXECUTED BY A SURETY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE OF OREGON.
 - C. CASH.
- (2) THE ASSURANCE OF FULL AND FAITHFUL PERFORMANCE SHALL BE FOR A SUM APPROVED BY THE CITY COUNCIL SUFFICIENT TO COVER THE COST OF THE IMPROVEMENTS, ENGINEERING, INSPECTION AND INCIDENTAL EXPENSES, AND TO COVER REPLACEMENT AND REPAIR OF EXISTING STREETS AND OTHER PUBLIC IMPROVEMENTS DAMAGED IN THE DEVELOPMENT OF THE SUBDIVISION AND MUST BE APPROVED BY THE CITY ATTORNEY AS TO FORM.
- (3) IN THE EVENT THE SUBDIVIDER FAILS TO COMPLETE ALL IMPROVEMENT WORK IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, AND THE CITY HAS TO COMPLETE SAME, OR IF THE SUBDIVIDER FAILS TO REIMBURSE THE CITY FOR THE COST OF INSPECTION, ENGINEERING AND INCIDENTAL EXPENSES, AND TO COVER COST OF REPLACEMENT AND REPAIR OF EXISTING STREETS OR OTHER IMPROVEMENTS DAMAGED IN THE DEVELOPMENT OF THE SUBDIVISION, THE CITY SHALL CALL ON THE SURETY FOR REIMBURSEMENT, OR SHALL APPROPRIATE FROM ANY CASH DEPOSIT FUNDS FOR REIMBURSEMENT. IN ANY SUCH CASE, IF THE AMOUNT OF SURETY BOND OR

CASH DEPOSIT EXCEEDS ALL COST AND EXPENSE INCURRED BY THE CITY, THE SUBDIVIDER SHALL BE LIABLE TO THE CITY FOR THE DIFFERENCE.

SECTION 23. FILING OF FINAL PLAT.

A SUBDIVIDER SHALL, WITHOUT DELAY, SUBMIT THE PLAT FOR SIGNATURES OF OTHER PUBLIC OFFICIALS REQUIRED BY LAW. APPROVAL OF THE PLAT SHALL BE NULL AND VOID IF THE PLAT IS NOT RECORDED WITHIN 90 DAYS AFTER THE DATE THE LAST REQUIRED APPROVING SIGNATURE HAS BEEN OBTAINED.

MAJOR LAND PARTITIONING.

SECTION 24. MINIMUM STANDARDS.

THE MINIMUM STANDARDS FOR DESIGN AND IMPROVEMENTS IN A MAJOR LAND PARTITIONING SHALL CONFORM TO SECTIONS 44 THROUGH 55. THE CITY COUNCIL MAY APPROVE THE CREATION OF A STREET TO BE ESTABLISHED BY DEED WITHOUT FULL COMPLIANCE WITH THE REGULATIONS APPLICABLE TO SUBDIVISIONS PROVIDED ANY OF THE FOLLOWING CONDITIONS EXIST:

- (1) THE ESTABLISHMENT OF THE PUBLIC STREET IS INITIATED BY THE CITY COUNCIL OR 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.
- (2) THE TRACT IN WHICH THE STREET IS TO BE DEDICATED IS A MAJOR PARTITION UNDER SINGLE OWNERSHIP EITHER OF NOT OVER ONE ACRE, OR OF SUCH SIZE AND CHARACTERISTICS AS TO MAKE IT IMPOSSIBLE TO DEVELOP BUILDING SITES FOR MORE THAN THREE DWELLING UNITS.
- (3) THE STREET IS THE ONLY REASONABLE METHOD BY WHICH THE REAR PORTION OF AN EXTRAORDINARILY DEEP LAND PARCEL OF A SIZE TO WARRANT PARTITIONING INTO NOT OVER TWO PARCELS MAY BE PROVIDED WITH ACCESS.

SECTION 25. SUBMISSION OF TENTATIVE MAP FOR MAJOR PARTITIONING.

A TENTATIVE MAP FOR THE MAJOR PARTITIONING OF LAND SHALL BE SUBMITTED TO THE CITY RECORDER FOR APPROVAL IN CONFORMANCE WITH THESE REGULATIONS.

SECTION 26. SCALE.

THE TENTATIVE MAP SHALL BE DRAWN ON A TRACING 8 1/2" BY 11" OR AN EVEN MULTIPLE THEREOF, AT A SCALE OF 1 INCH EQUALS 50 FEET, OR, FOR AREAS OVER 10 ACRES, 1 INCH EQUALS 100 FEET.

SECTION 27. INFORMATION ON TENTATIVE MAP.

THE TENTATIVE MAP SHALL CONTAIN:

- (1) DATE, NORTHPOINT, SCALE AND SUFFICIENT DESCRIPTION TO DEFINE THE LOCATION AND BOUNDARIES OF THE TRACT TO BE PARTITIONED AND ITS LOCATION.
- (2) NAMES AND ADDRESSES OF THE OWNER, PARTITIONER, ENGINEER AND SURVEYOR, IF ANY, OR ANY OTHER PROFESSIONAL PERSON EMPLOYED IN THE PREPARATION OF THE MAJOR PARTITION.

- (3) APPROXIMATE ACREAGE OF THE LAND UNDER A SINGLE OWNERSHIP, OR, IF MORE THAN ONE OWNERSHIP IS INVOLVED, THE TOTAL CONTIGUOUS ACREAGE OF THE LANDOWNERS DIRECTLY INVOLVED IN THE PARTITIONING.
- (4) THE LOCATIONS, NAMES, WIDTHS, APPROXIMATE RADII OF CURVES AND GRADES OF ALL EXISTING AND PROPOSED STREETS AND EASEMENTS IN THE PROPOSED MAJOR PARTITION AND ALONG THE BOUNDARIES THEREOF. THE NAMES OF ADJOINING PLATTED SUBDIVISIONS AND PORTIONS OF THE SUBDIVISIONS AND PARTITIONS AS SHALL BE NECESSARY TO SHOW THE ALIGNMENT OF STREETS AND ALLEYS THEREIN WITH THE STREETS AND ALLEYS IN THE PROPOSED MAJOR PARTITION.
- (5) CONTOUR LINES AT 20' CONTOUR INTERVALS.
- (6) OUTLINE AND LOCATION OF EXISTING BUILDINGS TO REMAIN IN PLACE.
- (7) FOR LAND ADJACENT TO AND WITHIN THE TRACT TO BE PARTITIONED, THE LOCATION AND SIZE OF SEWER AND WATER LINES AND DRAINAGE WAYS.
- (8) NAMES OF RECORD OWNERS OF ALL CONTIGUOUS LAND.
- (9) PARCEL LAYOUT, SHOWING SIZE AND RELATIONSHIP TO EXISTING OR PROPOSED STREETS, AND UTILITY EASEMENTS, AND ANY PROPOSED LOT NUMBERS.
- (10) IF IMPRACTICAL TO SHOW ON THE TENTATIVE MAP, A KEY MAP SHOWING THE LOCATION OF THE TRACT IN RELATIONSHIP TO SECTION AND TOWNSHIP LINES AND TO ADJACENT PROPERTY AND MAJOR PHYSICAL FEATURES, SUCH AS STREETS, RAILROADS AND WATER COURSES.

SECTION 28. SUPPLEMENTAL DATA WITH TENTATIVE MAP.

THE FOLLOWING MAY BE REQUIRED BY THE CITY COUNCIL TO SUPPLEMENT THE MAP OF A MAJOR PARTITION.

- (1) APPROXIMATE CENTER LINE PROFILES WITH EXTENSIONS FOR A REASONABLE DISTANCE BEYOND THE LIMITS OF THE PROPOSED MAJOR PARTITION SHOWING THE FINISHED GRADE OF STREETS AND THE NATURE AND EXTENT OF STREET CONSTRUCTION.
- (2) A GRADING PLAN SHOWING THE NATURE AND EXTENT OF ALL CUTS AND FILLS, AND INFORMATION ON THE NATURE OF THE SOILS, PROVISIONS FOR STORM DRAINAGE, EROSION CONTROL AND RE-VEGETATION.
- (3) A REPORT BY AN ENGINEERING GEOLOGIST OR SOILS SCIENTIST ASSESSING THE STABILITY OF SLOPES OF GREATER THAN 20%, OR DUNE AREAS.

SECTION 29. PRELIMINARY REVIEW OF TENTATIVE MAP.

THE PROVISIONS OF SECTION 7, PARAGRAPH (1) OF THIS ORDINANCE SHALL APPLY TO THE REVIEW OF A MAJOR PARTITION.

SECTION 30. CITY COUNCIL DETERMINATION.

REVIEW BY THE CITY COUNCIL SHALL CONFORM TO THE REQUIREMENTS OF SECTION 13.

SECTION 31. SUBMISSION OF FINAL MAP.

- (1) NOT MORE THAN ONE YEAR FOLLOWING APPROVAL OF THE TENTATIVE MAP, THE PARTITIONER SHALL PREPARE A FINAL MAP IN CONFORMANCE WITH THE TENTATIVE MAP AS APPROVED.

- (2) IF THE FINAL MAP IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF THE TENTATIVE MAP, THE TENTATIVE MAP MUST BE RESUBMITTED FOR APPROVAL IN ACCORDANCE WITH THESE REGULATIONS.

SECTION 32. FORM OF FINAL MAP.

- (1) ALL FINAL MAPS SHALL BE DRAWN IN BLACK INDIA INK ON GOOD QUALITY WHITE, COLD-PRESSED, DOUBLED MOUNTED DRAWING PAPER 8 1/2" BY 11" IN SIZE.
- (2) A LEGIBLE COPY OF THE FINAL MAP SHALL ALSO BE SUBMITTED.

SECTION 33. INFORMATION ON FINAL MAP.

THE FINAL MAP SHALL SHOW THE FOLLOWING:

- (1) THE DATE, SCALE, NORTHPOINT (GENERALLY POINTING UP), LEGEND, AND CONTROLLING TOPOGRAPHY (I. E., CREEKS, HIGHWAYS, RAILROADS, ETC.).
- (2) REFERENCE POINTS OF EXISTING SURVEYS IDENTIFIED, RELATED TO THE MAP BY DISTANCES AND BEARINGS, AND REFERENCED TO A FIELD BOOK OR MAP AS FOLLOWS:
 - A. ALL STAKES, MONUMENTS OR OTHER EVIDENCE FOUND ON THE GROUND AND USED TO ESTABLISH THE INITIAL POINT OF THE PARTITIONED AREA BOUNDARY AND TO OTHERWISE DETERMINE THE BOUNDARIES OF THE PARTITIONED AREA.
 - B. ADJOINING CORNERS OF ALL ADJOINING DEVELOPED AREAS.
 - C. WHENEVER THERE HAS BEEN ESTABLISHED OR ADOPTED A SYSTEM OF COORDINATES, TIES INTO THIS SYSTEM BUT IN THE ABSENCE OF SUCH A SYSTEM, TOWNSHIP AND SECTION AND DONATION LAND CLAIM LINES WITHIN OR ADJACENT TO THE MAP.
 - D. WHENEVER THE CITY HAS ESTABLISHED THE CENTER LINE OF A STREET ADJACENT TO OR WITHIN THE PROPOSED PARTITIONED AREA, THE LOCATION OF THIS LINE AND MONUMENTS FOUND OR RESET.
 - E. ALL OTHER MONUMENTS FOUND OR ESTABLISHED IN MAKING THE SURVEY OF THE PARTITIONED AREA OR REQUIRED TO BE INSTALLED BY THE PROVISIONS OF THIS ORDINANCE.
- (3) TRACT BOUNDARY LINES, RIGHT-OF-WAY LINES AND CENTER LINES OF STREETS, AND LOT LINES WITH DIMENSIONS, BEARINGS OR DEFLECTION ANGLES AND RADII, ARCS, POINTS OF CURVATURE AND TANGENT BEARINGS. TRACT BOUNDARY AND STREET BEARINGS SHALL BE SHOWN TO THE NEAREST 10 SECONDS WITH BASIS OF BEARINGS. ALL DISTANCES SHALL BE SHOWN TO THE NEAREST 0.01 FOOT. ERROR OF CLOSURE SHALL BE WITHIN THE LIMIT OF ONE FOOT IN 10,000. FEET.
- (4) THE CENTER AND SIDE LINES OF ALL STREETS, THE WIDTHS OF THE PORTIONS BEING DEDICATED, THE WIDTH OF EXISTING RIGHTS-OF-WAY, AND THE WIDTHS EACH SIDE OF THE CENTER LINE. FOR STREETS ON CURVATURE, ALL CURVE DATA SHALL BE BASED ON THE STREET CENTER LINE, INDICATING THEREON THE RADIUS, AND CENTRAL ANGLE. BLOCK CORNER CURB DATA TO BE SHOWN SEPARATELY.
- (5) ALL EASEMENTS CLEARLY LABELED, AND IDENTIFIED AND IF ALREADY OF RECORD, THE RECORDED REFERENCE. IF ANY EASEMENT IS NOT DEFINITELY

LOCATED OF RECORD, A STATEMENT OF THE EASEMENT. EASEMENTS SHALL BE DENOTED BY FINE DOTTED LINES. THE WIDTHS OF THE EASEMENT AND THE LENGTHS AND BEARINGS OF THE LINES THEREOF, AND SUFFICIENT TIES THERETO, TO DEFINITELY LOCATE THE EASEMENT WITH RESPECT TO THE PARTITION MUST BE SHOWN. IF THE EASEMENT IS BEING DEDICATED BY THE MAP, IT SHALL BE PROPERLY REFERENCED IN THE OWNER'S CERTIFICATE OF DEDICATION.

- (6) LOT NUMBERS BEGINNING WITH THE NUMBER "1" AND NUMBERED CONSECUTIVELY IN A CLOCKWISE DIRECTION.

SECTION 34. SUPPLEMENTAL DATA.

SUCH SUPPLEMENTAL DATA SHALL BE SUBMITTED WITH THE FINAL MAP AS IS REQUIRED BY SECTION 18.

SECTION 35. TECHNICAL REVIEW.

REVIEW OF THE FINAL MAP SHALL CONFORM TO THE REQUIREMENTS OF SECTION 19.

SECTION 36. FINAL APPROVAL OF CITY COUNCIL.

FINAL APPROVAL OF A MAJOR PARTITION BY THE CITY COUNCIL SHALL BE PURSUANT TO THE PROVISIONS OF SECTION 20.

SECTION 37. AGREEMENT FOR IMPROVEMENTS AND BONDING REQUIREMENTS.

PRIOR TO APPROVAL OF THE FINAL MAP, THE DEVELOPER SHALL COMPLETE IMPROVEMENTS AS PROPOSED OR ENTER INTO AN AGREEMENT FOR IMPROVEMENTS TOGETHER WITH A BOND PURSUANT TO THE PROVISIONS OF SECTIONS 21 AND 22.

2 38 MINOR LAND PARTITIONING

SECTION 39. GENERAL.

- (1) THE MAP OF A MINOR PARTITION SHALL CONFORM TO THE COMPREHENSIVE PLAN POLICIES AND ZONING ORDINANCE STANDARDS AND THE REQUIREMENTS OF THIS ORDINANCE.
- (2) THE MAP OF A MINOR PARTITION NEED NOT BE RECORDED, HOWEVER, IT SHALL BE FILED WITH THE CITY RECORDER.
- (3) ALL DESCRIPTIONS SHALL BE BY PROPER SURVEY AND NOT BY REFERENCE TO LOT AND BLOCK, HOWEVER, THE PARTITIONER MAY ASSIGN LOT NUMBERS FOR CONVENIENCE AND REFERENCE.
- (4) NO TENTATIVE MAP NEED BE FILED, HOWEVER, IN APPROVING THE MAP OF A MINOR PARTITION, THE CITY COUNCIL MAY REQUIRE MODIFICATIONS IN THE PROPOSAL. SUCH MODIFICATIONS SHALL NOT BE GREATER THAN WOULD HAVE BEEN REQUIRED UNDER SUBDIVISION PROCEDURES.
- (5) THE PERSON PROPOSING THE PARTITION, OR HIS AUTHORIZED AGENT, OR REPRESENTATIVE, SHALL MAKE AN APPLICATION IN WRITING TO THE CITY RECORDER. EACH APPLICATION SHALL BE ACCOMPANIED BY ONE REPRODUCIBLE COPY OF THE MAP. THE FILING FEE OF \$25.00 SHALL BE PAID AT THIS TIME.

SECTION 40. MINIMUM STANDARDS.

THE MINIMUM STANDARDS FOR DESIGN AND IMPROVEMENTS IN A MINOR LAND PARTITIONING SHALL CONFORM TO SECTIONS 45 THROUGH 54. THE CITY MAY IMPOSE ALL OR ANY OF THE

REQUIREMENTS OF SECTION 55 UPON A MINOR LAND PARTITIONING.

SECTION 41. PROCEDURES FOR SUBMISSION OF MAP.

- (1) THE MAP SHALL BE DRAWN WITH INK ON SUBSTANTIAL TRACING PAPER AND SHOW ALL PERTINENT INFORMATION TO SCALE. THE SCALE SHALL BE STANDARD, BEING 10, 20, 30, 40, 50, OR 60 FEET TO THE INCH, AND SHALL BE SO SELECTED AS TO FIT THE FINISHED DRAWING TO A SHEET 8 1/2" BY 11".
- (2) THE MAP SHALL CONTAIN ALL THE FOLLOWING INFORMATION:
 - A. NORTHPOINT, SCALE AND DATE OF APPLICATION.
 - B. NAMES AND ADDRESSES OF THE PARTITIONER AND OF THE ENGINEER OR SURVEYOR EMPLOYED TO MAKE THE SURVEY AND MAP.
 - C. WRITTEN LEGAL DESCRIPTION OF THE ENTIRE PROPERTY AND OF THE PROPOSED PARTITIONS.
 - D. DESCRIPTION AND LOCATION OF ALL PERMANENT AND REFERENCE MONUMENTS FOUND OR SET WITHIN THE AREA.
 - E. NAMES OF EXISTING STREETS AND THE PLANNED LOCATION OF ANY FUTURE PROPOSED STREETS ON LAND RETAINED BY THE PARTITIONER.
 - F. LOCATION AND OUTLINE OF EXISTING BUILDINGS ON THE LOTS BEING PARTITIONED.
 - G. APPROXIMATE ACREAGE OF THE LOTS AND OF ADJACENT PROPERTY RETAINED BY THE PARTITIONER.
 - H. LOCATION OF ALL EXISTING AND PROPOSED UTILITIES, EASEMENTS, SEWER AND WATER LINES AND POWER POLES.
- (3) IN ADDITION, ANY OF THE FOLLOWING INFORMATION MAY BE REQUIRED:
 - A. DRAINAGE PLAN.
 - B. ANY UNUSUAL TOPOGRAPHICAL OR GEOLOGIC FEATURE, INCLUDING A STUDY BY AN ENGINEERING GEOLOGIST OR SOILS ENGINEER ASSESSING THE STABILITY OF THE SITE.
 - C. A STATEMENT INDICATING THE NUMBER OF LOTS SOLD FROM THE SAME TRACT WITHIN THE CALENDAR YEAR.

SECTION 42. ACTION BY CITY RECORDER AND CITY COUNCIL.

- (1) UPON SUCH FILING, THE CITY RECORDER SHALL MAKE AN INVESTIGATION OF THE PROPOSED MINOR PARTITION. WITHIN THIRTY DAYS HE SHALL TRANSMIT TO THE CITY COUNCIL HIS WRITTEN REPORT AND RECOMMENDATION, INCLUDING THE REPORTS AND RECOMMENDATION OF THE CITY ENGINEER, CITY PLANNER OR OTHER AFFECTED AGENCIES.
- (2) AFTER RECEIPT OF THE CITY RECORDER'S REPORT, THE CITY COUNCIL SHALL TAKE ACTION ON THE PROPOSAL AT A REGULAR MEETING.
- (3) WITHIN TEN DAYS AFTER THE MEETING, THE CITY COUNCIL SHALL BY LETTER EXPRESS ITS APPROVAL OR DISAPPROVAL OF THE MAP. IF THE MAP IS REJECTED, THE REASONS SHALL BE STATED IN WRITING.

- (4) UPON FINAL APPROVAL, THE PARTITIONER MAY PROCEED TO SELL THE LOTS WITHOUT FURTHER ACTION OR FILING ON HIS PART.
- (5) THE CITY RECORDER SHALL MAINTAIN A FILE PROPERLY INDEXED FOR ALL APPLICATIONS AND PLANS. ONE COPY OF SUCH SHALL BE MARKED "FILE COPY" AND SHALL BE PERMANENTLY FILED. EACH SUCH PERMANENT COPY SHALL SHOW THE DATE OF FILING, NAME OF PERSON FILING SAME AND AMOUNT OF FEE PAID. IN ADDITION, THERE SHALL BE A RECORD OF THE ACTION OF THE CITY COUNCIL AND ANY APPEAL FROM ANY DECISION THEREOF AND THE ULTIMATE DECISION ON THE APPLICATION WITH APPROPRIATE DATES.
- (6) THE REMAINING APPROVED COPIES SHALL BE DISTRIBUTED AS FOLLOWS:
 - A. ONE COPY FOR USE OF THE CITY ENGINEER.
 - B. THREE COPIES TO THE CITY COUNCIL UPON APPROVAL OF THE PARTITION.
 - C. ONE COPY TO THE COUNTY SURVEYOR AND ONE TO THE COUNTY ASSESSOR, EACH INDICATING THE SAME HAS BEEN APPROVED.

GENERAL REGULATIONS AND DESIGN STANDARDS
(APPLIES TO SUBDIVISION, MAJOR AND MINOR
PARTITIONS).

SECTION 43. PRINCIPLES OF ACCEPTABILITY.

A LAND DIVISION, WHETHER BY A SUBDIVISION, CREATION OF A STREET, OR A PARTITIONING, SHALL CONFORM TO ANY DEVELOPMENT PLANS, SHALL TAKE INTO CONSIDERATION ANY PRELIMINARY PLANS MADE IN ANTICIPATION THEREOF, AND SHALL CONFORM TO THE DESIGN STANDARDS ESTABLISHED BY THIS ORDINANCE.

THE CITY ENGINEER SHALL SUBMIT TO THE CITY COUNCIL SPECIFICATIONS TO SUPPLEMENT THE STANDARDS IN THIS ORDINANCE, BASED ON ACCEPTABLE ENGINEERING PRACTICES APPLICABLE TO STREETS, DRAINAGE FACILITIES, SIDEWALKS, SEWER, WATER, OR OTHER PUBLIC FACILITIES.

SECTION 44. STREETS.

- (1) GENERAL. THE LOCATION, WIDTH AND GRADE OF STREETS SHALL BE CONSIDERED IN THEIR RELATION TO EXISTING AND PLANNED STREETS, TO TOPOGRAPHICAL CONDITIONS, TO PUBLIC CONVENIENCE AND SAFETY, AND TO THE PROPOSED USE OF LAND TO BE SERVED BY THE STREETS. THE STREET SYSTEM SHALL ASSURE AN ADEQUATE TRAFFIC CIRCULATION SYSTEM WITH INTERSECTION ANGLES, GRADES, TANGENTS AND CURVES APPROPRIATE FOR THE TRAFFIC TO BE CARRIED CONSIDERING THE TERRAIN. WHERE LOCATION IS NOT SHOWN IN A DEVELOPMENT PLAN, THE ARRANGEMENT OF STREETS SHALL EITHER:
 - A. PROVIDE FOR THE CONTINUATION OR APPROPRIATE PROJECTION OF EXISTING PRINCIPAL STREETS IN SURROUNDING AREAS; OR
 - B. CONFORM TO A PLAN FOR THE NEIGHBORHOOD APPROVED OR ADOPTED BY THE CITY COUNCIL TO MEET A PARTICULAR SITUATION WHERE TOPOGRAPHICAL OR OTHER CONDITIONS MAKE CONTINUANCE OR CONFORMANCE TO EXISTING STREETS IMPRACTICAL.
- (2) STREET WIDTHS. STREET WIDTHS SHALL CONFORM WITH CITY STANDARDS, EXCEPT WHERE IT CAN BE SHOWN BY THE LAND DIVIDER, TO THE

SATISFACTION OF THE CITY COUNCIL, THAT EXISTING CONDITIONS SUCH AS THE TOPOGRAPHY OR THE SMALL NUMBER OF LOTS OR PARCELS SERVED AND THE PROBABLE FUTURE TRAFFIC DEVELOPMENT ARE SUCH AS TO JUSTIFY A NARROWER WIDTH. INCREASED WIDTHS MAY BE REQUIRED WHERE STREETS ARE TO SERVE COMMERCIAL PROPERTY, OR WHERE PROBABLE TRAFFIC CONDITIONS WARRANT. APPROVAL OR DETERMINATION OF STREET AND AREA CLASSIFICATION SHALL BE MADE BY THE CITY COUNCIL TAKING INTO CONSIDERATION THE ZONING DESIGNATIONS IMPOSED BY THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN, THE PRESENT USE AND DEVELOPMENT OF THE PROPERTY IN THE AREA, THE LOGICAL AND REASONABLE PROSPECTIVE DEVELOPMENT OF THE AREA BASED UPON PUBLIC NEEDS AND TRENDS, AND THE PUBLIC SAFETY AND WELFARE.

- (3) ALIGNMENT. AS FAR AS IT IS PRACTICAL, STREETS OTHER THAN MINOR STREETS SHALL BE IN ALIGNMENT WITH EXISTING STREETS BY CONTINUATIONS OF THE CENTER LINES THEREOF. STAGGERED STREET ALIGNMENT RESULTING IN "T" INTERSECTIONS SHALL LEAVE A MINIMUM DISTANCE OF 150 FEET BETWEEN THE CENTER LINES OF STREETS HAVING APPROXIMATELY THE SAME DIRECTION.
- (4) FUTURE STREET EXTENSION. WHERE NECESSARY TO GIVE ACCESS TO, OR PERMIT A SATISFACTORY FUTURE DIVISION OF ADJOINING LAND, STREETS SHALL EXTEND TO THE BOUNDARIES OF THE SUBDIVISION OR PARTITION IF FEASIBLE AND THE RESULTING DEAD-END STREETS MAY BE APPROVED WITHOUT A TURN-AROUND. RESERVE STRIPS INCLUDING STREET PLUGS MAY BE REQUIRED TO PRESERVE THE OBJECTIVE OF STREET EXTENSIONS.
- (5) INTERSECTION ANGLES. STREETS SHALL INTERSECT AT ANGLES AS NEAR TO RIGHT ANGLES AS PRACTICAL EXCEPT WHERE TOPOGRAPHY REQUIRES A LESSER ANGLE, BUT IN NO CASE SHALL THE ACUTE ANGLE BE LESS THAN 60 DEGREES, UNLESS THERE IS A SPECIAL INTERSECTION DESIGN OR THE CORNER RADIUS IS INCREASED TO ALLOW FOR SAFE TURNING. AN ARTERIAL OR COLLECTOR STREET INTERSECTING WITH ANOTHER STREET SHALL HAVE AT LEAST 100 FEET OF TANGENT ADJACENT TO THE INTERSECTION UNLESS TOPOGRAPHY OR OTHER UNUSUAL CIRCUMSTANCES REQUIRES A LESSER DISTANCE. OTHER STREETS, EXCEPT ALLEYS, SHALL HAVE AT LEAST 50 FEET OF TANGENT ADJACENT TO THE INTERSECTION UNLESS TOPOGRAPHY OR OTHER UNUSUAL CIRCUMSTANCES REQUIRES A LESSER DISTANCE. INTERSECTIONS WHICH CONTAIN AN ACUTE ANGLE OF LESS THAN 80 DEGREES OR WHICH INCLUDE AN ARTERIAL STREET SHALL HAVE A MINIMUM CORNER RADIUS SUFFICIENT TO ALLOW FOR A ROADWAY RADIUS OF 20 FEET AND MAINTAIN A UNIFORM WIDTH BETWEEN THE ROADWAY AND THE RIGHT-OF-WAY LINE. ORDINARILY, THE INTERSECTION OF MORE THAN TWO STREETS AT ANY ONE POINT WILL NOT BE APPROVED.
- (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 THE LAND DIVISION.
- (7) HALF STREETS. HALF STREETS SHALL BE PROHIBITED EXCEPT WHERE ESSENTIAL TO THE REASONABLE DEVELOPMENT OF THE SUBDIVISION OR PARTITIONS IF THEY ARE IN CONFORMITY WITH THE OTHER REQUIREMENTS OF THESE REGULATIONS, WHEN THE CITY COUNCIL FINDS IT WILL BE PRACTICAL TO REQUIRE THE DEDICATION OF THE OTHER HALF WHEN THE ADJOINING PROPERTY IS DIVIDED. WHENEVER A HALF STREET IS ADJACENT TO A TRACT TO BE DIVIDED, THE OTHER HALF OF THE STREET SHALL BE PLATTED WITHIN THE TRACT. RESERVE STRIPS MAY BE REQUIRED TO PRESERVE THE OBJECTIVES OF HALF STREETS.
- (8) GRADES AND CURVES. GRADES SHALL NOT EXCEED SIX PER CENT ON ARTERIALS, TEN PER CENT ON COLLECTOR STREETS, OR 12 PER CENT ON OTHER STREETS.

CENTER LINE RADIUS OF CURVES SHALL NOT BE LESS THAN 300 FEET ON MAJOR ARTERIALS, 100 FEET ON SECONDARY ARTERIALS, OR 100 FEET ON OTHER STREETS. AND SHALL BE TO AN EVEN 10 FEET. WHERE EXISTING CONDITIONS, PARTICULARLY THE TOPOGRAPHY, MAKE IT OTHERWISE IMPRACTICAL TO PROVIDE BUILDABLE SITES, THE CITY COUNCIL MAY ACCEPT STEEPER GRADES AND SHARPER CURVES. IN FLAT AREAS, ALLOWANCE SHALL BE MADE FOR FINISHED STREET GRADES HAVING A MINIMUM SLOPE, OF AT LEAST 0.5 PER CENT. *begin*

- (9) STREET NAMES. ALL STREET NAMES SHALL BE APPROVED BY THE CITY COUNCIL FOR CONFORMANCE WITH THE ESTABLISHED PATTERN AND TO AVOID DUPLICATION AND CONFUSION.
- (10) PRIVATE STREETS. THE DESIGN AND IMPROVEMENT OF ANY PRIVATE STREET SHALL BE SUBJECT TO ALL REQUIREMENTS PRESCRIBED BY THIS ORDINANCE FOR PUBLIC STREETS. THE LAND DIVIDER SHALL PROVIDE FOR THE PERMANENT MAINTENANCE OF ANY STREET REQUIRED FOR ACCESS TO PROPERTY IN A PRIVATE STREET SUBDIVISION OR A MAJOR PARTITION.

SECTION 45. UTILITY EASEMENTS.

EASEMENTS FOR SEWERS, DRAINAGE, WATER MAINS, PUBLIC UTILITY INSTALLATIONS, INCLUDING OVERHEAD OR UNDERGROUND SYSTEMS, AND OTHER LIKE PUBLIC PURPOSES, SHALL BE DEDICATED, RESERVED OR GRANTED BY THE LAND DIVIDER IN WIDTHS NOT LESS THAN FIVE FEET ON EACH SIDE OF REAR LOT OR PARCEL LINES, ALONGSIDE LOT OR PARCEL LINES AND IN PLANTING STRIPS WHEREVER NECESSARY, PROVIDED THAT EASEMENTS OF LESSER WIDTH, SUCH AS FOR ANCHORAGE, MAY BE ALLOWED WHEN THE PURPOSES OF EASEMENTS MAY BE ACCOMPLISHED BY EASEMENTS OF LESSER WIDTH AS APPROVED BY THE CITY.

SECTION 46. BUILDING SITES.

- (1) SIZE AND SHAPE. THE SIZE, SHAPE, WIDTH AND ORIENTATION OF BUILDING SITES SHALL BE APPROPRIATE FOR THE LOCATION OF THE LAND DIVISION AND FOR THE TYPE OF DEVELOPMENT AND USE CONTEMPLATED, AND SHALL BE CONSISTENT WITH THE RESIDENTIAL LOT SIZE PROVISIONS OF THE ZONING ORDINANCE.
- (2) ACCESS. EACH LOT AND PARCEL SHALL ABUT UPON A STREET OTHER THAN AN ALLEY FOR A WIDTH OF AT LEAST 25 FEET.
- (3) THROUGH LOTS AND PARCELS. THROUGH LOTS AND PARCELS SHALL BE AVOIDED EXCEPT WHERE THEY ARE ESSENTIAL TO PROVIDE SEPARATION OF RESIDENTIAL DEVELOPMENT FROM MAJOR TRAFFIC ARTERIES OR ADJACENT NON-RESIDENTIAL ACTIVITIES OR TO OVERCOME SPECIFIC DISADVANTAGES OF TOPOGRAPHY AND ORIENTATION.
- (4) LOT AND PARCEL SIDE LINES. THE LINES OF LOTS AND PARCELS, AS FAR AS IS PRACTICABLE, SHALL RUN AT RIGHT ANGLES TO THE STREET UPON WHICH THEY FACE, EXCEPT THAT ON CURVED STREETS THEY SHALL BE RADIAL TO THE CURVE.

SECTION 47. BLOCKS.

- (1) SIZE. NO BLOCK SHALL BE MORE THAN 500 FEET IN LENGTH BETWEEN STREET CORNER LINES OF RECTILINEAR DEVELOPMENTS UNLESS IT IS ADJACENT TO AN ARTERIAL STREET OR UNLESS THE TOPOGRAPHY OR THE LOCATION OF ADJOINING STREETS JUSTIFIES AS EXCEPTION. THE RECOMMENDED MINIMUM LENGTH OF BLOCKS ALONG AN ARTERIAL STREET IS 1000 FEET. A BLOCK SHALL HAVE SUFFICIENT WIDTH TO PROVIDE FOR TWO TIERS OF BUILDING SITES UNLESS

IN TYPICAL SECTION AND DETAILS IF UNUSUAL CONDITIONS ARISE DURING CONSTRUCTION WHICH WARRANT SUCH CHANGE IN THE INTERESTS OF THE CITY.

- (4) ALL UNDERGROUND UTILITIES, SANITARY SEWERS AND STORM DRAINS INSTALLED IN STREETS SHALL BE CONSTRUCTED PRIOR TO THE SURFACING OF SUCH STREETS. STUBS FOR SERVICE CONNECTIONS FOR ALL UNDERGROUND UTILITIES AND SANITARY SEWERS SHALL BE PLACED TO SUCH LENGTH AS WILL OBTAIN THE NECESSITY FOR DISTURBING THE STREET IMPROVEMENTS WHEN SERVICE CONNECTIONS ARE MADE.
- (5) A MAP SHOWING ALL PUBLIC IMPROVEMENTS AS BUILT SHALL BE FILED WITH THE CITY RECORDER UPON COMPLETION OF THE IMPROVEMENTS.

SECTION 54. IMPROVEMENT REQUIREMENTS.

IMPROVEMENTS TO BE INSTALLED AT THE EXPENSE OF THE SUBDIVIDER OR PARTITIONER AND AT THE TIME OF SUBDIVISION OR PARTITION:

- (1) STREETS. PUBLIC STREETS, INCLUDING ALLEYS, WITHIN THE SUBDIVISION AND PUBLIC STREETS ADJACENT BUT ONLY PARTIALLY WITHIN THE SUBDIVISION SHALL BE IMPROVED. UPON COMPLETION OF THE STREET IMPROVEMENT, MONUMENT BOXES AT EVERY PUBLIC STREET INTERSECTION AND ALL POINTS OF CURVATURE AND POINTS OF TANGENCY ON THEIR CENTER LINES.
- (2) STRUCTURES. STRUCTURES SPECIFIED AS NECESSARY BY THE CITY FOR DRAINAGE, ACCESS AND PUBLIC SAFETY, SHALL BE INSTALLED.
- (3) SIDEWALKS. SIDEWALKS SHALL BE INSTALLED TO CONFORM WITH CITY STANDARDS UNLESS A VARIANCE HAS BEEN GRANTED BY THE CITY COUNCIL.
- (4) SEWERS. SANITARY SEWER FACILITIES CONNECTING WITH THE EXISTING CITY SEWER SYSTEM AND STORM WATER SEWERS, OF DESIGN, LAYOUT AND LOCATION APPROVED BY THE CITY SHALL BE INSTALLED.
- (5) WATER. WATER MAINS AND FIRE HYDRANTS OF DESIGN, LAYOUT AND LOCATIONS APPROVED BY THE CITY SHALL BE INSTALLED.
- (6) STREET LIGHTING. STREET LIGHTING OF AN APPROVED TYPE SHALL BE INSTALLED ON ALL STREETS AT LOCATIONS APPROVED BY THE CITY.
- (7) STREET NAME SIGNS. ALL STREETS SHALL BE LEGIBLY MARKED WITH STREET NAME SIGNS NOT LESS THAN TWO (2) IN NUMBER AT EACH INTERSECTION, ACCORDING TO SPECIFICATIONS FURNISHED BY THE CITY.
- (8) IMPROVEMENT OF EASEMENTS. WHENEVER THE SAFETY OF ADJOINING PROPERTY MAY DEMAND, ANY EASEMENT FOR DRAINAGE OR FLOOD CONTROL PURPOSES SHALL BE IMPROVED IN A MANNER APPROVED BY THE CITY.

SECTION 55. MONUMENTS.

- (1) IN ADDITION TO REQUIREMENTS OF STATE LAW AND OTHER PROVISIONS OF THIS ORDINANCE, PERMANENT MONUMENTS OF A TYPE APPROVED BY THE CITY SHALL BE SET IN THE FOLLOWING LOCATIONS:
 - A. AT EACH BOUNDARY CORNER OF THE SUBDIVISION, AT THE BEGINNING AND END OF THE PROPERTY LINE CURVES AND AT ANY OTHER POINTS REQUIRED BY THE CITY.
 - B. AT INTERSECTIONS OF STREET CENTER LINE TANGENTS OR OFFSETS THEREFROM, AND WHERE SUCH INTERSECT ON PRIVATE PROPERTY, AT THE BEGINNING AND END OF THE CENTER LINE CURVE OR OFFSETS THEREFROM.

TOPOGRAPHY OR THE LOCATION OF ADJOINING STREETS JUSTIFIES AN EXCEPTION.

SECTION 48. LARGE BUILDING SITES.

IN DIVIDING TRACTS INTO LARGE LOTS OR PARCELS WHICH AT SOME FUTURE TIME ARE LIKELY TO BE REDIVIDED, THE CITY COUNCIL MAY REQUIRE THAT THE BLOCKS BE OF SUCH SIZE AND SHAPE, BE SO DIVIDED INTO BUILDING SITES AND CONTAIN SUCH SITE RESTRICTIONS AS WILL PROVIDE FOR EXTENSION AND OPENING OF STREETS AT INTERVALS WHICH WILL PERMIT A SUBSEQUENT DIVISION OF ANY TRACT INTO LOTS OR PARCELS OF SMALLER SIZE.

SECTION 50. LAND FOR PUBLIC PURPOSES.

- (1) THE CITY COUNCIL MAY REQUIRE THE RESERVATION FOR PUBLIC ACQUISITION, AT A COST NOT TO EXCEED ACREAGE VALUES IN THE AREA PRIOR TO SUBDIVISION, OR APPROPRIATE AREAS WITHIN THE SUBDIVISION FOR A PERIOD NOT TO EXCEED ONE YEAR PROVIDING THE CITY HAS AN INTEREST OR HAS BEEN ADVISED OF INTEREST ON THE PART OF THE STATE HIGHWAY COMMISSION, SCHOOL DISTRICT OR OTHER PUBLIC AGENCY TO ACQUIRE A PORTION OF THE AREA WITHIN THE PROPOSED SUBDIVISION FOR A PUBLIC PURPOSE, INCLUDING SUBSTANTIAL ASSURANCE THAT POSITIVE STEPS WILL BE TAKEN IN THE REASONABLE FUTURE FOR THE ACQUISITION.

SECTION 51. UNSUITABLE LAND.

THE CITY COUNCIL MAY REFUSE TO APPROVE A SUBDIVISION OR PARTITION WHEN THE ONLY PRACTICAL USE WHICH CAN BE MADE OF THE PROPERTY PROPOSED TO BE SUBDIVIDED OR PARTITIONED IS A USE PROHIBITED BY THIS CODE OR LAW, OR, IF THE PROPERTY IS UNFIT FOR HUMAN HABITATION OR OCCUPANCY BY THE COUNTY OR STATE HEALTH AUTHORITIES.

SECTION 52. LAND SUBJECT TO INUNDATION.

IF ANY PORTION OF ANY LAND PROPOSED FOR DEVELOPMENT IS SUBJECT TO OVERFLOW, INUNDATION OR FLOOD HAZARD BY STORM WATER, OR IN AN AREA OF POOR DRAINAGE, AN ADEQUATE SYSTEM OF DRAINAGE SHALL BE PROVIDED, AND MAY INCLUDE STORM DRAINS, RETENTION PONDS, DRY WELLS, DIKES, OR PUMPS.

IMPROVEMENTS

SECTION 53. IMPROVEMENT STANDARDS AND APPROVAL.

IN ADDITION TO OTHER REQUIREMENTS, ALL IMPROVEMENTS SHALL CONFORM TO THE REQUIREMENTS OF THIS ORDINANCE AND ANY OTHER IMPROVEMENT STANDARDS OR SPECIFICATIONS ADOPTED BY THE CITY, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

- p. 22
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here*
- (1) IMPROVEMENT WORK SHALL NOT BE COMMENCED UNTIL PLANS HAVE BEEN CHECKED FOR ADEQUACY AND APPROVED BY THE CITY. TO THE EXTENT NECESSARY FOR EVALUATION OF THE PROPOSAL, THE PLANS MAY BE REQUIRED BEFORE APPROVAL OF THE TENTATIVE PLAN OF A SUBDIVISION OR PARTITION. ALL PLANS SHALL BE PREPARED IN ACCORDANCE WITH REQUIREMENTS OF THE CITY.
 - (2) IMPROVEMENT WORK SHALL NOT BE COMMENCED UNTIL THE CITY HAS BEEN NOTIFIED IN ADVANCE, AND IF WORK HAS BEEN DISCONTINUED FOR ANY REASON IT SHALL NOT BE RESUMED UNTIL THE CITY HAS BEEN NOTIFIED.
 - (3) ALL REQUIRED IMPROVEMENTS SHALL BE CONSTRUCTED UNDER THE INSPECTION, AND TO THE SATISFACTION, OF THE CITY. THE CITY MAY REQUIRE CHANGES

- (2) ANY REQUIRED MONUMENT THAT IS DISTURBED OR DESTROYED BEFORE ACCEPTANCE OF ALL IMPROVEMENTS SHALL BE REPLACED BY THE SUB-DIVIDER.
- (3) COMPLETE FIELD NOTES IN A FORM SATISFACTORY TO THE CITY, SHOWING REFERENCES, TIES, LOCATIONS, ELEVATIONS, AND OTHER NECESSARY DATA RELATING TO MONUMENTS AND BENCH MARKS SET IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE SHALL BE SUBMITTED TO THE CITY, TO BE RETAINED BY THE CITY AS A PERMANENT RECORD.

VARIANCES AND ENFORCEMENT

SECTION 56. VARIANCE APPLICATION.

WHEN NECESSARY, THE CITY COUNCIL MAY CONSIDER CONDITIONAL VARIANCES TO REQUIREMENTS AND REGULATIONS OF THIS ORDINANCE. APPLICATION FOR A VARIANCE SHALL BE MADE BY A PETITION OF THE SUBDIVIDER OR PARTITIONER STATING FULLY THE GROUNDS OF THE APPLICATION AND THE FACTS RELIED UPON BY THE PETITIONER. THE PETITION SHALL BE FILED WITH THE TENTATIVE PLAN OF THE SUBDIVISION OR OR TENTATIVE MAP OF THE PARTITION. IN ORDER FOR THE PROPERTY REFERRED TO IN THE PETITION TO COME WITHIN THE PROVISIONS OF THIS SECTION, IT SHALL BE NECESSARY THAT THE CITY COUNCIL SHALL FIND AFTER A PUBLIC HEARING, THAT:

- (1) EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES APPLY TO THE PROPERTY, 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 57. VARIANCE PROCEDURE.

- (1) IN RECOMMENDING ANY VARIANCE UNDER THE PROVISIONS OF THIS SECTION, THE CITY COUNCIL SHALL MAKE A WRITTEN RECORD OF ITS FINDINGS AND THE FACTS IN CONNECTION THEREWITH, AND SHALL SPECIFICALLY AND FULLY SET FORTH THE VARIANCE RECOMMENDED AND THE CONDITIONS DESIGNATED.
- (2) THE CITY SHALL KEEP THE FINDINGS ON FILE AS A MATTER OF PUBLIC RECORD.

SECTION 58. SEVERABILITY.

THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE. SHOULD ANY SECTION, CLAUSE OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF, OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 59. PENALTIES FOR VIOLATION.

THIS ORDINANCE MAY BE ENFORCED IN ANY MANNER NOW OR HEREAFTER AUTHORIZED BY STATE LAW.

SECTION 60. ABATEMENT AND PENALTY.

- (1) A PERSON VIOLATING A PROVISION OF THIS ORDINANCE SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT MORE THAN \$250. A VIOLATION OF THIS ORDINANCE SHALL BE CONSIDERED A SEPARATE OFFENCE FOR EACH DAY THE VIOLATION CONTINUES.
- (2) IN CASE A BUILDING OR OTHER STRUCTURE IS, OR IS PROPOSED TO BE, LOCATED, CONSTRUCTED, MAINTAINED, REPAIRED, ALTERED, OR USED, OR LAND IS, OR IS PROPOSED TO BE, USED IN VIOLATION OF THIS ORDINANCE, THE BUILDING OR LAND USE IN VIOLATION SHALL CONSTITUTE A NUISANCE, AND THE CITY MAY, AS AN ALTERNATIVE TO OTHER REMEDIES THAT ARE LEGALLY AVAILABLE FOR ENFORCING THIS ORDINANCE, INSTITUTE INJUNCTION, MANDAMUS, ABATEMENT, OR OTHER PROCEEDINGS, TO PREVENT, ENJOIN TEMPORARILY OR PERMANENTLY, ABATE, OR REMOVE THE UNLAWFUL LOCATION, USE, SUBDIVISION, PARTITION OR SALES OF SAID PROPERTY.

SECTION 61. ADOPTION.

THIS ORDINANCE SHALL BE IN FORCE AFTER THIS 8TH DAY OF OCTOBER, 1979.

PASSED THIS 8TH DAY OF OCTOBER, 1979, BY THE FOLLOWING VOTE:

AYES: 3

NAYS: 0

SIGNED:

MAYOR

ATTEST:

CITY RECORDER