

CITY ORDINANCE NO. 805

AN ORDINANCE PROVIDING
SUBDIVISION, PARTITIONING, AND OTHER LAND
DEVELOPMENT STANDARDS AND PROCEDURES
WITHIN THE CITY OF PRINEVILLE, OREGON

ENACTED AUGUST 8, 1978

REPEALING CITY ORDINANCE NO. 588

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CITY ORDINANCE NO. 805
CITY OF PRINEVILLE, OREGON

AN ORDINANCE PROVIDING SUBDIVISION, PARTITIONING, AND OTHER LAND DEVELOPMENT STANDARDS AND PROCEDURES WITHIN THE CITY OF PRINEVILLE.

The City of Prineville ordains as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. PURPOSE. In accordance with the provisions of O.R.S. Chapters 92 and 227, this ordinance sets forth the minimum standards governing the approval of land development, including subdivisions and partitionings, within the City of Prineville as necessary to carry out the City of Prineville's Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- (1) Encourage well planned subdivision and partition development to the end that good liveable neighborhoods with all needed amenities and community facilities may be created.
- (2) Encourage development in harmony with the natural environment and within resource carrying capacities.
- (3) Safeguard the interest of the public, the applicant and the future lot owner.
- (4) Improve land records and boundary monumentation.
- (5) Insure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for the City of Prineville.
- (6) Provide for orderly and efficient urban development, and to coordinate development with public facility and service plans and capabilities.

No person may subdivide or partition land within the City of Prineville except in accordance with O.R.S. Chapters 92 and the provisions of this ordinance.

Section 1.020. INTERPRETATION. The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These provisions are declared to be the minimum requirements fulfilling such objectives, and the City may impose additional requirements deemed necessary to promote the health, safety and general welfare, and to carry out the Comprehensive Plan of the City. Where

conditions set forth herein are less restrictive than comparative conditions imposed by any other provision of this ordinance, by provisions of any other local ordinance, resolution or regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern.

Section 1.030. REPEALER. The following Ordinance, together with all amendments thereto, is hereby repealed: Uniform Subdivision Ordinance No. 588. All other conflicting ordinances and regulations of the City of Prineville are hereby repealed.

Section 1.040. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 1.050. CONSTRUCTION AND TERMINOLOGY.

(1) Construction. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; and the masculine word shall include the feminine and neuter.

(2) Terminology. The word "City" shall mean the City of Prineville. The words "City Council" shall mean the City Council of Prineville. The words "Planning Commission" shall mean the City Planning Commission of Prineville.

Section 1.060. DEFINITIONS. As used in this ordinance the following words and phrases shall mean:

(1) Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

(2) Advertising. Means the publication or causing to be published of any material relating to disposition of interests in a land development which has been prepared for public distribution by any means of communication.

(3) Agent. Means any person who represents, or acts for or on behalf of, a developer in disposing of interests in a land development and includes a real estate broker as defined in subsection (8) of ORS 696.010, but does not include an attorney-at-law whose representation of another person consists solely of rendering legal services.

(4) Block. An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleys), railroad right-of-way, unsubdivided land or water courses.

(5) Building Line. A line on a plat indicating the limit beyond which building or structures may be erected. If no line is shown on the plat, the building line shall be construed as defined or set forth in the City of Prineville's Zoning Ordinance.

(6) City Engineer. The individual, appointed or designated by the City Administrator or City Council, to represent the engineering interests of the City.

(7) Comprehensive Plan. As adopted by the City pursuant to O.R.S. Chapter 197 and in compliance with Statewide Planning Goals adopted by the State Land Conservation and Development Commission, a coordinated land use map and policy statement of the City that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all inclusive, both in terms of the geographic area covered by the plan and functional and natural activities and systems occurring in the area covered by the plan. The "Plan" is an expression of public policy in the form of goals, objectives and policy statements, maps and standards and guidelines, and is the basis for this ordinance and other rules, regulations and ordinances which are intended to implement the policies expressed through the plan.

(8) Contiguous Land. Parcels of land under the same ownership which abut each other.

(9) Cross Section. A profile of the ground surface perpendicular to the center line of a street, stream or valley bottom.

(10) Curb Lines. The line dividing the roadway from the planting strip or footway, meaning the inside (street side) of the curb.

(11) Developer. Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer.

(12) Easement. A grant of the right to use a parcel of land for specific purposes, where ownership of the land is not transferred.

(13) Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream or watercourse, or lake or reservoir which has been or may be covered by an intermediate regional flood.

(14) Frontage. All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and a right-of-way, waterway, end of a dead-end or city boundary.

(15) Interest. Includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, the lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period

more than three years. "Interest" does not include any interest in a condominium as that term is defined in O.R.S. Chapter 91.505 or any security interest under a land sales contract, trust deed or mortgage.

(16) Lot. A unit of land that is created by a subdivision or partitioning of land, and is intended as a unit for disposition, transfer of ownership or interest, or for development.

- (a) Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.
- (b) Lot, Corner. A lot abutting on two or more streets, other than alleys, at their intersection; provided the angle of intersection of the abutting streets does not exceed 135 degrees.
- (c) Lot Depth. The average horizontal distance between the front and rear lot lines.
- (d) Lot Line. The property line bounding a lot.
- (e) Lot Line, Front. The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
- (f) Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other odd shaped lot, a line 10 feet in length within the lot, parallel to, and at a maximum distance from the front lot line.
- (g) Lot Line, Side. Any lot line other than that of a front or rear lot line bounding a lot.
- (h) Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel street other than alleys.
- (i) Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(17) Map. A final diagram, drawing or other writing concerning a major partition.

(18) Negotiate. Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

(19) Offer. Includes every inducement, solicitation or encouragement of a person to acquire a lot, unit, parcel or interest in land.

(20) Owner. The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll or county recorder's records.

(21) Parcel. A unit of land that is created by a partitioning of land.

(22) Partition. An act of partitioning land or an area or tract of land partitioned as defined in Section 1.060(23) of this ordinance.

(23) 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. "Partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; and "partition land" does not include divisions of land resulting from the creation of cemetery lots. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

(a) Major Partition. A partition which includes the creation of a road or street. A private road exceeding 100-feet in length shall be defined as a street.

(b) Minor Partition. A partition where each parcel created has frontage on and access immediately to an existing road or street; i.e. a partition that does not include the creation of a street.

(24) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

(25) Planned Unit Development. The development of an area of land as a single entity of a number of dwelling units or a number of uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the standard regulations otherwise required by this ordinance.

(26) Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(27) Right-of-Way. The area between the boundary lines of a street, road or other easement.

(28) Road or 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) Alley. A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.
 - (b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
 - (c) Bicycle Route. A right-of-way for bicycle traffic.
 - (d) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
 - (e) Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turn-a-round.
 - (f) 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.
 - (g) Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
 - (h) Local Street. A street intended primarily for access to abutting properties.
 - (i) Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.
- (29) Roadway. That portion of a street or road right-of-way developed for vehicular traffic.
- (30) Sidewalk. A pedestrian walkway with permanent surfacing.
- (31) Sale or Lease. Includes every disposition or transfer of land in a subdivision, or an interest or estate therein, by a subdivider or developer, or their agents, including the offering of such property as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer or their agents.
- (32) Subdivided Lands and Subdivision. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more interests. "Subdivide land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot however must be sold as platted and recorded.

(33) 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.

ARTICLE 2.

GENERAL REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE

Section 2.010. SCOPE OF REGULATION. Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition or his authorized agent or representative shall make an application in writing to the City for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this ordinance.

Section 2.020. MINIMUM STANDARDS. No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the Comprehensive Plan for the City, the applicable zoning, and the requirements and standards set forth in this ordinance and O.R.S. Chapter 92.

Section 2.030. SUBDIVISION REVIEW COMMITTEE. There is hereby established a Subdivision Review Committee to review all tentative subdivision plans and make recommendations to the Planning Commission. The Committee shall consist of the following members:

- (1) City Planning Director (who will be chairman)
- (2) City Engineer
- (3) City Attorney
- (4) City Street Superintendent
- (5) Police Chief
- (6) Fire Chief
- (7) Parks and Recreation Director
- (8) City Administrator
- (9) Sewer Department Superintendent
- (10) Other members or Ex-Officio members of the Committee may be designated by the City Planning Commission and may include, among others, the following:
 - (a) Public Utility Representative(s)
 - (b) Irrigation District Representative
 - (c) School District Representative
 - (d) Department of Environmental Quality
 - (e) Department of Transportation

(f) Postal Department

(g) Other State and Federal Agencies

Section 2.040. DUTIES OF COMMITTEE. It shall be the duty of the Committee to examine and review all tentative subdivision plans and make recommendations to the Commission.

Section 2.050. SUBDIVISION CONFERENCE. The Planning Director shall schedule a meeting with the Subdivision Review Committee and the subdivider or his authorized agent and engineer or surveyor.

Section 2.060. COMMITTEE REVIEW FACTORS. In review of proposed subdivisions, the committee shall consider the following factors:

- (1) Preliminary plat requirements.
- (2) Conformance to Zoning and Comprehensive Plan.
- (3) Possible adverse effects on the development by natural hazard, such as flood, slides, soil erosion or earthquake.
- (4) Quantity and quality of existing or proposed water supply.
- (5) Adequacy of the existing or proposed sewage disposal system to support the projected population.
- (6) Adequacy of public services to serve the increase in population to be created by the development; including schools, police and fire protection, health facilities, highway and arterial road networks, parks, etc.
- (7) Location of the development in relation to industrial planning.
- (8) Possible conflicts with adjoining property.
- (9) Any unusual condition, such as high water table or other topographic or geological conditions.
- (10) Protective covenants, deeds or restrictions.
- (11) Conformance with policies and provisions of local and State regulations.
- (12) Marketable title or other interest contracted.
- (13) Adequate financial arrangements for onsite and offsite improvements.
- (14) Agreement or by-laws to provide for management, construction, maintenance or services proposed.
- (15) Anything else pertinent to the public interest.
- (16) Effects of the subdivision for continuity of public services and access to adjoining lands.

ARTICLE 3. TENTATIVE PLANS.

Section 3.010. APPLICATION SUBMISSION. Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision either an Outline Development Plan as described in Section 3.030 or a Tentative Plan as set forth in Sections 3.040 through 3.080 for the proposed subdivision, together with improvement plans and other supplementary material as may be required, and shall submit 15 copies of said plan together with all required accompanying material to the Planning Department at least 21 days prior to the Planning Commission meeting at which consideration of the plan is desired. An Outline Development Plan or a Tentative Plan for a subdivision shall be accompanied by an application for a subdivision as provided by the Planning Department, together with the appropriate filing fee. The time for filing shall be construed to be the time when the Outline Development Plan or Tentative Plan is submitted in completed form, together with the appropriate filing fee, required supplemental material and subdivision application form, and thereof officially received by the Planning Department.

Section 3.020. REQUIRED FINDINGS FOR APPROVAL. The Commission shall not approve an Outline Development Plan or a Tentative Plan for a proposed subdivision unless the Commission finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

- (1) The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.
- (2) The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.
- (3) Proof that financing is available to the applicant sufficient to assure completion of the subdivision as proposed or required.
- (4) That there will not be any adverse impacts on neighboring properties, natural resource quality, area livability, and public services and facilities.

Section 3.03u. OUTLINE DEVELOPMENT PLAN. If an Outline Development Plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed subdivision to demonstrate the relationship of the subdivision to adjoining land uses, both existing and allowable under applicable zoning.

- (1) The map(s) which are part of the Outline Development Plan may be in general schematic form, but shall be to scale and shall contain the following information:
 - (a) The existing topographic character of the land.
 - (b) Existing and proposed land uses and the approximate location of buildings and other structures on the project site and adjoining lands.
 - (c) The character and approximate density of the proposed subdivision.
 - (d) The approximate location of streets and roads within and adjacent to the subdivision.
 - (e) Public uses including schools, parks, playgrounds and other public open spaces or facilities.
 - (f) Common open spaces and facilities and a description of the proposed use of these spaces and facilities.
 - (g) Landscaping, irrigation and drainage plans.
- (2) Written statements which are part of the Outline Development Plan shall contain the following information:
 - (a) An explanation of the character of the subdivision and the manner in which it has been planned and will be designed to be in compliance with the Comprehensive Plan, Zoning and this ordinance.
 - (b) A statement and description of all proposed on-site and offsite improvements.
 - (c) A statement of the proposed financing for completion of the subdivision as proposed.
 - (d) A statement of the present ownership of all the land included within the subdivision.
 - (e) A general schedule of development improvements.
 - (f) A statement setting forth expected types of housing and other uses to be accommodated, traffic generation, population and sectors thereof to be served and any other information relative to demands on public services and facilities and public needs.
 - (g) A statement relative to compatibility with adjoining land uses, present and future.

- (3) Commission approval of an Outline Development Plan for a subdivision shall constitute only a provisional and conceptual approval of the proposed subdivision contingent upon approval of the Tentative Plan in compliance with the Comprehensive Plan, Zoning, and this ordinance.

Section 3.040. TENTATIVE PLAN REQUIRED. Following submittal and approval of an Outline Development Plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall prepare and submit a Tentative Plan for the proposed subdivision in accordance with Section 3.010 of this Article. The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provisions of Sections 3.050 thru 3.080 of this Article.

Section 3.050. SCALE OF TENTATIVE PLAN. The Tentative Plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivisions up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivisions up to 100 acre size, and for subdivisions of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet.

Section 3.060. INFORMATION REQUIREMENTS. The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered "complete" unless all such information is provided.

(1) General Information Required.

- (a) Proposed name of the subdivision.
- (b) Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the owner or subdivider which will be used in connection with the subdivision.
- (c) Date of preparation, north point, scale and gross area of the proposed subdivision.
- (d) Appropriate identification of the drawing as a Tentative Plan for a subdivision.
- (e) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(2) Information Concerning Existing Conditions.

- (a) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.

- (b) Location of any existing features such as section lines, section corners, City and special district boundary lines and survey monuments.
 - (c) Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, any natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
 - (d) Location and direction of water courses, and the location of areas subject to flooding and high water tables.
 - (e) Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
 - (f) Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.
 - (g) Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.
 - (h) Zoning classification of lands within and adjacent to the proposed subdivision.
 - (i) Names and addresses of all adjoining property owners.
- (3) Information Concerning Proposed Subdivision.
- (a) Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
 - (b) Location, width and purpose of all proposed easements or right-of-ways and relationship to all existing easements and right-of-ways.
 - (c) Location of at least one temporary bench mark within proposed subdivision boundary.
 - (d) Location, approximate area and dimensions of each lot, and proposed lot and block numbers.
 - (e) Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed and plans for improvements or development thereof.

- (f) Proposed use, location, approximate area and dimensions of any lot which is intended for non-residential use.
- (g) An outline of the area proposed for partial recording of a final plat if phased development and recording is contemplated or proposed. If the proposed subdivision pertains to only a portion of the tract owned or controlled by the subdivider, the Planning Commission may require a tentative plan for streets and utilities in the unsubdivided portion.
- (h) Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal and all utilities.
- (i) Description and location of any proposed community facilities.
- (j) Storm water and other drainage facility plans.

Section 3.070. MASTER DEVELOPMENT PLAN. An overall "Master Development Plan" shall be submitted for all developments of more than 25 parcels or for all developments planning phase or unit development. The Master Development Plan shall include, but not be limited to, the following elements:

- (1) Overall development plan, including phase or unit sequences.
- (2) Schedule of improvements initiation and completion.
- (3) Overall transportation and traffic pattern plan.
- (4) Sales program timetable projection.
- (5) Development plans of any common elements or facilities.
- (6) Financing plan for all improvements.
- (7) If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the Master Development Plan for the subject subdivision, so as to verify the non-detrimental impact of the subject subdivision upon adjacent lands.

Section 3.080. SUPPLEMENTAL INFORMATION REQUIRED. The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically of the Tentative Plan of a proposed subdivision, it shall be submitted in separate documents accompanying the plan at the time of filing.

- (1) Proposed deed restrictions or protective covenants, if such is proposed to be utilized for the proposed subdivision.

- (2) Two copies of a letter from a water purveyor providing a water supply system serving domestic water or a letter from a licensed well driller or registered engineer. The letter shall state the source, name of supplier, and known quality and quantity of water available, and that the system will be installed in accordance with all applicable regulations. In addition, the letter from a water purveyor providing a domestic water system shall state that he is able and willing to serve each and every lot within the proposed subdivision and that the conditions and estimated cost of providing such service be set forth. A letter from a water purveyor shall further indicate that the water supply system proposed for the subdivision shall be adequate to meet the fire protection needs set forth by the appropriate fire protection agency.
- (3) Certified statement from each serving utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions and estimated costs of such service shall be set forth.
- (4) Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.
- (5) Title or Subdivision Guarantee Report from a Licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.
- (6) Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

Section 3.090. APPROVAL OF TENTATIVE SUBDIVISION PLAN.

- (1) Tentative Plan Review. The Planning Commission shall, within 45 days from the first regular Commission meeting following submission of a Tentative Subdivision Plan, review the Tentative Plan and all reports and recommendations of appropriate officials and agencies. The Commission may approve, modify, or disapprove the Tentative Plan for the proposed subdivision, and shall set forth Findings for said decision. If no action is taken by the Commission within 45 days, the tentative plan as filed shall be deemed to be approved and it shall be the duty of the Commission Secretary to certify such approval. The Commission may, however, upon declaration of a need for additional information, clarification of submitted material, or a need for modification or re-design of submitted plans and in agreement with the subdivider, initiate a second 45-day period which shall be considered to commence upon the day of agreement for such.

- (2) Tentative Plan Approval. Approval or disapproval of the Tentative Plan by the Commission shall be final unless the decision is appealed to the City Council. The City Council may review the Commission's decision on its own motion. City Council review shall be conducted in accordance with Article 12 of this ordinance, and failure to do so within the required time limit shall be deemed to indicate acceptance of the Commission's decision.
- (3) Tentative Plan Approval Relative to Final Plat. Approval of the Tentative Plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such Tentative Plan shall be binding upon the City for preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the Tentative Plan for the proposed subdivision.
- (4) Commission Report. The decision of the Planning Commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the Tentative Plan, including references to any attached documents describing conditions. One copy of the appropriate material shall be sent to the subdivider, one copy sent to the City Council, and one copy shall be retained by the Planning Commission. Such action shall be completed within five working days of date of Commission decision.

Section 3.100. SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provisions of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

- (1) No Tentative Plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town", "city", "place", "court", "addition", or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.
- (2) No tentative plan for a proposed subdivision shall be approved unless:
 - (a) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

- (b) Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.
- (c) The Tentative plan complies with the Comprehensive Plan and Zoning.
- (3) Approval or denial shall take into consideration the Subdivision Review Committee's recommendations and the factors listed in 2.070 of this ordinance.
- (4) Approval or denial shall take into consideration all applicable Comprehensive Plan policies, specifically those directly applicable to Urban Development.

Section 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS.
If the Tentative Plan for a subdivision is denied, resubmittal thereof shall not be accepted by the City for a period of six months after the date of the final action denying said plan. Re-submission shall require the applicant to consider all items for which the prior denial was based, and the re-submission shall be accompanied by a new filing fee.

ARTICLE 4. FINAL PLAT

Section 4.010. SUBMISSION OF FINAL PLAT.

- (1) Filing Time Period Requirements. Within six (6) months after the date of approval of the Tentative Plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the Tentative Plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by this ordinance and the Commission. If the subdivider fails to proceed with the subdivision before the expiration of the six (6) month period following the approval of the Tentative Plan, the plan approval shall be declared void and the subdivider may submit a new plan together with the appropriate filing fee.
- (2) Time Period Extension. The Commission may, upon submittal of a formal request for a time extension and justification therefor by the subdivider, grant a 45-day extension to the six (6) month time period set forth in Section 4.010 (1) of this ordinance.

Section 4.020. FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by State Statute and this ordinance.

- (1) All plats subdividing any tracts of land in the City, and dedications of streets or roads or public parks and squares and other writings made a part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches in size,

that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the City. The plat shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets. Plat materials may be placed on both sides of a sheet.

Section 4.030. REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION.
No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

- (1) The survey of the plat of the subdivision shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.
- (2) The survey and plat of the subdivision shall be made by a surveyor who is a registered engineer or a licensed land surveyor.
- (3) The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered and each block shall be lettered or numbered. The length of all boundaries of each lot shall be shown. Each street shall be named.
- (4) The locations and descriptions of all monuments shall be clearly recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

Section 4.040. MONUMENTATION REQUIREMENTS.

- (1) The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron is used, it shall not be less than 2 inches in diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States survey.
- (2) The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe or iron or steel rods.

- (3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron or steel rods not less than one-half inch in least dimension and two feet long.
- (4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.
- (5) All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval by the City and for recording. However, interior monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection (2) of Section 4.050 of this ordinance and if the person subdividing the land furnishes to the governing body of the City a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in subsection (1) of Section 4.050 of this ordinance.

Section 4.050. MARKING INTERIOR MONUMENTS AFTER RECORDING.

- (1) If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to approval and recording of the plat, to the governing body of the City, a bond or cash deposit in an amount equal to 120 percent of the estimated cost of performing the work for the interior monumentation.
- (2) If the person subdividing any land within the City has complied with subsection (1) of this Section, the surveyor may prepare the plat of the subdivision for approval and recording with only the exterior monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with Section 4.040 of this ordinance and applicable State Statutes and referenced on the plat for the subdivision as approved by the City.
- (3) After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection (2) of this section, the surveyor performing such work shall:
 - (a) Within five days after completion of such work, notify the person subdividing the land involved and the City; and

- (b) Reference such monuments on an exact copy of the subdivision plat as previously approved and recorded; and
 - (c) Upon approval of such plat copy under O.R.S. Chapter 92.100, file such plat copy with the county recording officer with whom the plat of the subdivision was previously recorded.
- (4) At the time the person subdividing the lands described in subsection (1) of this Section pays the surveyor for performing the interior monumentation work and notifies the City of such payment, the City, within three months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made.

Section 4.060. INFORMATION ON PLAT. In addition to that required for the Tentative Plan or otherwise specified by law, the following information shall be shown on the plat.

- (1) Survey Reference. 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) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- (2) Boundary Street. The exact location and width of the street easements intercepting the boundary of the tract.
- (3) Boundary Lines. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.
- (4) Streets. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.
- (5) Easements. 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 map, it shall be properly referenced in the owner's certificates of dedication.

- (6) Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block. Pursuant to the applicable City addressing system, the address of each lot shall be shown on the plat.
- (7) Block Numbers. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (8) Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- (9) Building Setback Lines. Building setback lines, if any, are to be made a part of the subdivision restrictions.
- (10) Certificates. The following certificates are required and shall be combined where appropriate:
 - (a) A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
 - (b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - (c) A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
 - (d) A certificate for execution by the chairman of the Planning Commission.
 - (e) A certificate for execution by the City Engineer or Street Superintendent.
 - (f) A certificate for execution by the City Planning Director.
 - (g) A certificate for execution by the County Tax Collector.
 - (h) A certificate for execution by the County Assessor.
 - (i) A certificate for execution by the Irrigation District where applicable.
 - (j) A certificate of approval for execution by the City Council.

- (k) All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat or replat of any subdivision by the governing body of the City. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat or replat must be filed with the governing body in writing within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.
- (l) Other certificates required by State regulations.

Section 4.070. SUPPLEMENTAL INFORMATION WITH PLAT. The following data shall accompany the plat:

- (1) Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.
- (2) Survey Data Sheets. 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. A survey control work sheet may be substituted for this item.
- (b) The computation of distances, angles and courses shown of the plat.
- (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- (3) Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.
- (4) Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

- (5) Dedications. A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.
- (6) Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.
- (7) City Council Certificate. A certificate by the City Council that the subdivider has complied with the requirements of Sections 8.010 and 8.020 on improvement guarantee.
- (8) Improvement. If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:
 - (a) Cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
 - (b) Plans and profiles of proposed sanitary sewers, location of man holes indicated and proposed drainage system.
 - (c) Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants
 - (d) Specification for the construction of all proposed utilities.
 - (e) Grading plans and specifications as required for areas other than streets and ways.
 - (f) Planting plans and specifications for street trees and other plantings in public areas.
- (9) Access Permits. Where access is to be a county road or state highway the necessary access permits shall be obtained prior to final plat approval.

Section 4.080. TECHNICAL PLAT REVIEW.

- (1) Ordinance Check. Upon receipt by the Commission, the plat and other data shall be reviewed by the City Engineer and Planning Director who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plan, and there has been compliance with provisions of the law of this ordinance.
- (2) Field Check. The City Engineer and Planning Director may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the engineer or Planning Director or representatives thereof may enter the property for this purpose.

- (3) Corrections. If the City Engineer and Planning Director determine that full conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions.

Section 4.090. COMMISSION APPROVAL OF THE PLAT.

- (1) Upon receipt of the plat with the approval of the City Engineer and Planning Director, the Planning Commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission. Commission 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; nor does such approval constitute final approval, said authority for final approval being vested with the City Council.
- (2) No plat of a proposed subdivision shall be approved unless:
- (a) Streets and roads for public use are to be dedicated without any reservation or restriction other than reversionary right upon vacation of any such street or road and easement for public utilities.
 - (b) Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the City.
 - (c) The plat or map contains provisions for the donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems; the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.
 - (d) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.
 - (e) No plat of a subdivision shall be approved by the City unless the City has received and accepted:

1. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or
 2. A proposed bond, contract or other assurance by the subdivider to the City and approved by the City Attorney that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer subject to any change in such amount as determined necessary by the City; or
 3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply may exist.
- (f) No plat of a subdivision shall be approved by the City unless the City has received and accepted:
1. A certification by a city owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or
 2. A proposed bond, contract or other assurance by the subdivider to the City and approved by the City Attorney that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city considers necessary; or
 3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat.
- (g) No plat of a subdivision shall be approved by the City unless the City has received and accepted:
1. A final plat which is in compliance with the tentative plan approval and all conditions thereof.

2. A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the City Attorney specifying the period within which required improvements and repairs shall be completed.

3. The plat complies with the Comprehensive Plan for the City and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the City.

Section 4.100. FINAL PLAT APPROVAL. Following Commission approval, the final plat shall, without delay, be submitted to the City Council for final approval of the plat, supplemental documents, improvement and repair completions or assurances thereof.

Section 4.110. RECORDING OF 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 45 days after the date of approval of the governing body has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office.

- (1) No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll, have been paid which have become a lien upon the subdivision or which will become a lien during the calander year.
- (2) At the time of filing such plat, the person offering it for filing shall also file with the County Recording officer, an exact copy thereof, made with black India ink or photocopy upon a good quality of linen tracing cloth or any other suitable drafting material having the same or better characteristics, of strength, stability and transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy filed with the County Recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The subdivider shall provide without cost prints from such copy to the County Assessor, County Health Department, City Recorder and City Planning Commission.

ARTICLE 5. LAND PARTITIONING

Section 5.010. APPLICABILITY OF REGULATIONS. All land partitionings within the City must be approved by the City Planning Commission, City Planning Director, and/or a designated official thereof. Said approvals shall be granted in accordance with the provisions of this ordinance and more particularly this article.

Section 5.020. FILING PROCEDURES AND REQUIREMENTS. Any person proposing a land partitioning, or his authorized agent or representative, shall prepare and submit five (5) copies of the Tentative Plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the Planning Department at least 21 days prior to the Commission meeting at which consideration is desired, except as set forth in Section 5.100 of this article.

- (1) The Tentative Plan for partitioning, when submitted, shall include the following:
 - (a) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
 - (b) A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, and the names, right-of-way widths, and improvement standards of existing roads.
 - (c) Names and addresses of the land owner, the partitioner, a mortgagee if applicable, and the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created.
 - (d) A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
 - (e) Northpoint, scale and date of map, and property identification by tax lot, section, township and range.
 - (f) Statement regarding past, present and intended use of the parcel(s) to be created, or the use for which the parcel(s) are to be offered.

Section 5.030. REQUIREMENTS FOR APPROVAL. No application for partitioning shall be approved unless the following requirements are met:

- (1) Proposal is in compliance with the Comprehensive Plan and applicable Zoning.
- (2) Each parcel is suited for the use intended or offered.
- (3) Proposal is compatible with adjoining and area land uses.

(4) (5) All required public services and facilities are available and adequate, or are proposed to be provided by the partitioner.

(5) (6) Proposal will not have any adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.

Section 5.040. ADDITIONAL FACTORS TO BE CONSIDERED. In addition to the requirements set forth in Section 5.030, the following factors may be considered by the Commission for approval or disapproval of an application for land partitioning:

- (1) Placement and availability of utilities.
- (2) Safety from fire, flood and other natural hazards.
- (3) Adequate provision of public facilities and services.
- (4) Possible effects on natural, scenic and historical resources.
- (5) Need for onsite or offsite improvements.
- (6) Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land use.

Section 5.050. IMPROVEMENT REQUIREMENTS. In the approval of a land partitioning, the Commission shall consider the need for street and other improvements, and may require, as a condition of approval, any improvements that may be required for a subdivision under the provisions of this ordinance.

Section 5.060. FINAL MAP FOR PARTITIONING. Following approval of the Tentative Plan for a proposed partitioning, the person proposing the subject partitioning shall prepare and submit to the Secretary of the Commission the Final Map for the subject partitioning. Such filing shall be completed within 30 days from the date of the Commission action or the approval of the partitioning shall expire and said approval shall be declared null and void. The final map shall be prepared in accordance with the following requirements, two (2) copies thereof submitted to the Commission Secretary for approval, and the original recorded in the office of the County Clerk following approval by the Commission Secretary.

- (1) Final Map Requirements:
 - (a) Shall be drawn to a scale of one inch equals 100 feet.
 - (b) Name of the owner, developer, and engineer or surveyor shall be shown on the map.
 - (c) Date, scale, northpoint, legal description of parcel(s), boundaries, and a tie by actual survey to a section or donation land claim corner.

- (d) Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest 30 seconds, and distances to the nearest 0.01 feet. The area of each parcel shall be shown.
- (e) An affidavit by the engineer or surveyor having surveyed the land involved in the partitioning.
- (f) A certification of any public dedication.
- (g) A guarantee of proposed or required improvements.
- (h) A certification of approval for execution by the Commission Secretary.

(2) Approval Requirements. No Final Map for land partitioning shall be approved by the Secretary of the Commission unless all of the following requirements are met:

- (a) The Final Map is in strict conformance with the Tentative Plan approved by the Commission.
- (b) The Final Map is in strict conformance with the requirements set forth in subsection (1) of this Section.
- (c) Access is guaranteed to each parcel.
- (d) Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.
- (e) All required public utilities are available.
- (f) All conditions of the Tentative Plan approval have been met or guaranteed.
- (g) A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Commission.

Section 5.070. COMMISSION APPROVAL. Within 45 days from the first regular Planning Commission meeting following submission of an application for a land partitioning, the Planning Commission shall review the plans and application submitted, and shall either approve or deny the application. If no such action is taken within said 45 day period the subject application shall be deemed approved as submitted and it shall be the duty of the Commission Secretary to certify the approval.

Section 5.080. APPEAL PRECEDURE. An appeal of a decision or requirement of the Commission, Commission Secretary, or the Planning Department relative to a land partitioning shall be made in accordance with the provisions of Article 12 of this ordinance.

Section 5.090. SPECIAL EXCEPTION TO PARTITIONING REGULATIONS. The partitioning of a tract of land in which not more than one (1) parcel is created and said parcel is being transferred to a public or semi-public agency for the purpose of a road, railroad, or canal right-of-way shall be exempt from the provisions of this article. Such partitionings may be approved by the Planning Department and no filing fee shall be required.

Section 5.100. PARTITIONING FOR FINANCIAL PURPOSES.

- (1) Upon application to the Planning Director, said person may grant a special permit authorizing the creation of a security interest or leasehold in a parcel of land.
- (2) Permits issued under the authority of this section shall be subject to the following limitations and restrictions:
 - (a) A parcel possessed by a person under the terms of a lease or the foreclosure of a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest became possessory; except the parcel(s) may be put into agricultural use; but in no case may an additional structure or improvements be added to any parcel by the authority of the permit authorized in subsection (1) of this section. In order to establish uses other than agriculture or to erect structures including farm accessory structures, the owner of the parcel must secure a land partitioning approval as otherwise required as provided by this ordinance and this article.
 - (b) The permit authorized in subsection (1) of this section shall only be valid for the time of the lease or the life of the security interest; except when there is a default and foreclosure upon a security interest. In the case of a security interest default and foreclosure, the permit shall only be valid until a land partitioning permit is granted or the parcels are once again rejoined in a contiguous unit of land under the same ownership.
 - (c) At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels shall be rejoined into a contiguous unit of land under one ownership and, if possible, shall be reunited or combined into a single tax lot. The owner of the property shall be in violation of this ordinance if he has not, within 30 days of the permit becoming void, made written application to the County Assessor for the combination of the parcels into a single tax lot.
- (3) No permit may be issued under this section until the applicant, the owners of the subject property, and the holder of the security or lease interest sign a statement indicating that all parties understand the limits being placed upon the permit.
- (4) The permit issued under this section shall be immediately void if the owner of the property attempts any transfer of the subject parcels, except as provided by the terms of the permit.

- (5) The partitioning permit authorized by this section shall only be granted if the applicant certifies and the Planning Director finds that:
- (a) The intended partitioning is temporary and not created for the purpose of evasion of the requirements of this ordinance, other County ordinances or regulations or State Statute and administrative rules adopted pursuant thereto.
 - (b) The partitioning will not result in the need for additional roads or other access.
 - (c) The partitioning will not interfere with adjoining and area land uses.
 - (d) The partitioning will not result in the need for additional improvements.
 - (e) The partitioning would not violate any provisions of applicable zoning or policies of the Comprehensive Plan.

ARTICLE 6. PLANNED UNIT DEVELOPMENT.

Section 6.010. AUTHORIZATION. When a Planned Unit Development has been authorized pursuant to applicable zoning regulations, such a development may be approved by the City in accordance with the provisions of this article and this ordinance.

Section 6.020. APPLICABILITY OF REGULATIONS. The requirements for a planned unit development set forth in this article are in addition to the requirements set forth for a standard subdivision in this ordinance.

Section 6.030. PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purpose for the standards are achieved and the general provisions of this ordinance and applicable zoning regulations are observed. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- (1) Advances in technology and design.
- (2) Recognition and resolution of problems created by increasing population density.
- (3) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses

of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

- (4) The potential sites characterized by special or limiting features of geography, topography, size or shape, natural or historic resources.
- (5) The height and bulk characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- (6) Provision of housing and related land uses at maximum economic efficiency for the community, buyer and seller.
- (7) Provision of a living environment with aesthetic qualities, common open space and recreation areas, and energy efficient access to needed services and facilities.

Section 6.040. REQUIRED FINDINGS FOR APPROVAL. The City shall approve a planned unit development only if it finds that the planned unit development will satisfy the intent of this ordinance relating to standard subdivision development, the intent of applicable zoning regulations and the standards of this article, including the following:

- (1) The planned unit development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams, lakes, natural vegetation and special terrain features.
- (2) The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.
- (3) Proof that financing is available to the applicant sufficient to assure completion of the planned unit development as proposed or required.

Section 6.050. PLANNED UNIT DEVELOPMENT SITE SIZE.

- (1) Except as set forth in subsection (2) of this section, a planned unit development shall be on a tract of land of not less than 10 contiguous acres and be designed to accommodate 50 or more dwelling units.
- (2) Notwithstanding the provisions of subsection (1) of this section, a planned unit development may be for a tract of land that is less than 10 acres (but in no case less than 5 acres) and designed to accommodate less than 50 dwelling units (but in no case less than 25 dwelling units) if the City finds, upon a showing by the applicant, that a planned unit development is

in the public interest because one or more of the following conditions exist:

- (a) An unusual physical or topographic feature of importance to the people of the area or the community as a whole exists on the site or in the neighborhood, which can be conserved and still leave the applicant equivalent use of the land by use of a planned unit development.
- (b) The property or its neighborhood has an historical geological character of importance to the community that will be protected by the use of a planned unit development.
- (c) The property is adjacent to or across a street from property which has been developed or redeveloped under a planned unit development and a planned unit development will contribute to the maintenance of the amenities and values of the neighborhood planned development pattern.

Section 6.060. DIMENSIONAL AND BULK STANDARDS.

- (1) The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.
- (2) If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance and applicable zoning on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
- (3) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the applicable zone.
- (4) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to the greater height on other uses within and outside the development and on any solar energy collection systems.
- (5) The building coverage for any planned unit development shall not exceed 30 percent of the land area being developed exclusive of public and private streets.

Section 6.070. PROJECT DENSITY. The project density standards set forth hereinafter is in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded.

- (1) The planned unit development may result in a density in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed hereinafter as set forth:
 - (a) For an approved scheme of common open space, a maximum increase in density of five percent if the space is to be continuously maintained undeveloped and a maximum increase in density of ten percent if the space is to be continuously maintained developed.
 - (b) For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of ten percent.
- (2) If the Commission finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:
 - (a) Inconvenient or unsafe access to the planned unit development or adjoining developments.
 - (b) Traffic congestion in the streets which adjoin the planned unit development to the City's overall street system.
 - (c) An excessive burden on sewage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

Section 6.080. COMMON OPEN SPACE.

- (1) No open area may be accepted as common open space within a planned unit development unless it meet the following requirements:
 - (a) The location, shape, size and character of the common open space is suitable for the planned development.
 - (b) The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

- (c) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
 - (d) The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.
 - (e) If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate and approved assurance that the buildings, structures and improvements will be completed within a specified period of time. The City shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.
- (2) Land shown on the final development plan as common open space shall be conveyed under one of the following options:
- (a) To a public agency which agrees to accept such conveyance and to maintain the common open space and any buildings, structures or other improvements which have been placed on it. Unless such common open space and improvements thereof are of such scale to provide a public benefit outside the subject development and such open space and improvements are publicly dedicated to the appropriate public agency, said agency shall not accept the conveyance set forth by this provision without establishing by agreement with the developer an appropriate service and maintenance fee on an annual basis. Such requirement is deemed necessary to preclude general tax monies being expended for the benefit of a single development.
 - (b) To an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to and approved by the City as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and all improvements. Such provisions shall be set forth as a part of each sale, lease or rental contract or deed involving any lot, parcel, facility, component or interest in the subject development.

- (3) No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be authorized as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use are expressly reserved.
- (4) If the common open space is not conveyed to a public agency, the covenants governing the use, improvements and maintenance of the common open space shall authorize the City to enforce their provisions.

Section 6.090. ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT.
In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following:

- (1) Golf course.
- (2) Private park, lake or waterway.
- (3) Recreation area, building, clubhouse or social hall.
- (4) Other accessory structures which the Commission finds are designed to serve primarily the residents of the planned unit development, and are compatible to the design and other uses of the planned unit development.
- (5) Any commercial use permitted as a component of a planned unit development shall be limited to those types of commercial uses permitted in a Neighborhood Commercial Zone and shall be subject to the following conditions:
 - (a) Each such use shall be wholly enclosed within a building; no outside storage shall be permitted.
 - (b) The total of such uses shall not exceed more than three percent of the total land area of the development, and no commercial use including buildings and parking shall exceed more than 70 percent of the land area designed therefor.
 - (c) No such use or assemblage of such uses shall generate more than 100 auto trips daily per acre both to and from, or one auto trip daily to and from per dwelling unit in the development, whichever is greater.

Section 6.100. APPLICATION SUBMISSION. An applicant shall include with an application for a planned unit development either an Outline Development Plan as described in Section 6.110 or a Preliminary Development Plan as described in Section 6.120. Except as otherwise set forth in this article, the procedure for review and approval of a planned unit development is the same as set forth for a standard subdivision in this ordinance. An application for a planned unit development shall be accompanied by the appropriate filing fee.

Section 6.110. OUTLINE DEVELOPMENT PLAN. If an Outline Development Plan is prepared and submitted with the application for a planned unit development, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable under applicable zoning.

- (1) The maps which are part of the outline plan may be in general schematic form, but to scale, and shall contain the following information:
 - (a) The existing topographic character of the land.
 - (b) Existing and proposed land uses and the approximate location of buildings and other structures.
 - (c) The character and approximate density of the proposed buildings.
 - (d) The approximate location of major thoroughfares.
 - (e) Public uses, including schools, parks, playgrounds and other public open spaces or facilities.
 - (f) Common open spaces and a description of the proposed use of these spaces.
 - (g) Landscaping plans.
 - (h) Irrigation plans and design.
- (2) Written statements which are part of the outline development plan shall contain the following information.
 - (a) An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
 - (b) A statement of the proposed financing.
 - (c) A statement of the present ownership of all the land included within the planned unit development.
 - (d) A general indication of the expected schedule of development and improvements.
- (3) Commission approval of the outline development plan shall constitute only a provisional approval of the planned unit development contingent upon approval of the preliminary development plan.

Section 6.120. PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and submitted by the applicant for a planned unit development and shall include the following information:

- (1) A map to scale showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- (2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses and facilities.
- (3) A plot plan for each building site and common open space area, showing the location of buildings, structures and other improvements and indicating the open spaces around buildings and structures.
- (4) Elevation and perspective drawings of proposed structures, including floor plans of proposed structures.
- (5) A development schedule indicating:
 - (a) The approximate date when construction of the project can be expected to begin.
 - (b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - (c) The anticipated rate of development.
 - (d) The approximate dates when each stage in the development will be completed.
 - (e) The area, location and degree of development of common open space that will be provided at each stage.
- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- (7) The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:
 - (a) An off-street parking and loading plan.
 - (b) A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.
 - (c) A landscaping and tree plan.
 - (d) An economic feasibility report or market analysis.

Section 6.130. SEPARATE APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN.

- (1) If an outline development plan has been submitted and the planned unit development has been provisionally approved based on the information in the outline development plan, the applicant shall file the pre-

liminary development plan with the Commission within six months following the provisional approval of the outline development plan. The Commission shall give notice and provide an opportunity to be heard to each of the following:

- (a) A person who is on record as having appeared at the hearing on the outline development plan.
- (b) A person who has indicated in writing a desire to be notified.
- (c) Other persons who may have an interest.

The commission, having previously provisionally approved the proposed planned unit development, shall then either reapprove, disapprove or reapprove with modifications the planned unit development based on the preliminary development plan.

- (2) If an outline development plan has been submitted and approved, a preliminary development plan may be submitted in stages. If a preliminary development plan covering at least 30 percent of the area of the outline development plan has not been submitted within six months following the provisional approval of the planned unit development, then the provisional approval of the planned unit development by the Commission shall terminate unless, for good cause, the Commission extends for three months the period for filing of the preliminary development plan.

Section 6.140. APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- (1) Within six months following the approval of the preliminary development plan, the applicant shall file with the Commission a final development plan containing in final form the information required in the preliminary plan and in accordance with requirements set forth for a final plat of a standard subdivision in this ordinance. In its discretion and for good cause set forth by the applicant and made a finding of the Commission, the Commission may extend for three months the period for the filing of the final development plan.
- (2) If the Commission finds evidence of a material deviation from the approved preliminary development plan, the Commission shall advise the applicant to submit application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application and shall be accompanied by the appropriate filing fee.

Section 6.150. CONTROL OF THE DEVELOPMENT AFTER COMPLETION.
The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- (1) The City, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.
- (2) After the certificate of completion has been issued, the use of the land and the construction, modification or alternation of a building or structure within the planned unit development shall be governed by the approved final development plan.
- (3) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (a) Minor modifications of existing buildings or structures may be authorized by the Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.
 - (b) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the purpose and intent of the final development plan.
- (4) An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.
- (5) No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development; and all rights to enforce these covenants againsts any change permitted by this section are expressly reserved.

Section 6.160. AUTHORIZATION TO APPROVE OR DISAPPROVE PLANNED UNIT DEVELOPMENTS. A Planned Unit Development as set forth in this ordinance shall be approved, modified, disapproved or amended in accordance with the standards and procedures of this article, this ordinance and other applicable rules and regulations. In judging whether or not a planned unit development proposal shall be approved or disapproved the Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such development, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- (1) The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City.
- (2) The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the liveability, value or appropriate development of abutting properties and the surrounding area.
- (3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
- (4) A proposal will preserve environmental assets of particular interest to the community.
- (5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

Section 6.170. PLACING CONDITIONS ON A PLANNED UNIT DEVELOPMENT. In approving a new planned unit development or the amendment of an existing planned unit development, the Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include but are not limited to the following:

- (1) Establishing a special yard or other open space or lot area or dimension.
- (2) Limiting the height, size or location of a building or other structure.
- (3) Designating the size, number, location and nature of vehicle access points.
- (4) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
- (5) Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or truck loading area.
- (6) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (7) Limiting the location and intensity of outdoor lighting and requiring shielding.
- (8) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- (9) Designation the size, height, location and materials for a fence.
- (10) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or any other significant natural resources.

Section 6.100. PROCEDURE FOR TAKING ACTION ON A PLANNED UNIT DEVELOPMENT. The procedure for taking action on a planned unit development proposal shall be as follows:

- (1) Any person proposing a planned unit development, or his authorized agent or representative, may initiate an application for a planned unit development as set forth in Sections 3.010 and 6.100 of this ordinance.
- (2) Prior to submission to the Commission a proposal for a planned unit development shall be submitted to the Subdivision Review Committee in accordance with Article 2 of this ordinance.
- (3) The Commission shall hold a public hearing on the proposed planned unit development and shall review the proposal in accordance with Section 3.060 of this ordinance relative to the review of an Outline Development Plan and a Preliminary Development Plan and in accordance with Section 4.080, 4.090 and 4.100 of this ordinance relative to the review of a Final Development Plan.

Section 6.190. RECORDING OF FINAL DEVELOPMENT PLAN. A developer of a planned unit development shall, without delay, proceed with the recording of the final development plan following approval by the City in accordance with the standards and requirements set forth by this ordinance and other applicable regulations for a standard subdivision.

Section 6.200. RESUBMISSION OF DENIED DEVELOPMENT PLAN. If the outline development plan or preliminary development plan for a proposed planned unit development is denied, resubmittal thereof shall not be accepted by the City for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

ARTICLE 7.

DEDICATION OF STREETS NOT PART OF A SUBDIVISION

Section 7.010. APPLICATION. Any person desiring to create a street not part of a subdivision or major partition shall make written application to the Planning Department. Said application shall be made on prescribed forms and shall be accompanied by the required information and appropriate filing fee.

Section 7.020. MINIMUM DESIGN STANDARDS. The minimum standards of design and improvement for the dedication of a street shall be the same as set forth in this ordinance for streets within a subdivision and shall be in compliance with other applicable street standard regulations.

Section 7.030. PROCEDURE.

- (1) Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the Commission and City Street Department for review and recommendation. Two copies of the proposed improvements shall be forwarded to the Commission at least ten days prior to a regularly scheduled meeting.
- (2) Where access is to a County Road or State Highway, the necessary permits shall be obtained prior to approval by the City Council.
- (3) The Commission and the Street Department shall report their findings to the Planning Director and give their recommendations regarding the proposed dedication and improvements. The Commission shall also recommend a classification for the proposed street.
- (4) Upon receipt of written findings and recommendations from the Commission and Street Department, the proposal shall be submitted to the City Council for preliminary review and approval. Such submission shall be made at least ten days prior to a regularly scheduled meeting.
- (5) Upon preliminary approval by the City Council, the engineering and improvements design of the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the City Street Department for review and approval. Said engineering and improvements design shall be prepared and signed by a licensed engineer or surveyor.
- (6) Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvement guarantee. Said documents shall be submitted to the City Attorney for review and approval.
- (7) Following receipt of the approvals set forth in subsections (5) and (6) of this section, the deed and improvements guarantee shall be submitted to the City Council for final approval.

ARTICLE 8. DESIGN STANDARDS

Section 8.010. COMPLIANCE REQUIRED. Any land division, whether by subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

Section 8.020. 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. The proposed street location and pattern shall be shown on a development plan and 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 Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum Right-of-Way and Roadway Width. Unless otherwise approved in the tentative development plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet shown in the following table and shall be in conformance with standards and specifications set forth in Appendix "A" of this ordinance and other applicable city standards and specifications.

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY WIDTH</u>	<u>MINIMUM ROADWAY SURFACING WIDTH</u>
Arterial	80-120 feet	56-96 feet
Collector Street	80 feet	56 feet
Continuous Local Street	80 feet	50 feet
Local Streets Less Than 1,000 feet in length which are not continuous, or cannot be extended	60 feet	40 feet
Cul-de-sacs	60 feet	50 feet
Radius for Turn-Around at end of cul-de-sacs	50 feet	40 feet
Alleys	16 feet	16 feet

- (3) Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary by the Commission for the protection of public safety and welfare.
- (4) Alignment. All proposed streets shall be in alignment with existing streets by continuations of the center lines thereof. Offset street alignment resulting in "T" intersections shall have a minimum distance of 200 feet between the center lines of opposite streets of approximately the same direction unless prohibited by topographical features. In no case shall any center line offset of less than 100 feet be permitted.
- (5) Future Extensions of Streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- (6) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved.
- (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 the land division by the developer. During consideration of the tentative plan for a subdivision, the Commission shall determine whether improvements to existing streets, adjacent to or within the tract, are required and may require such improvements as a condition of approval of the tentative plan.
- (8) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

- (9) Cul-de-Sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 600 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn around with a minimum of 50 feet radius.
- (10) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in the City or County. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- (11) Grades and Curves. Grades shall not exceed six percent on arterials, ten percent on collector streets or 12 percent on other streets. 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 on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.
- (12) Streets Adjacent to Railroad Right-of-Way. Wherever the proposed land division 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 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 land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property 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 to off-street parking and loading facilities are approved by the Planning Commission.
- (15) Curbs. Curbs shall be required on all streets, and shall be installed by the developer in accordance with the standards set forth in Appendix "A" or other standards set forth by the City.

Section 8.030. BLOCKS.

- (1) General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- (2) Size. No block shall 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. The recommended minimum length of the block along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless 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 at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.
 - (b) Water Courses. If a tract is traversed by a water course, such 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. Streets or parkways parallel to the major water courses may be required.
 - (c) Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

Section 8.040. Building Sites.

- (1) Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:
 - (a) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality (and/or Health Department) and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

- (b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 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 arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.
 - (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.
 - (5) Division by ROW, Drainage Ways. No lot shall be divided by the boundary line of the county, city or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services.

Section 8.050. GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

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

Section 8.060. BUILDING LINES. If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

Section 8.070. LARGE BUILDING SITES. In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, so that they may so be 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 8.080. LAND FOR PUBLIC PURPOSES.

- (1) If the City has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.
- (2) Within or adjacent to a subdivision, a parcel of land of not less than five (5) percent of the gross area of the subdivision may be required to be set aside and dedicated to the public by the subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to the market value of the area required for dedication above in the subdivision. The sum so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 percent of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

ARTICLE 9. IMPROVEMENTS

Section 9.010. IMPROVEMENT PROCEDURES. In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

- (1) Plan Review and Approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the City or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the preliminary development plan of a planned unit development.
- (2) Notification. Improvement work shall not commence until after the City has been notified and approval thereof has been granted, and if work is discontinued for any reason it shall not be resumed until after the City is notified and approval thereof granted. The cost of such inspections and approvals shall be borne by the developer.
- (3) Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of recordation.
- (4) Inspection. Improvements shall be constructed under the inspection and approval of an inspector designated by the City. Expenses incurred thereof shall be borne by the developer. The City, through said inspector, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.
- (5) Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm-water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.
- (6) As Built Plans. A map showing public improvements as built shall be filed with the City upon completion of the improvements and a copy thereof shall be recorded with the final plat.
- (7) Access to Rivers and Streams. The subdivider shall provide for reasonable public access to any river or stream adjacent to or within a subdivision in accordance with policies set forth in the Comprehensive Plan.

Section 9.020. SPECIFICATIONS FOR IMPROVEMENTS. See Appendix "A" for specifications.

Section 9.030. IMPROVEMENTS IN SUBDIVISIONS. The following improvements shall be installed at the expense of the subdivider:

- (1) Streets. Streets, including alleys and curbs, within the subdivision, adjacent thereto, and those outside the subdivision required to be improved as a condition of subdivision approval, shall be improved to City specifications set forth by this ordinance (appendix "A") and other applicable city regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations, and in accordance with additional specifications imposed by the City to meet specific conditions. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and O.R.S. at every street intersection and all points of curvature and points of tangency at their center-lines.
- (2) Surface Drainage and Storm Sewer System. 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 specifications in Appendix "A" of this ordinance and other standards, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and 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. Sewer construction shall meet specifications of Appendix "A". In the event it is not possible to connect the subdivision to the city sewer system, the City 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 shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.
- (4) Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system shall be installed to specifications of Appendix "A" and those required by the City and serving water system purveyor. The design shall take into account provisions for extension beyond the subdivision.
- (5) Sidewalks. Sidewalks shall be installed on at least one side 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. Sidewalks shall be constructed to specifications in Appendix "A" and other applicable specifications.

- (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. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.
- (8) Street Lights. Street lights shall be installed and shall be served from an underground source of supply.
- (9) Curbs. Curbs shall be required on all streets, and shall be installed by the developer in accordance with Appendix "A" or other standards set forth by the City.
- (10) Other. The developer shall make necessary arrangements with the 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.

Section 9.040. IMPROVEMENTS IN PARTITIONS. The same improvements shall be installed to serve each building site of a partition as required of a subdivision.

Section 9.050. APPROVAL OF IMPROVEMENTS. All improvements shall be approved by a City inspector prior to acceptance by the City. All costs of inspection shall be paid for by the developer.

Section 9.060. ACCEPTANCE OF IMPROVEMENTS. Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the City within one year after construction is completed.

Section 9.010. BUILDING PERMITS. No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable. All improvements required pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the City prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the City may require a one-year Maintenance Surety Bond in an amount not to exceed ten percent of the value of all improvements to guarantee maintenance of said improvements for a period of not less than one year from the date of acceptance.

ARTICLE 10. IMPROVEMENT GUARANTEE

Section 10.010. AGREEMENT FOR IMPROVEMENTS. Prior to final approval of a subdivision plat or partition map by the City, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the City an agreement between himself and the City, specifying the period which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the City for the cost of inspection by the City.

Section 10.020. BOND.

- (1) Type of Security. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the City Council:
 - (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 co-signed 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.
 - (d) Such other security as may be deemed necessary by the City Council to adequately insure completion of improvements pursuant to the agreement.
- (2) Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and inci-

dental expenses, and to cover the cost of City inspection.

- (3) Default Status. If a land divider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference plus any attorney fees and costs incurred.

ARTICLE 11. VARIANCES

Section 11.010. VARIANCE APPLICATION. The Planning Commission may authorize variances to requirements of this ordinance. Application for a variance shall be made by a petition of the developer, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the preliminary plan. A variance may be granted only in the event that all the following circumstances exist:

- (1) Exceptional Circumstances. Exceptional or extraordinary facts 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 owner of the property, since enactment of this ordinance, has no control.
- (2) Preservation of Property. 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) Not Detrimental. 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) Minimum. The variance requested is the minimum which would alleviate hardship.

Section 11.020. Planning Commission Action on Variance. In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection with, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record, and a copy of the variance granted and the conditions thereof shall be recorded together with the final plat by the developer.

ARTICLE 12. ADMINISTRATION, APPEALS

Section 12.010. Approval or denial of an application for land development shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

Section 12.020. A person may appeal to the City Council from a decision made by the Planning Commission. A person may appeal to the City Planning Commission from a written decision made by the Planning Director or other City official. Written notice of the appeal must be filed with the City within ten days after the decision is made for a minor partition and within 30 days for a subdivision or major partition. The notice of appeal shall state the nature of the decision and the grounds for appeal.

Section 12.030. The City Council or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Council or Commission may continue the hearing for good cause.

Section 12.040. The City Council or Planning Commission may review a lower decision upon its own motion after giving ten days notice to the parties involved in the decision and if such review is accomplished within the time periods set forth in Section 12.020 above.

Section 12.050. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.

Section 12.060. Following the hearing, the Council or Commission may overrule or modify any decision or requirement if the decision of the Council or Commission complies with this ordinance, and shall set forth findings for such decision.

Section 12.070. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any quasi-judicial land use action.

Section 12.080. Application or filings required by this ordinance shall be accompanied by a filing fee in the amount established by this section, and set forth below:

Land Partitioning	\$ 25.00
Subdivision	100.00 plus \$10 for each lot
Planned Unit Development.	100.00 plus \$10 for each lot or dwelling unit, which ever is greater in number

Street Dedication not part
of a subdivision \$ 50.00
Appeal to Commission 25.00
Appeal to City Council 100.00
Variance Request not submitted
as a part of and with a Tentative Plan 25.00

Section 12.090. It being deemed by the City Council of the City of Prineville that an emergency exists, this ordinance shall be in full force and effect from and after its passage and approval by the City Council and Mayor.

Passed by the City Council this 8th day of August, 1978.

Approved by the Mayor this 8th day of August, 1978.

Nello Giovanini
Nello Giovanini, Mayor

Attest: Marge Stevens
City Administrator
8/21/78
Date

Officially recorded this 21st day of August, 1978.

Grace G. Bannon, Crook County Clerk
by Betty McLee
County Clerk
County of Crook
State of Oregon

State of Oregon
County of Crook
I certify that the foregoing Ordinance # 805
has been compared with the original, and that it is a
correct transcript therefrom, and of the whole of such
original, as the same appears of record at the clerk's
office in Crook County, Oregon.
Grace G. Bannon, Crook County Clerk Clerk
Aug 26 19 78
by Betty McLee Deputy

APPENDIX "A"

PRESCRIBING CERTAIN MINIMUM STANDARD SPECIFICATIONS PERTAINING TO THE CONSTRUCTION OF STREETS, CURBS, SIDEWALKS, DRIVEWAYS AND RELATED ITEMS OF CONSTRUCTION AND IMPROVEMENTS.

This Appendix sets forth certain requirements in regard to procedure, work and materials to be followed, performed and used in regards to street construction in the City of Prineville by property owners, developers or contractors in subdivisions, undeveloped areas and in the reconstruction or improvement of existing streets, alleys or roads.

Section 1. STREETS.

(a) The developer or contractor constructing streets in a new subdivision, or an individual doing initial or improvement street construction, shall submit to the office of the public works department for the City of Prineville complete plans showing street grades, layout, dimensions, curbs, sidewalks, driveways, storm sewers and other applicable details for examination and checking by the public works department and approval by said department prior to beginning of construction. Unless otherwise directed by the Prineville City Council, the city superintendent or city engineer, as the case may be, shall be responsible in the public works department for receiving, checking, examining and approving all such plans.

(b) Any person, company, firm or contractor installing pipe lines, underground electric systems, culverts, curbs, drainage structures or any other type or kind of similar work or improvements on an existing street, road or alley which will require the cutting into or the removal of any or all parts of curbs, sidewalks, paving, gravel base, sub-base or any other already existing construction, including layout and survey work, shall be required to furnish the city's public works department with a performance bond in favor of the City of Prineville guaranteeing the faithful and complete performance of the work, furnishing of materials when required and payment of all costs therefrom, for a period of one (1) year after the date of final acceptance of the work by the City of Prineville. Said bond shall be issued by a surety company authorized to issue such bonds in the State of Oregon and must, in all respects, be satisfactory and acceptable to the City of Prineville. The amount of such bond shall be determined by the amount of the contract price, or in the case of a force work account where a formal contract has not been executed, the amount of the bond required will be determined by the city engineer or city superintendent. In no case shall the penal sum of the bond be less than \$100.00

(c) In the case of a formal contract between a company, firm, corporation or individual and the City of Prineville, the type of contract and form of agreement in general shall be as prescribed by the city charter, city ordinances or as specified in the general specifications and contract agreements as adopted or provided by the Prineville City Council.

(d) All grades for any streets hereafter dedicated or laid out in the City of Prineville shall be done in accordance with the specifications prepared by the city superintendent or city engineer. Street sub-grades shall be constructed to conform to the elevations, alignments and cross sections as shown on the approved plans or as directed by the city superintendent or city engineer.

(e) Any unstable earth forming a sub-grade for streets or bearing soil for foundation of any type of kind of structure shall be removed and replaced with suitable soil or gravel and in a manner approved by the city superintendent or city engineer.

(f) For standard street construction, the sub-grade shall be graded to undisturbed earth. A minimum of 12 inches of 1½-0 crushed rock shall be laid down the full width of the street behind curb lines and rolled or compacted by approved methods and equipment to approximately 90 percent of maximum density to form the gravel or rock base. Provide and maintain ample means and devices with which to promptly remove and dispose of all water entering the street and/or other excavation until such excavation is completed. Dispose of the water in a manner approved by the city superintendent or city engineer, without damage to adjacent property. In addition to the rock base, a seal or binder course of ¾-0 crushed rock shall be spread evenly over the entire rock base to a thickness of two inches and the binder course or sealer shall then be graded and rolled to its maximum density. The city superintendent or city engineer may require the seal or surface course of crushed rock be watered and rolled according to his directions. A wearing surface is to be constructed on the rock base. This wearing surface is to be constructed of a mixture of gravel and bituminous cements to form what is commonly referred to as "asphaltic concrete". The bituminous cement shall conform to current Oregon State Highway specifications 702 and shall be Class C with an AR 2000 viscosity graded asphalt or unless otherwise approved by the city superintendent or city engineer. Aggregate tests and grading shall conform to current Oregon State Highway specifications 703. The procedure, method and type of equipment for laying and finishing the asphaltic concrete surface must be approved by the city superintendent or city engineer. The foregoing requirements are for minor street construction and streets requiring more rigid and complete specifications and construction details shall be governed by special plans and specifications approved by the city superintendent or city engineer.

(g) The City of Prineville shall not assume jurisdiction over any street, alley or road hereafter prescribed or laid out which shall not comply with the provisions and requirements of this appendix or with the specifications and plans for such street, road or alley as approved by the city superintendent or city engineer, and neither shall the City of Prineville be responsible for the upkeep, maintenance or improvement of any such street, road or alley which do not measure up to such requirements.

Section 2. CONCRETE WORK.

(a) Curbs, sidewalks, driveway approaches, catch basins and all other items constructed of concrete shall conform to the standard designs made and prescribed by the public works department.

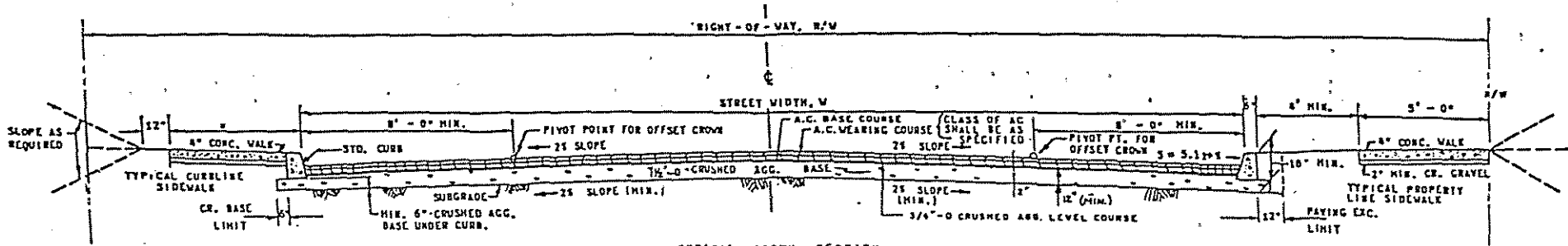
(b) All concrete shall have a batch design based on the water-cement ratio design and shall have a minimum crushing strength of 3,000 P.S.I.; and shall have a slump of 2"-5". The city superintendent or city engineer or any inspector designated by him, may order any such tests made as he deems necessary unless otherwise specified, and all such tests will be at the contractor's or owner's expense.

(c) Sidewalks shall conform to dimensions and grades as determined by the public works department. Such grades and layout will be furnished by the owner, contractor or developer. In the case of work being done by the public works department or a contractor doing work for the City of Prineville under a formal contract agreement, the public works department will determine and set all grades, lines and layouts, and this shall apply to all types and kinds of concrete construction in the City of Prineville relating to streets, roads, curbs, driveway approaches, sidewalks and other types of similar construction.

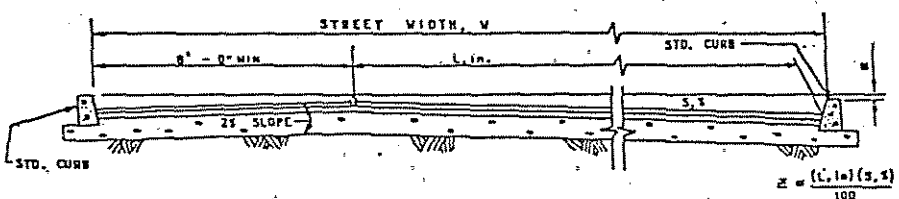
(d) Sidewalks shall be true to alignment, dimensions and grades. Concrete sidewalks shall have a minimum thickness of four inches and driveway approaches shall be six inches thick or four inches thick with reinforcing mesh and shall conform to standard details as furnished and prescribed by the public works department. Driveway approaches in commercial and industrial areas which are subjected to heavy traffic and loads shall have steel reinforcement as required and specified by the city engineer or city superintendent or as otherwise set forth in approved plans or specifications for such an improvement project. Sidewalks and curbs shall have all edges run with the proper edging tools and done by mechanics familiar with the work. Sidewalks and curbs shall have a general surface finish done with a fine brush or broom.

(e) Curb radii shall be determined or approved by the public works department and shall be built true to form and cross section details. Unless otherwise specified or approved, all curbs will be six inches thick at the top face, 12 by 16 inches deep, as approved and the base shall be nine inches thick. The back side shall be constructed vertical and the street face of all curbs shall have a slope of one inch to six inches, and the top street side edge shall have a one inch radius. All other edges on curbs, sidewalks and miscellaneous kinds of related structures and improvements shall have edges of $\frac{1}{2}$ inch or less.

Section 3. The specifications, plans details, requirements, contract agreements and other matters relating to the construction, improvement, repair, design or laying out of streets, roads, alleys, approaches, curbs, catch basins or other similar improvements or construction in the city which are not specifically covered by this or other ordinances of the city shall be governed and regulated by the decision of the Prineville City Council.

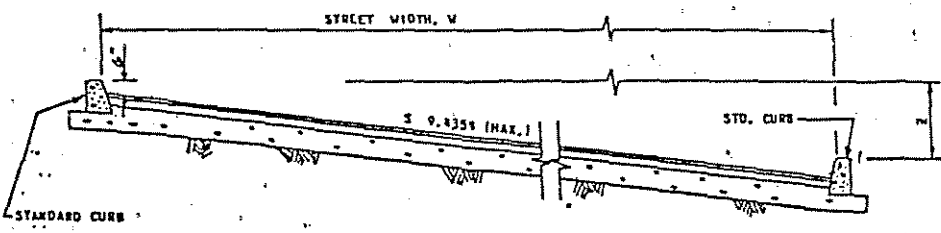


TYPICAL CROWN SECTION



TYPICAL OFFSET CROWN SECTION

NOTE: OFFSET CROWN ON SUPERELEVATED SECTION SHALL ONLY BE USED WHERE CONDITIONS REQUIRE AND WITH SPECIFIC APPROVAL OF THE CITY ENGINEER.



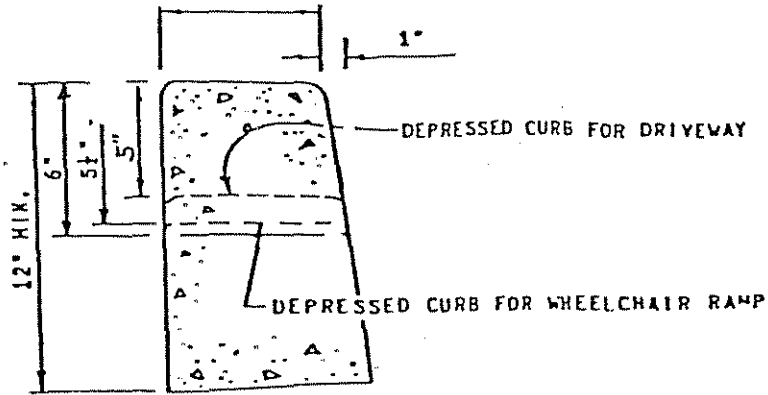
TYPICAL SUPERELEVATED SECTION

Right-of-Way R/W, Ft.	Street Width W, Ft.	Pavement Slope S, %	Curbs-To Crown Y*, Inches (Y, Feet)	Crushed Gravel Base Inches**	AC-Base Course Inches AC - Class As Specified	AC Wearing Course-Inches
50' (Min)	32'	2%	-1 1/2" (0.10')	8 1/2"	2"	1 1/2"
60'	40'	2%	-1"	8 1/2"	2"	1 1/2"
60'	40'	2%	-0-1/16" (0.01')	11"	2"	2"
60'	40'	2%	+0-7/16" (0.04')	11"	2"	2"
80'-120'	56'-96'	3%	+2-3/8"	11"	2"	2"

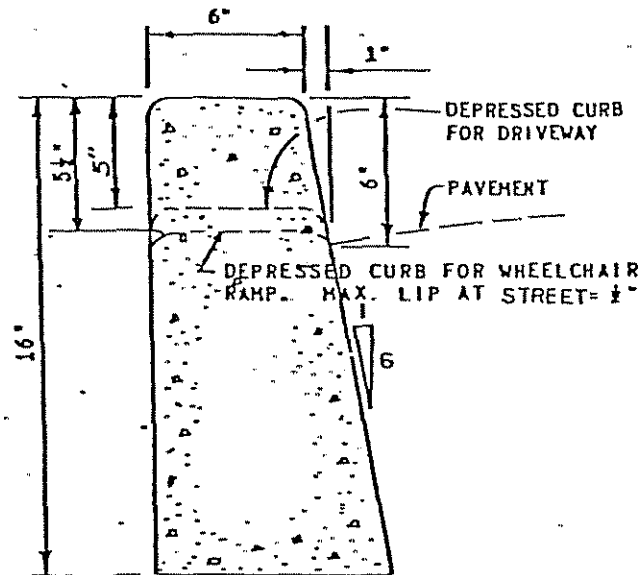
*Y Vertical Difference Between Top of Curb and Crown at E
 (+ = Above and - = Below Top of Curb)
 Max. Cross Slope Grade Change Not to Exceed 5%
 **Crushed Agg. Base Includes
 2" or 3/4" -- 0 Base Leveling Course
 Remaining Depth Shall Be 1 1/4" - 0 Crushed Agg. Base

- CURB SIDEWALK WIDTHS
- 4' (Including Curb) - Cul-De-Sacs and Special Conditions
 - 5' (Including Curb) - Minor (Local) Residential Streets
 - 6' (Including Curb) - Or 5' at Property Line on Collector & Arterial Streets. Location Shall be Specified on Plans or as Approved by City Engineer

SIDEWALK BENCHES SHALL BE INCLUDED IN ALL STREET EXCAVATION OR EMBANKMENT UNLESS OTHERWISE SPECIFIED OR APPROVED BY CITY ENGINEER.



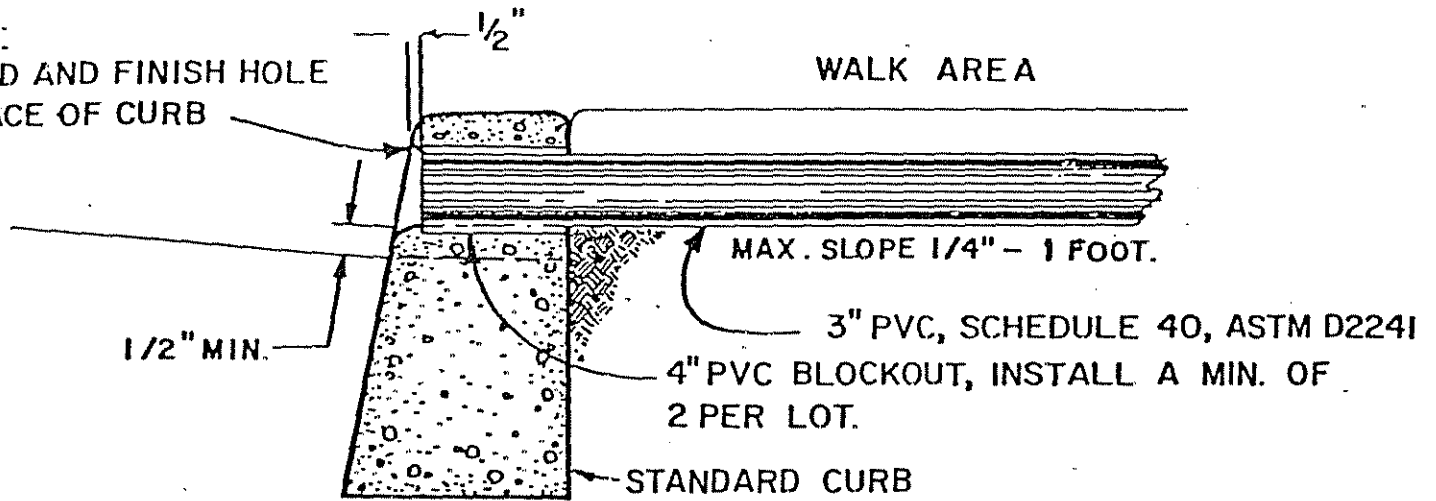
STANDARD CURB



STANDARD STRAIGHT CURB

- NOTE:
1. ALL RADII SHALL BE $3/4$ " EXCEPT AS OTHERWISE SHOWN.
 2. EXPANSION JOINTS SHALL BE PLACED AT ALL CONSTRUCTION JOINTS (20' MAX INTERVALS.) MIN. $1/2$ " PREMOLDED JOINT FILLER TO BE USED.
 3. CONTRACTION JOINTS SHALL BE PLACED AT 10' MAX. INTERVALS AND SHALL EXTEND AT LEAST 50' THROUGH THE CURB.
 4. CONCRETE SHALL MEET A 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI MIN.
 5. REFER TO STANDARD WHEELCHAIR AND BICYCLE RAMP DETAILS FOR INTERSECTION CURB RADII DETAILS.

NOTE:
 ROUND AND FINISH HOLE
 AT FACE OF CURB



CURB SECTION A-A

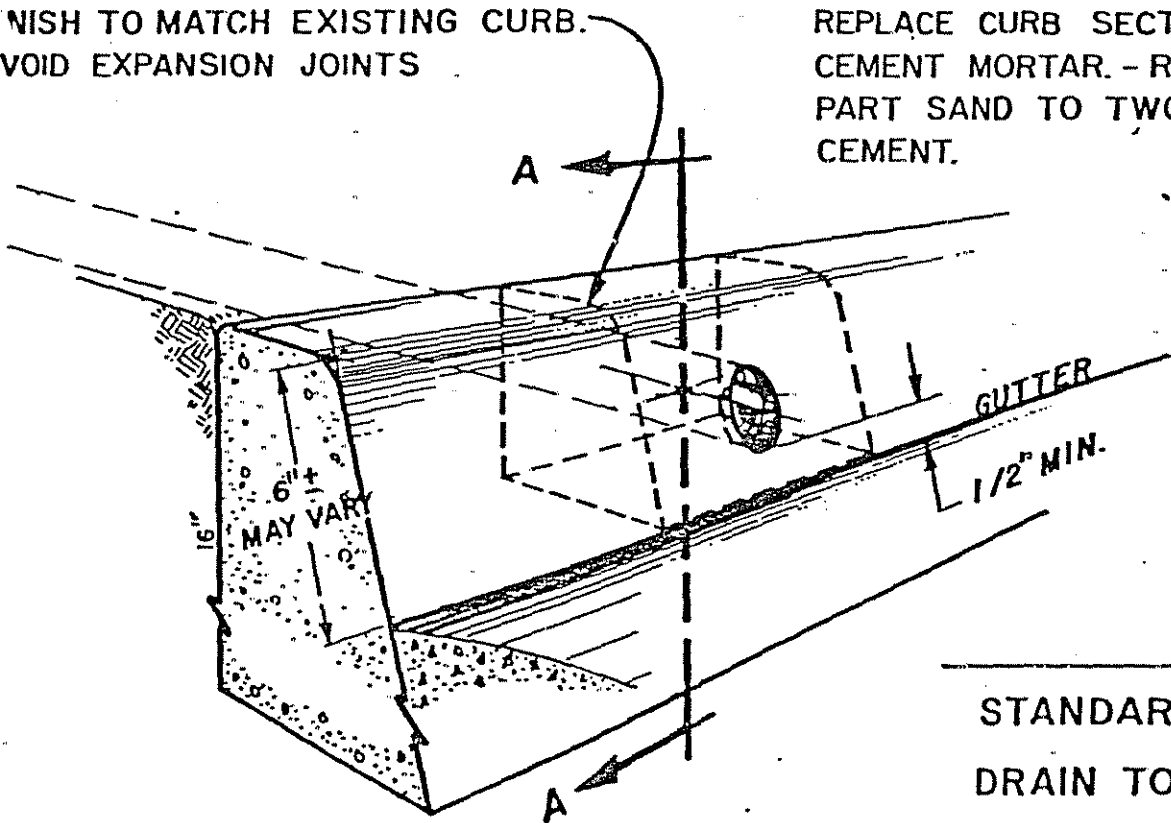
NOTE:
 FIELD CHECK REQUIRED PRIOR
 TO ISSUANCE OF PERMIT.

FOR INSTALLATION IN EXISTING CURB
 MAKE NEAT CUT AS SHOWN.

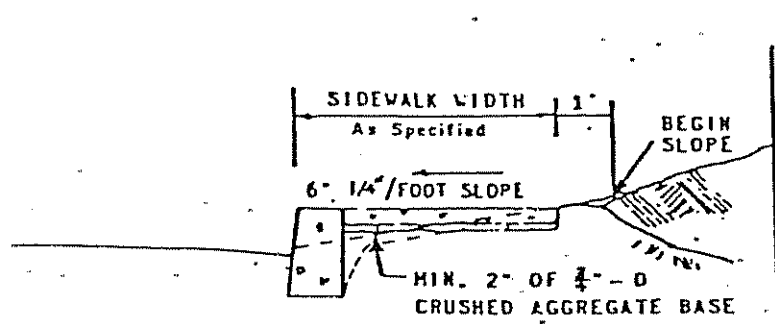
FINISH TO MATCH EXISTING CURB.
 AVOID EXPANSION JOINTS

NOTE:
 RAIN DRAIN TO GUTTER PERMITTED
 ONLY IN STREETS WITH FULL WIDTH
 HARD SURFACE OR OILED GRAVEL -
 WITH DRAINAGE TO A CITY STORM
 SEWER, NOT TO A SUMP.

REPLACE CURB SECTION WITH
 CEMENT MORTAR. - RATIO: ONE
 PART SAND TO TWO PARTS
 CEMENT.



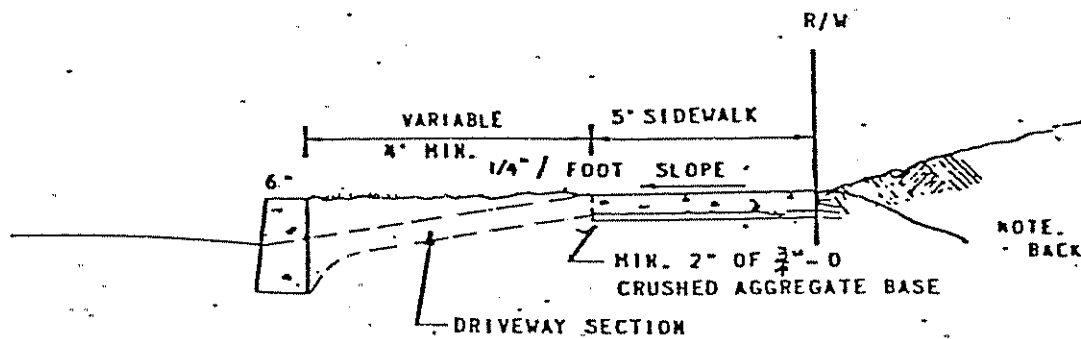
STANDARD RAIN
 DRAIN TO GUTTER



CURB SIDEWALK WIDTHS

- 4" (INCLUDING CURB) CUL-DE-SAC & SPECIAL CONDITIONS
 - 5" (INCLUDING CURB) MINOR (LOCAL) RESIDENTIAL STREETS
 - 6" (INCLUDING CURB) COLLECTOR & ARTERIAL STREETS
- LOCATIONS
SIDEWALKS ON COLLECTOR AND ARTERIAL STREETS SHALL BE LOCATED AT PROPERTY LINE UNLESS THE DISTANCE FROM BACK OF CURB TO FACE OF WALK IS LESS THAN 4 FEET. WHEN DISTANCE IS LESS THAN 4 FEET WALK SHALL BE LOCATED AT CURBLINE.

STANDARD CURB TYPE



CONCRETE DEPTHS

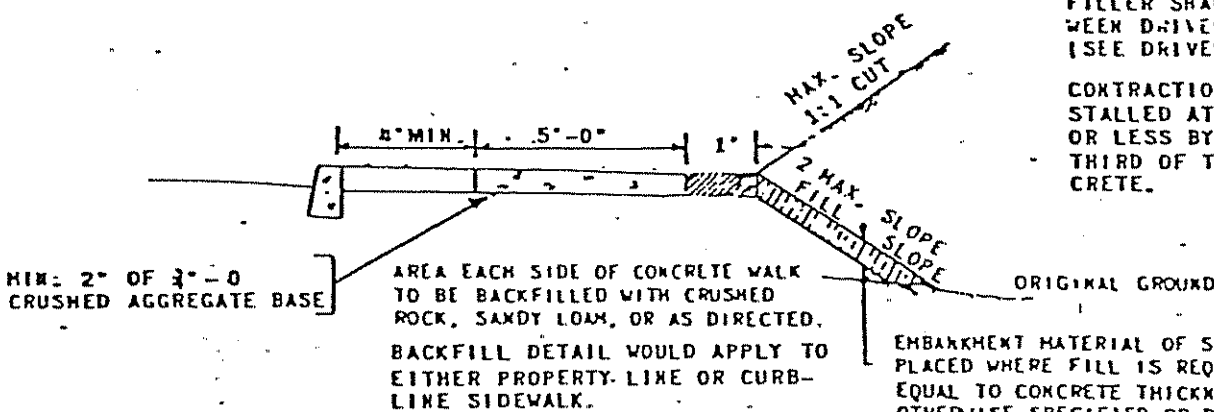
STANDARD SIDEWALK 4" MIN.
DRIVEWAY SECTION INCLUDING SIDEWALK THRU DRIVEWAY 6" MIN.

STANDARD SETBACK TYPE

JOINTS

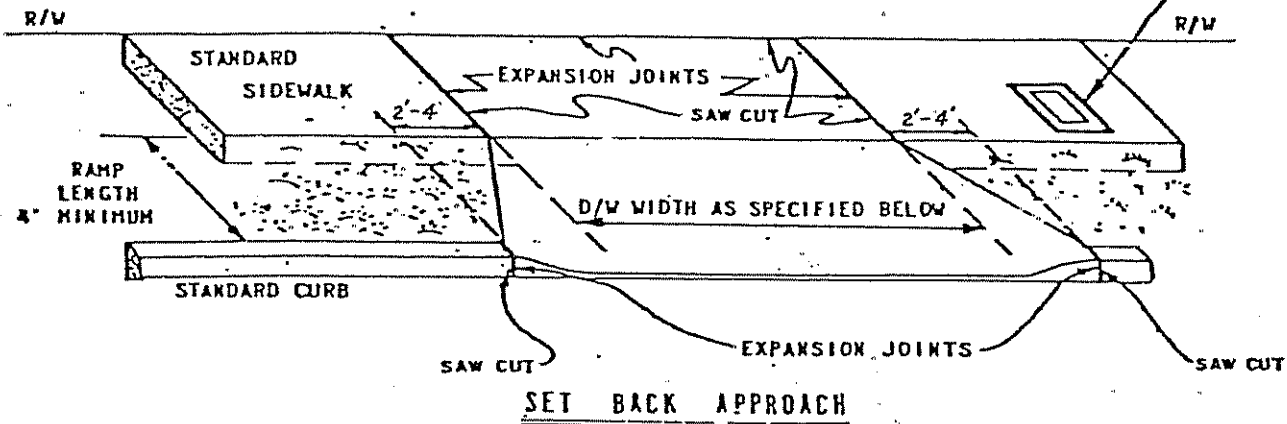
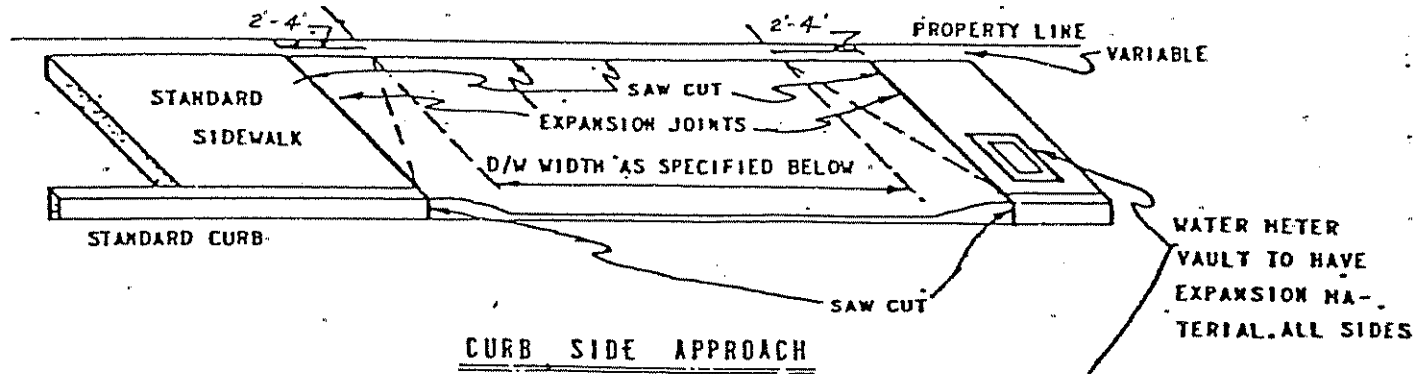
EXPANSION JOINTS WITH PREMOLED FILLER SHALL BE INSTALLED BETWEEN DRIVEWAYS AND SIDEWALK. (SEE DRIVEWAY DETAILS).

CONTRACTION JOINTS SHALL BE INSTALLED AT INTERVALS OF 15 FEET OR LESS BY CUTTING AT LEAST ONE THIRD OF THE DEPTH OF THE CONCRETE.



SIDEWALK BACKFILL DETAIL

STANDARD DRIVEWAYS & ALLEY APPROACHES



IF 4" IS NOT AVAILABLE BETWEEN CURB AND EXISTING SIDEWALK,
EXTEND RAMP TO BACK OF SIDEWALK AS IN CURB SIDE APPROACH.

DRIVEWAY APPROACHES

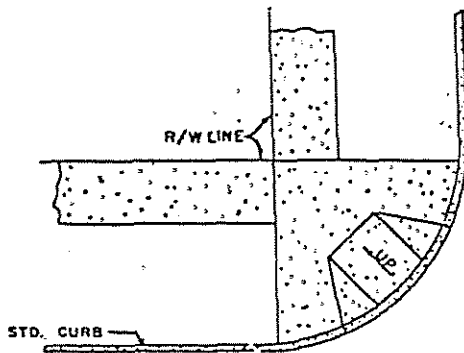
1. DRIVEWAYS WITHIN THE PUBLIC RIGHT-OF-WAY SHALL NOT EXCEED THE FOLLOWING MAXIMUM WIDTHS:

FRONTAGE	ONE DRIVEWAY	TWO DRIVEWAYS
	MAXIMUM DRIVEWAY WIDTH	MAXIMUM DRIVEWAY WIDTHS
UP TO 50 FEET	20 FEET	NOT PERMITTED
50 TO 75 FEET	24 FEET	18 FEET EACH
75 TO 100 FEET	26 FEET	22 FEET EACH
OVER 100 FEET	ALL FRONTAGE OVER 100 FEET WILL BE SUBJECT TO FRONTAGE AS STATED ABOVE. (MAX = 30')	

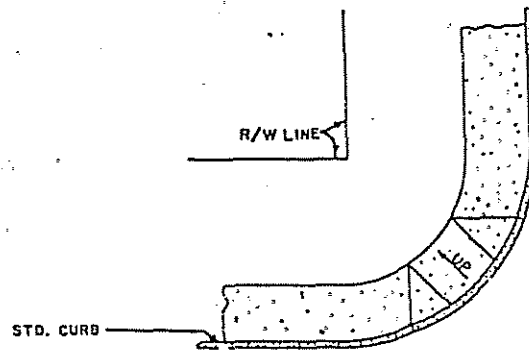
2. ALL DRIVEWAYS SHALL BE SEPARATED BY 20 FEET OF STRAIGHT CURB BETWEEN EACH DRIVEWAY PROVIDING ACCESS TO A PARCEL OR PARCELS OF LAND UNDER COMMON OWNERSHIP OR OCCUPANCY. NO DRIVEWAY SHALL BE BUILT WITHIN 15 FEET OF THE END OF ANY CURB-RADIUS OR CLOSER THAN 2 FEET TO ANY PROPERTY LINE.

3. ALL DRIVEWAYS AND SIDEWALK SECTION THROUGH DRIVEWAYS SHALL HAVE A MINIMUM THICKNESS OF SIX (6) INCHES OF CONCRETE, OR 4 INCHES WITH REIN. MESH.

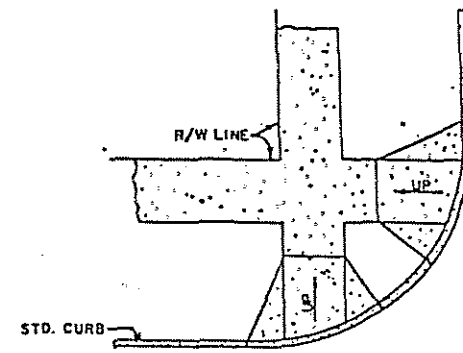
4. ROLLED SECTION BETWEEN FULL CURB HEIGHT AND DRIVEWAY SHALL



CENTER RAMP
FOR PROPERTY LINE SIDEWALK
(Residential areas)
N.T.S.



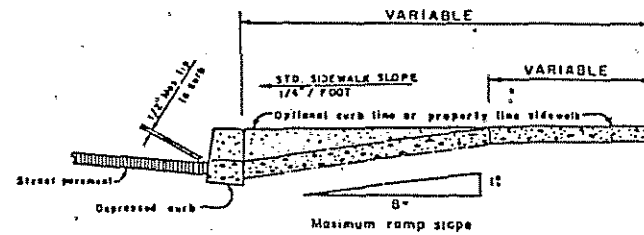
CENTER RAMP
FOR CURB LINE SIDEWALK.
(Residential areas)
N.T.S.



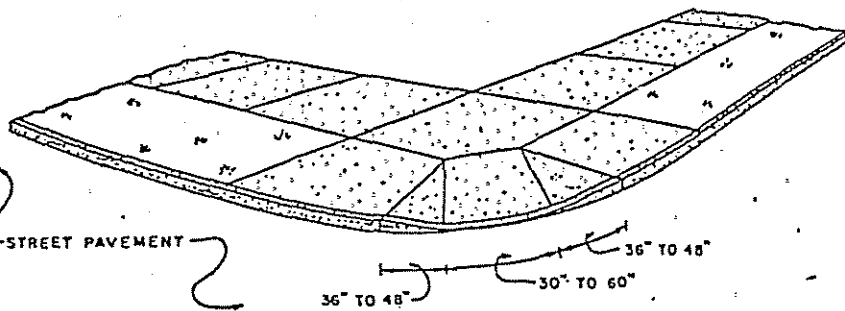
END RAMPS
FOR PROPERTY LINE SIDEWALK
(Commercial areas or arterial streets)
N.T.S.

NOTE:

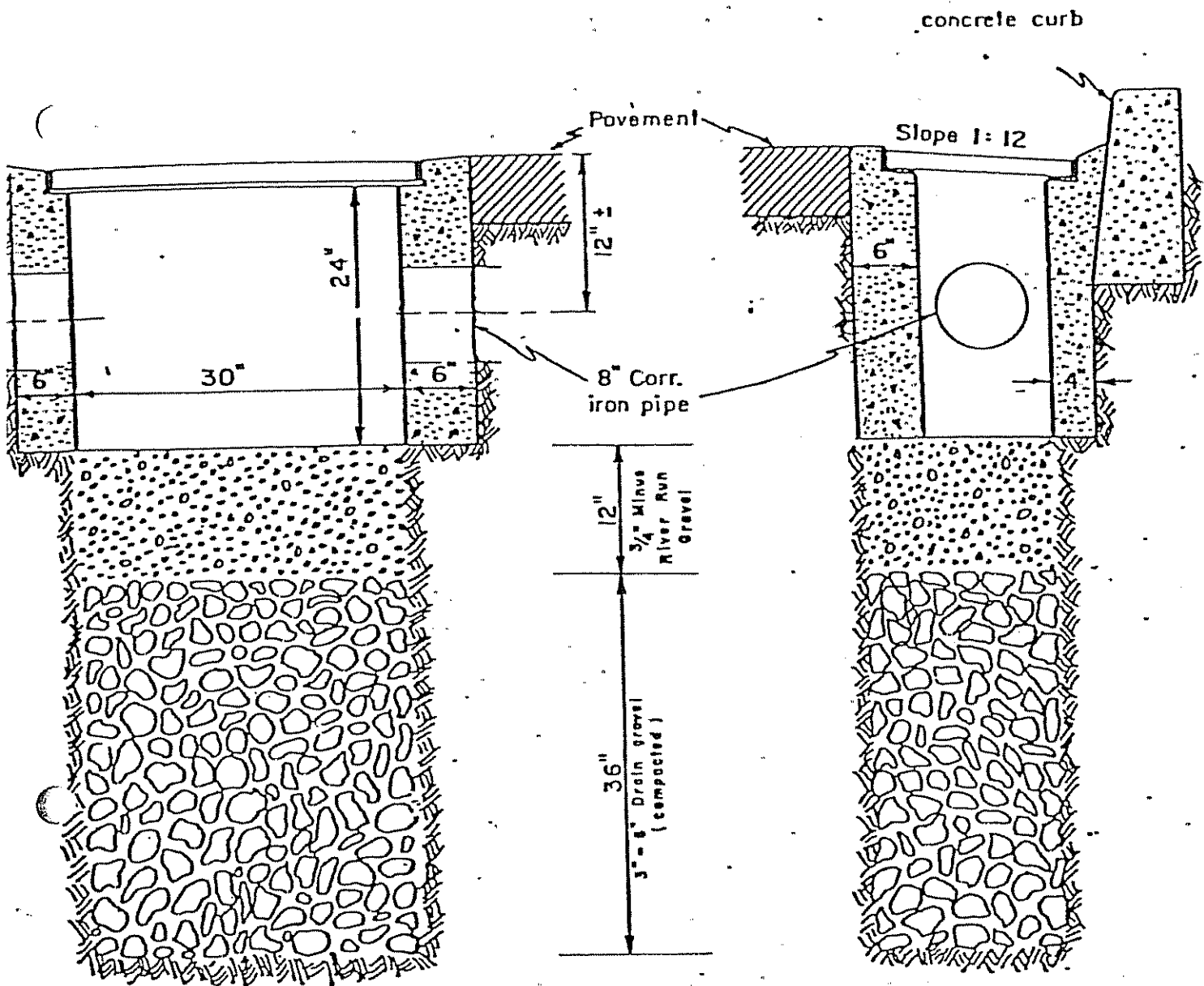
1. Suggested ramp width is 5 feet.
Minimum ramp width is 2.5 feet.
2. Provide a ramp opposite corners at "T" intersections.
3. Standards are for guidance. Individual situations may require special design consideration.
4. Dimensions as shown shall also be used for constructing wheelchair ramps on mountable curb section.



SECTION THROUGH RAMP
ALL VIEWS
N.T.S.



RAMP TRANSITION DETAIL
N.T.S.

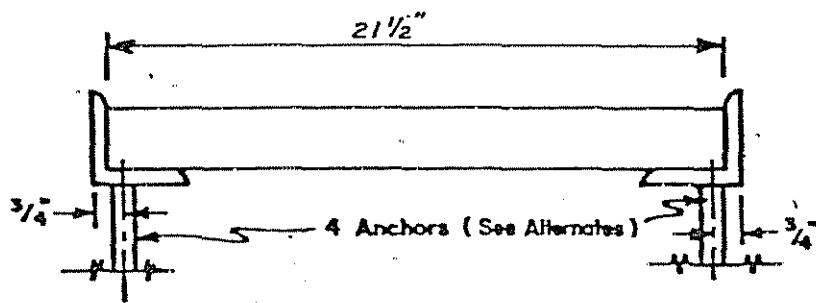
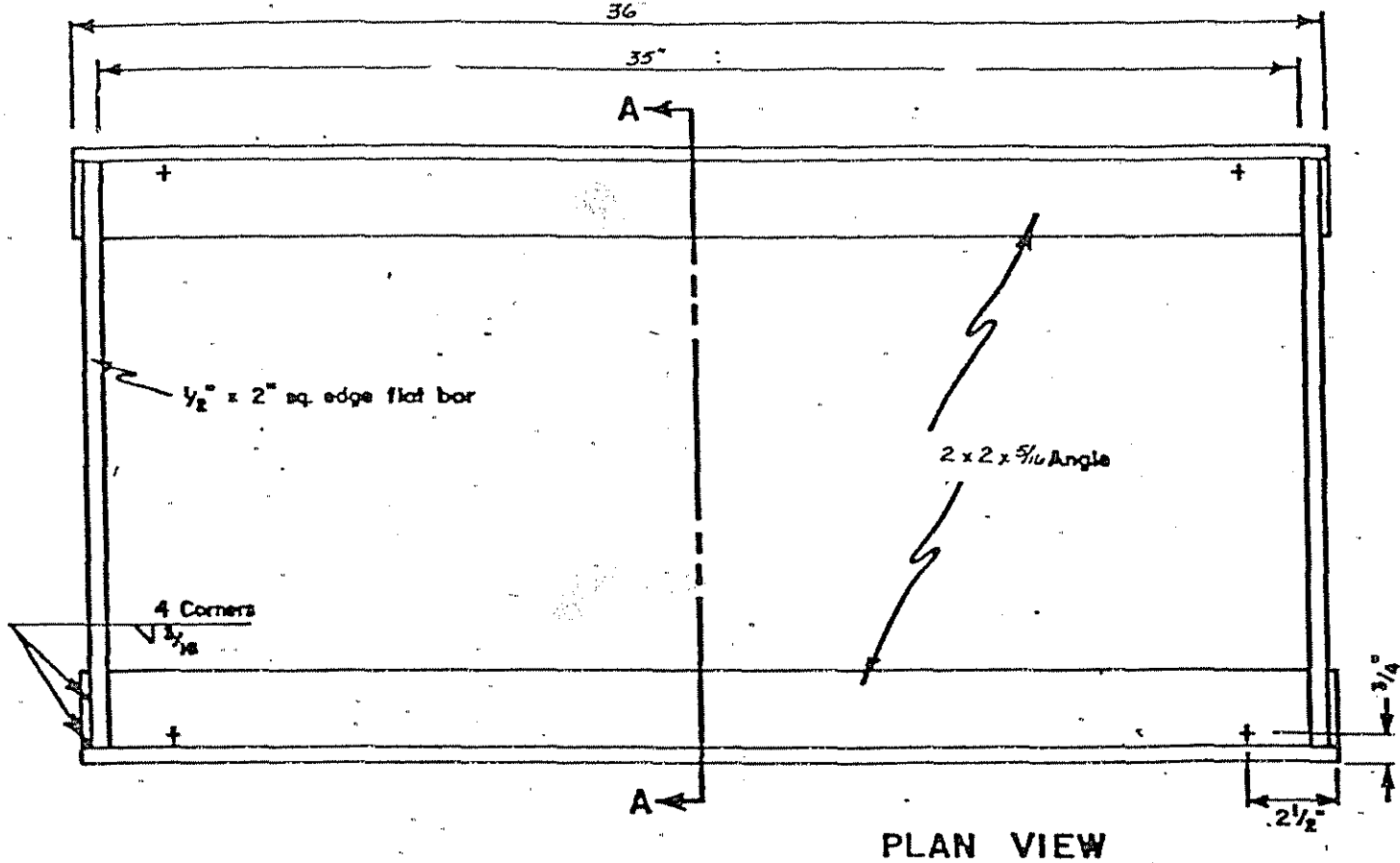


APPROXIMATE QUANTITIES

3000 P.S.I. 2" TO 4" SLUMP
 CONC. — 0.3 CU. YD.

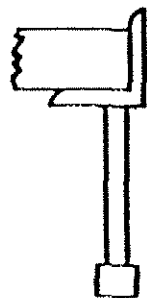
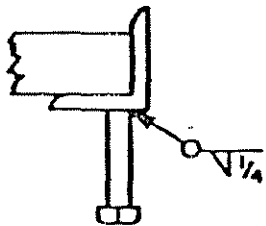
GRAVEL — 0.6 CU. YD.

**BOTTOMLESS
 CATCH BASIN**



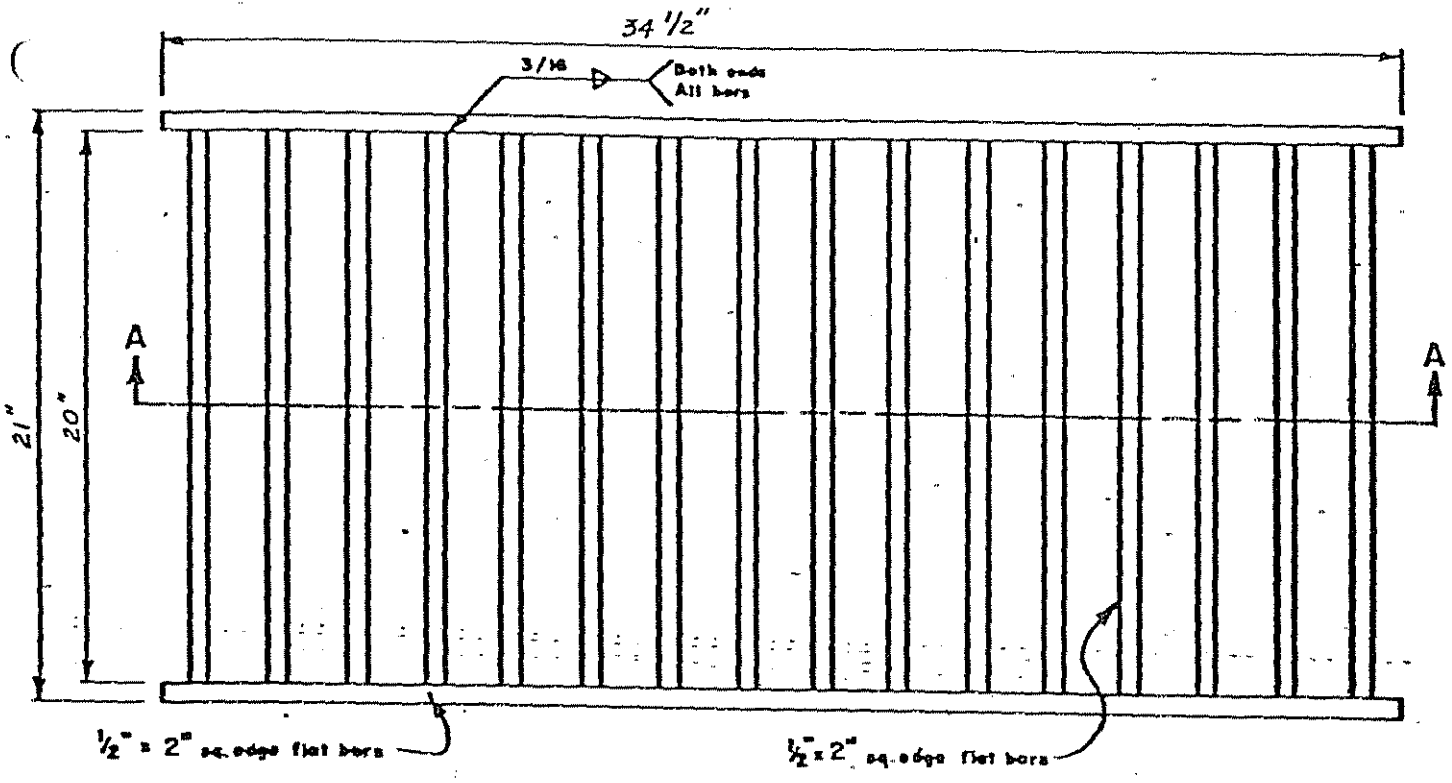
NOTE: MATERIAL TO BE NEW STRUCTURAL STEEL, ASTM A-7, A-36 OR A-373

ALTERNATE ANCHORS

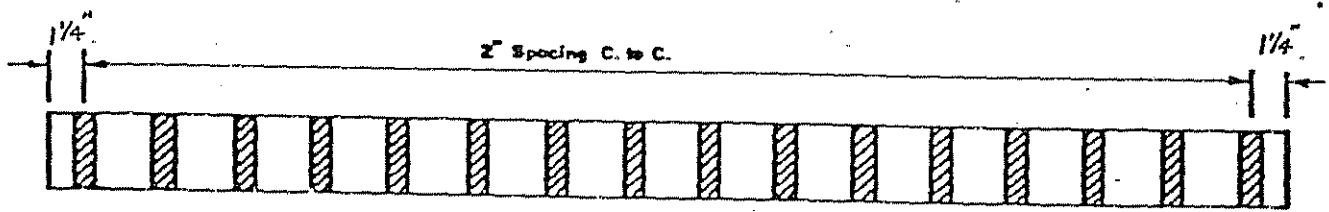


STANDARD INLET FRAME

WEIGHT — APPROX. 55 LBS.



PLAN VIEW

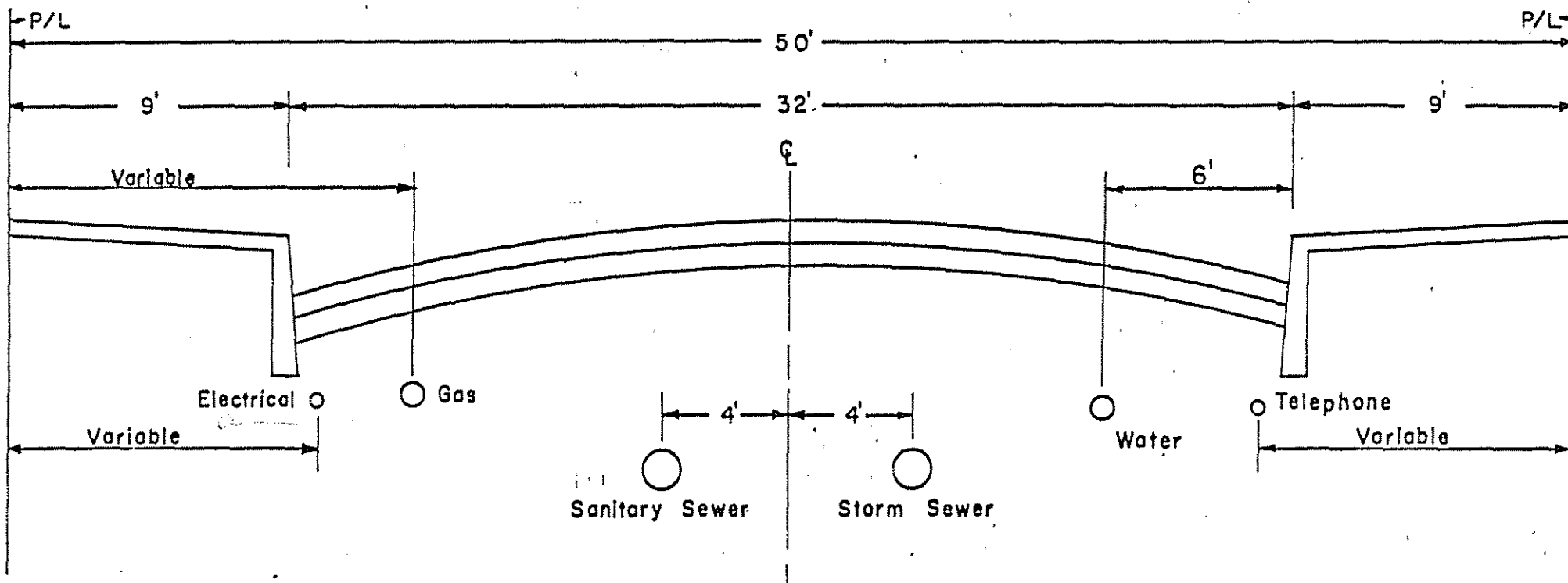


SECTION A-A

MATERIAL TO BE NEW STRUCTURAL
STEEL, A.S.T.M. A-7, A-36 OR A-373

STANDARD INLET GRATING

WEIGHT - APPROX. 84 LBS.



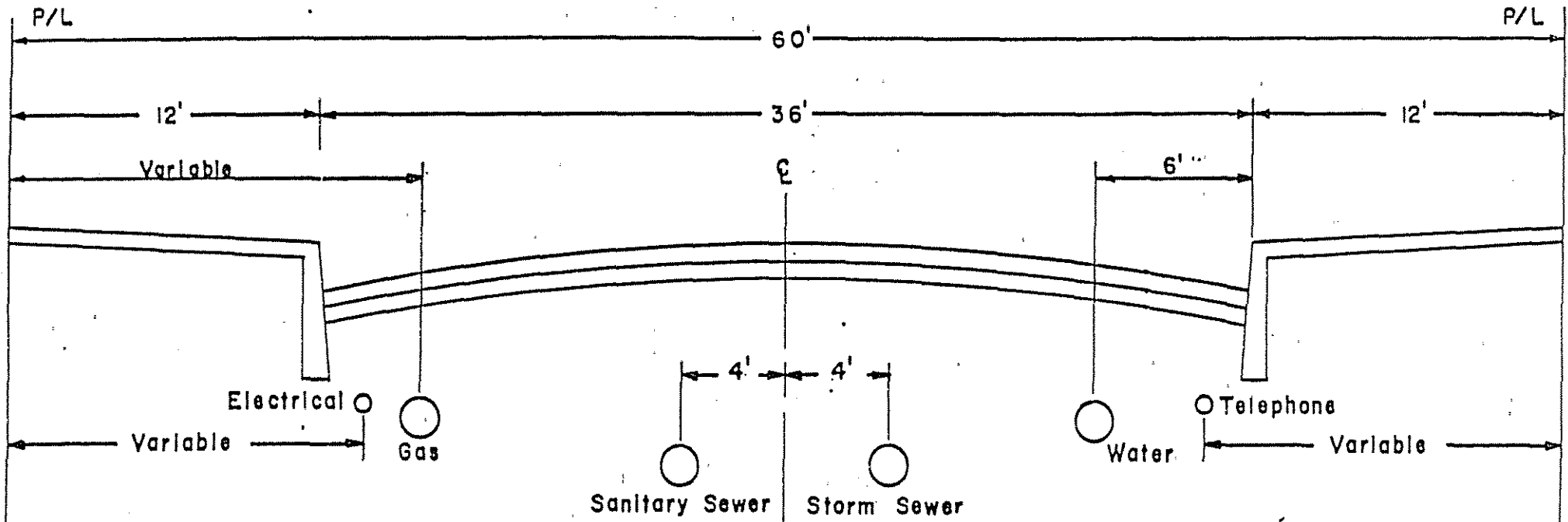
NOTES:

1. Minimum Cover on any Installation - 36".
2. Any variation from this design must be approved by the City Engineer.

Note: Gas on the North and West
Water on the South and East.

LOCATION STANDARDS
UNDERGROUND UTILITIES INSTALLATIONS

HORIZ. SCALE: 1" = 5'



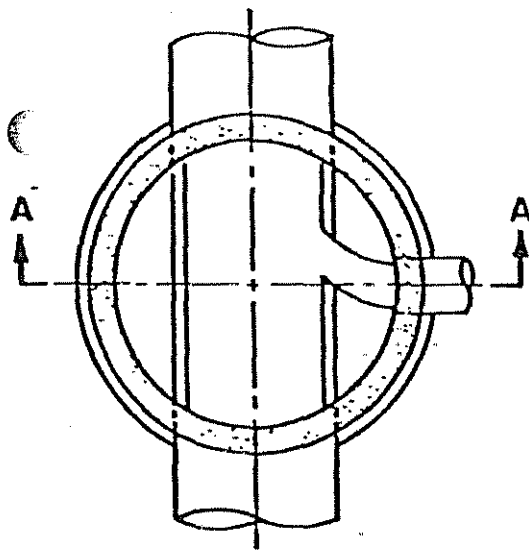
NOTE: GAS ON THE NORTH & WEST
 WATER ON THE SOUTH & EAST

NOTES:

1. Minimum Cover on any Installation—36"
2. Any variation from this design must be approved by the City Engineer.

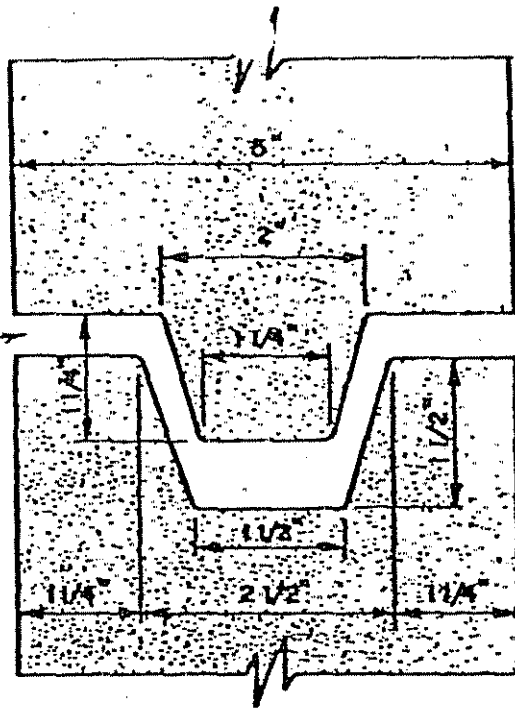
LOCATION STANDARDS
UNDERGROUND UTILITIES INSTALLATIONS

HORIZ. SCALE: 1" = 6'



PLAN

Fill joint with cement grout



ALTERNATE JOINT

NOTES:

All precast sections shall conform to the requirements of ASTM C-478. All poured in place concrete shall have a 28 day strength of 3000 p.s.i. and 2" to 4" slump.

The manhole base shall provide at least 6" of concrete between the bottom of the base and the lowest projection of the sewer pipe.

The manhole may be poured monolithic to 8" above the barrel of the main sewer.

Standard manhole frame and cover

Finish grade of street
Riser Rings variable
Maximum of 12"

Optional

20" Max.

2'-1"

30" Min.
36" Max.

Variable

Variable

5"

48"

Fill joints with cement grout

Manhole rings

Break out 1" clear (min.)

Remove upper half of sewer pipe inside of manholes

Cement grout

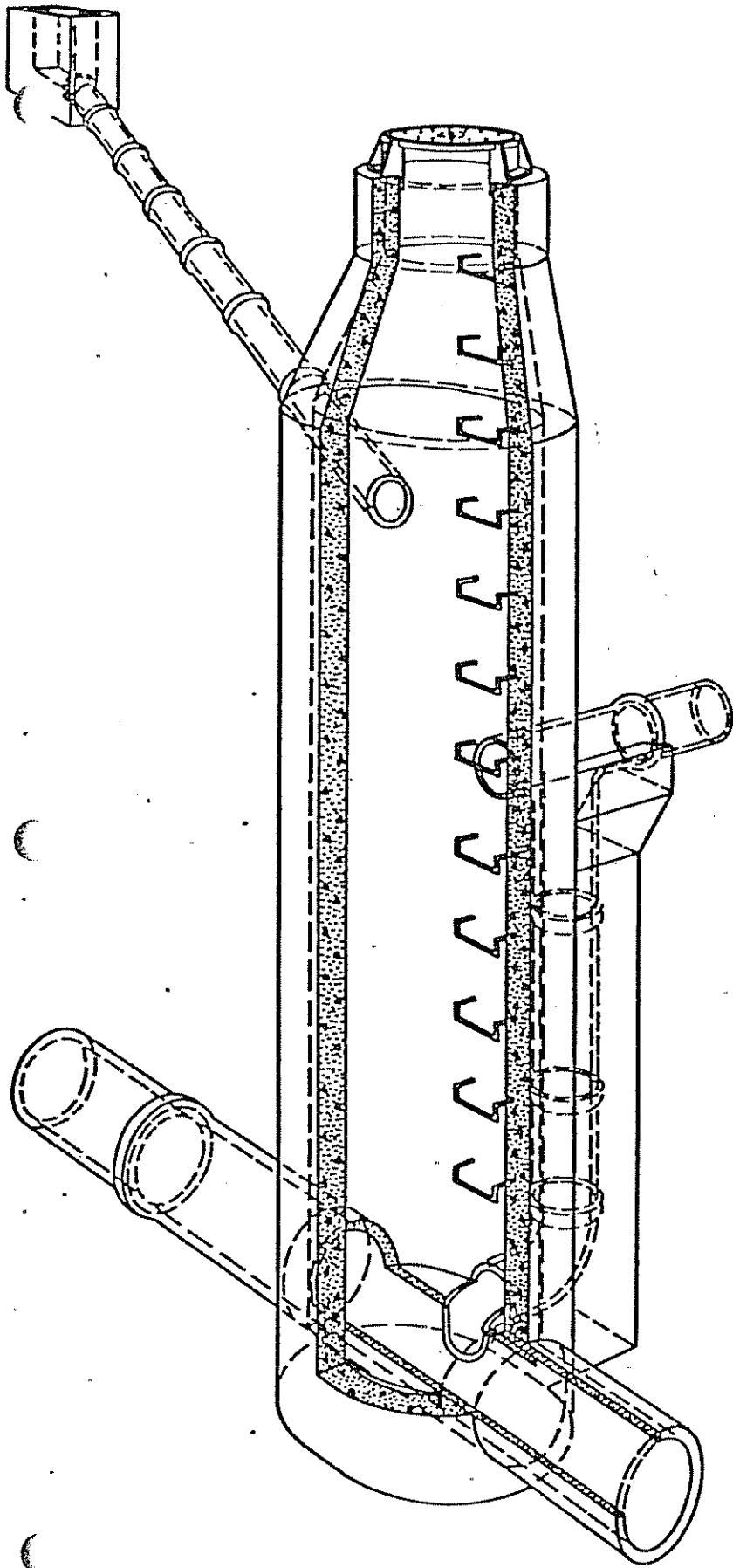
Ball

60" Min.

See notes

SECTION A-A

STANDARD PRECAST CONCRETE MANHOLE



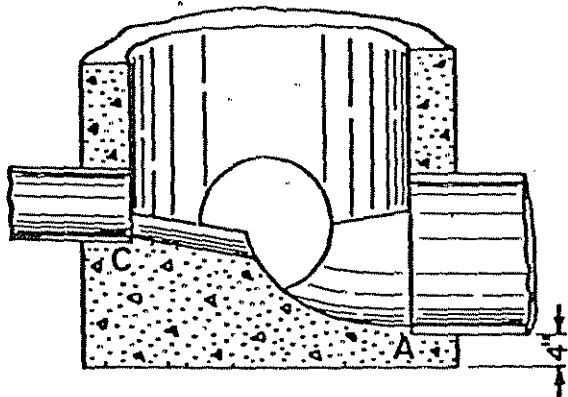
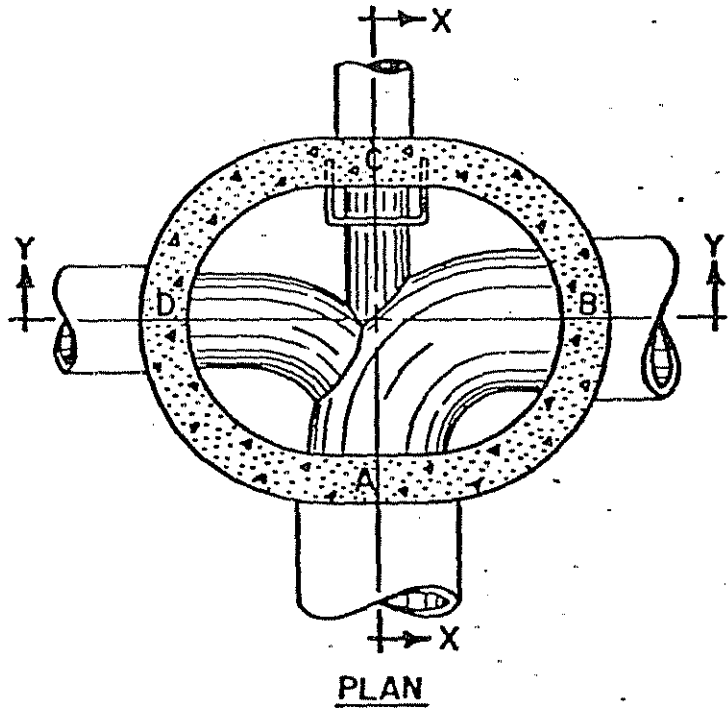
STANDARD MANHOLE
ASSEMBLY DRAWING

Note:

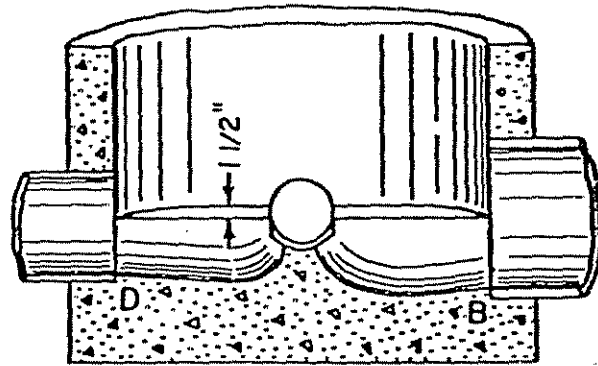
Flow line at B, C, and D shall not be less than 4 inches higher than flow line at A.

Top of pipe at B, C, and D shall not be lower than top of pipe at A.

For change in direction of main sewers larger than 36 inches see plans for particular project.

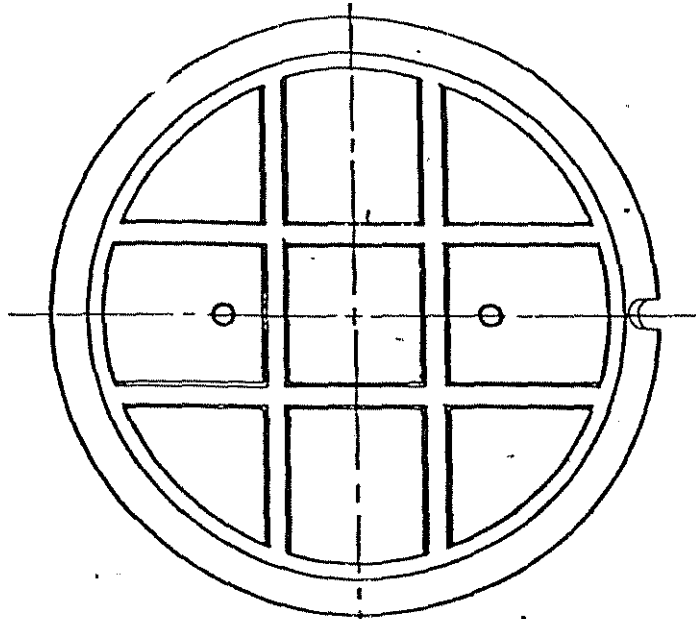


SECTION X-X

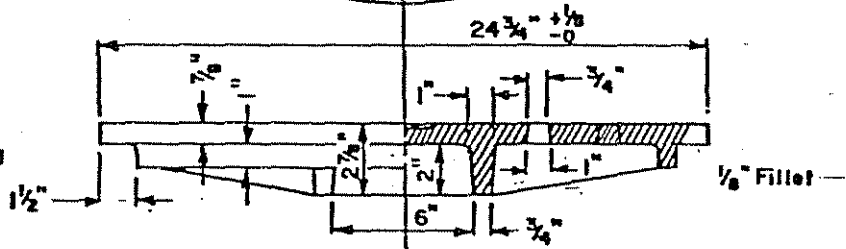


SECTION Y-Y

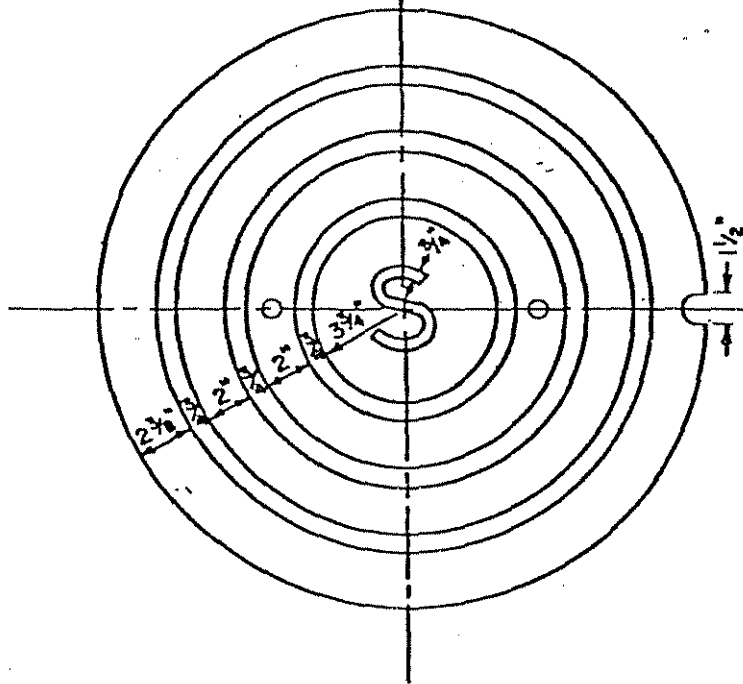
CHANGE IN DIRECTION
OF MAIN SEWER



BOTTOM VIEW



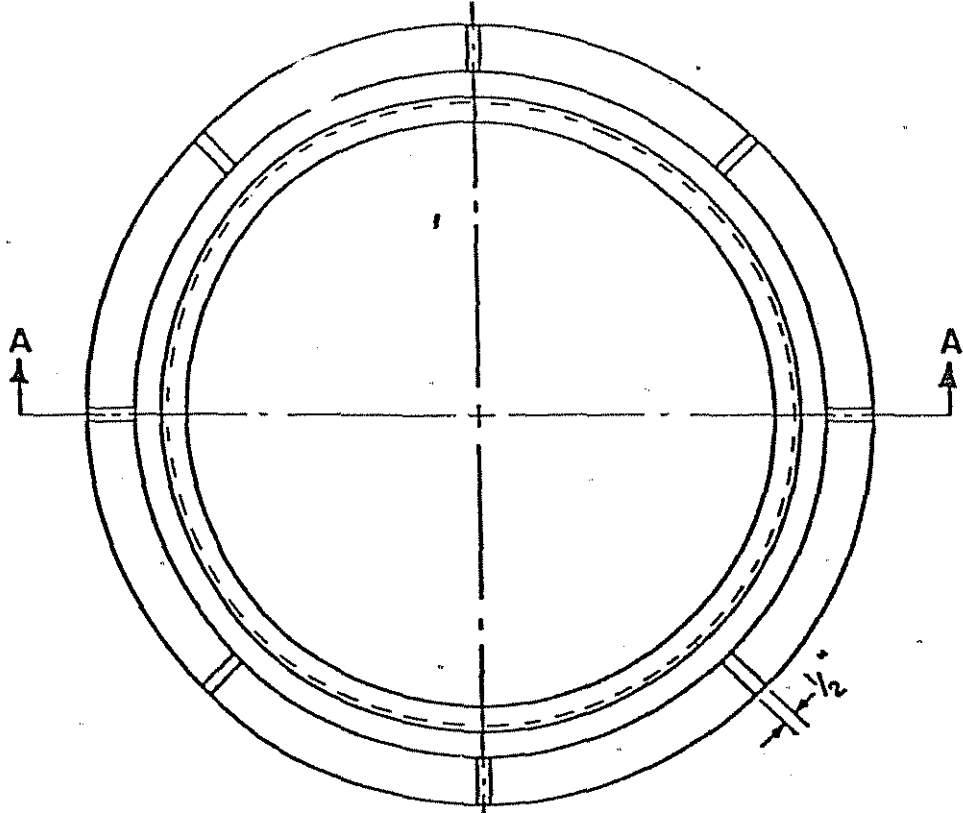
SIDE VIEW
HALF SECTION



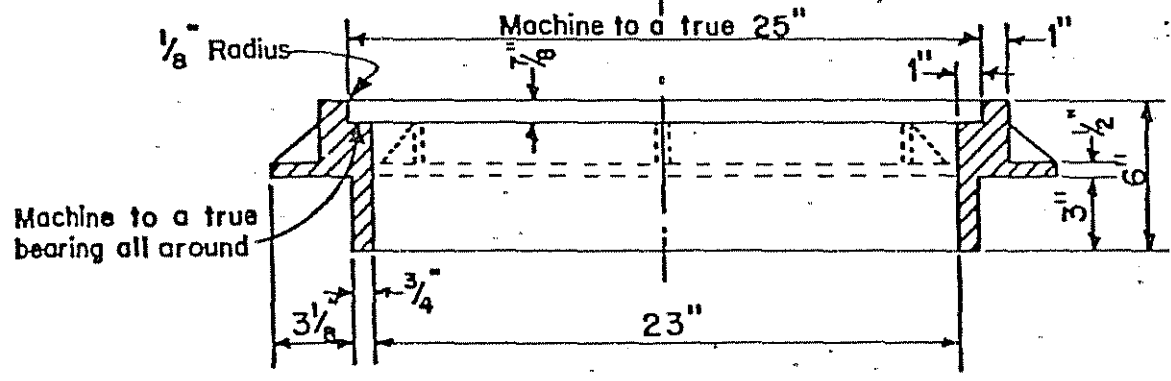
TOP VIEW

MATERIAL TO BE GRAY CAST
IRON A.S.T.M. A-48, CLASS 30

STANDARD MANHOLE COVER
WEIGHT - APPROX. 139 LBS.



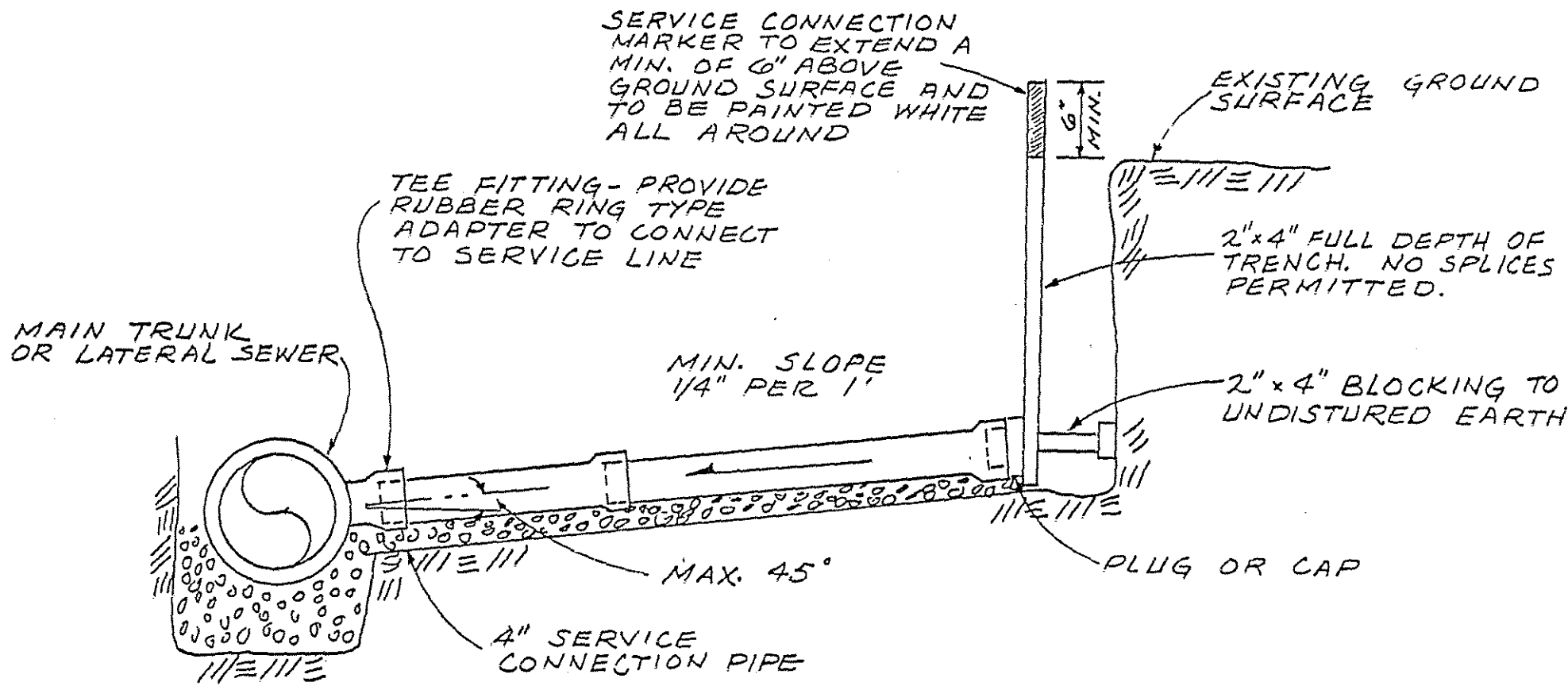
TOP VIEW



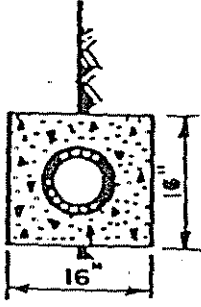
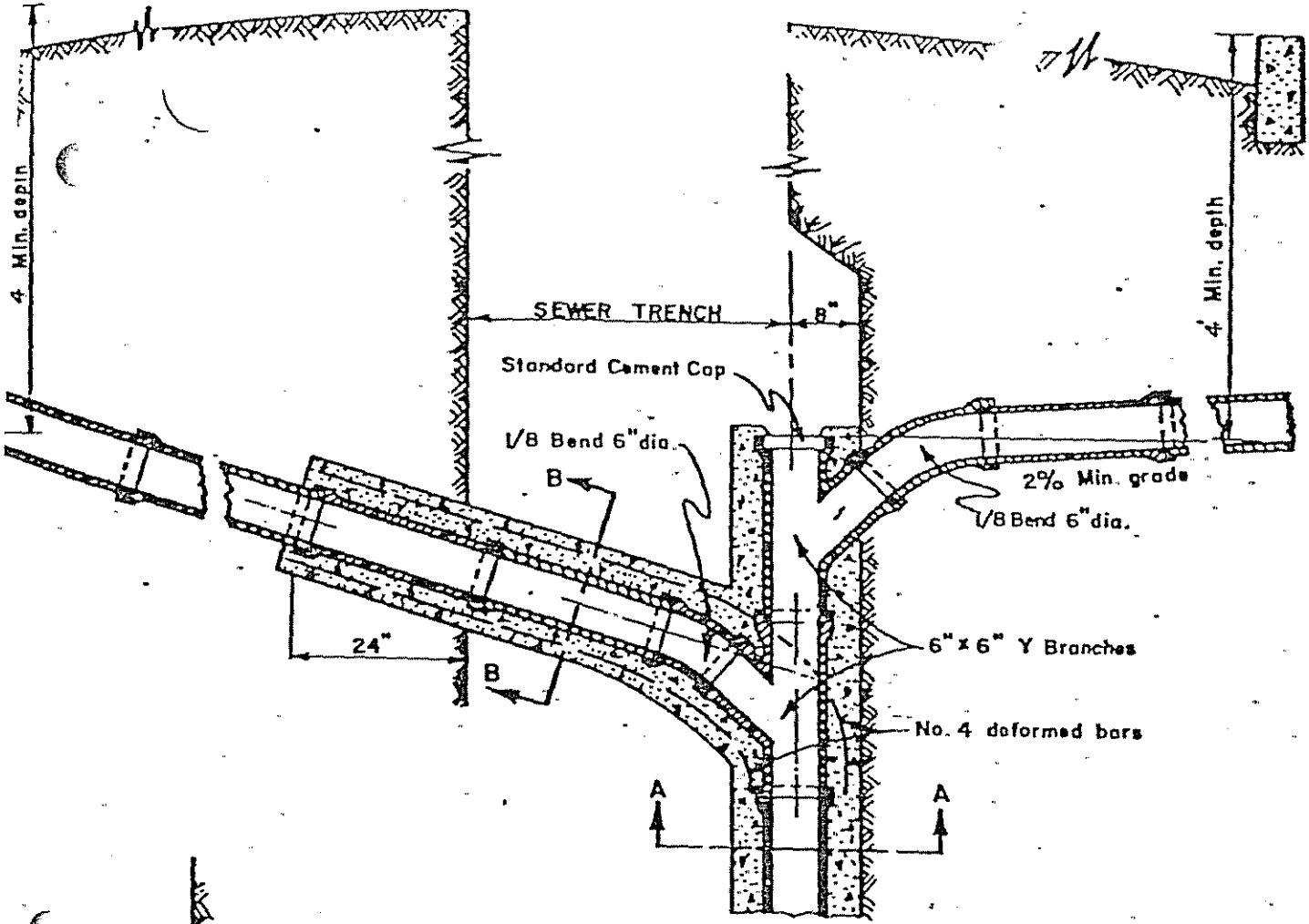
SECTION A-A

MATERIAL TO BE GRAY CAST IRON
 -A.S.T.M. A-48, CLASS 30

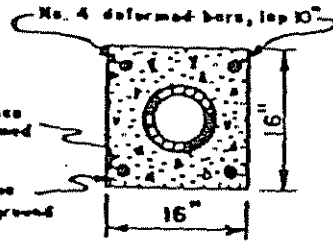
STANDARD MANHOLE FRAME
 6-Inch Depth
 WEIGHT - APPROX. 172 LBS.



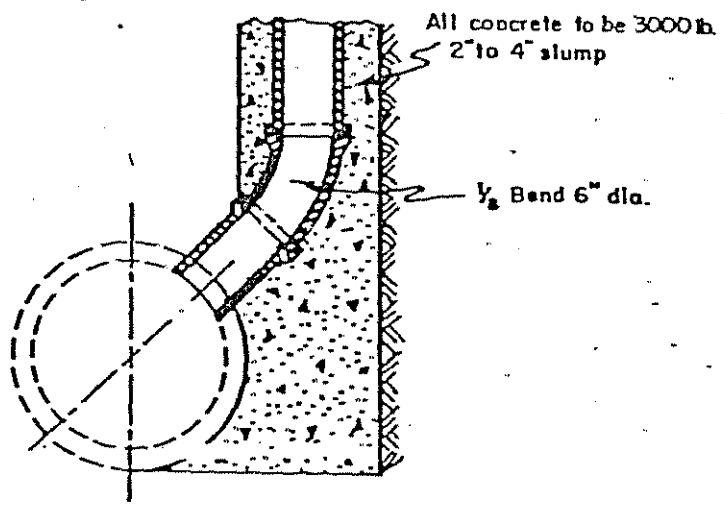
SERVICE CONNECTION DETAIL
N. T. S.



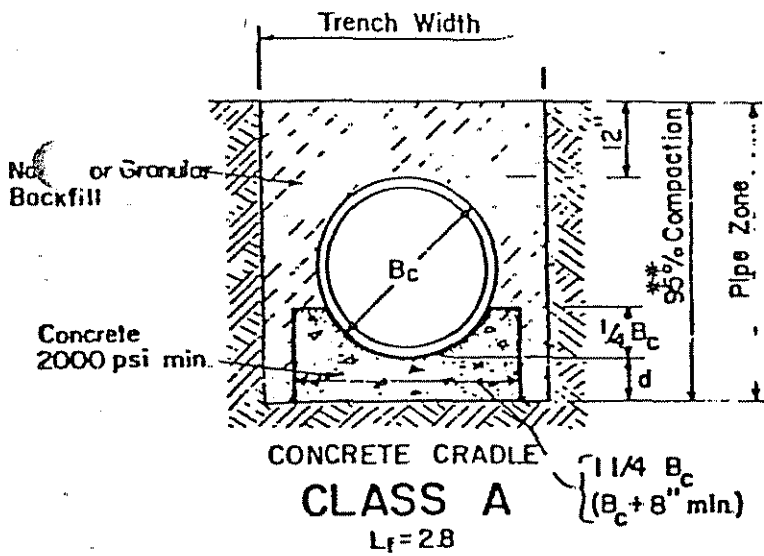
SECTION A-A



SECTION B-B



HOUSE BRANCHES
TO DEEP SEWERS



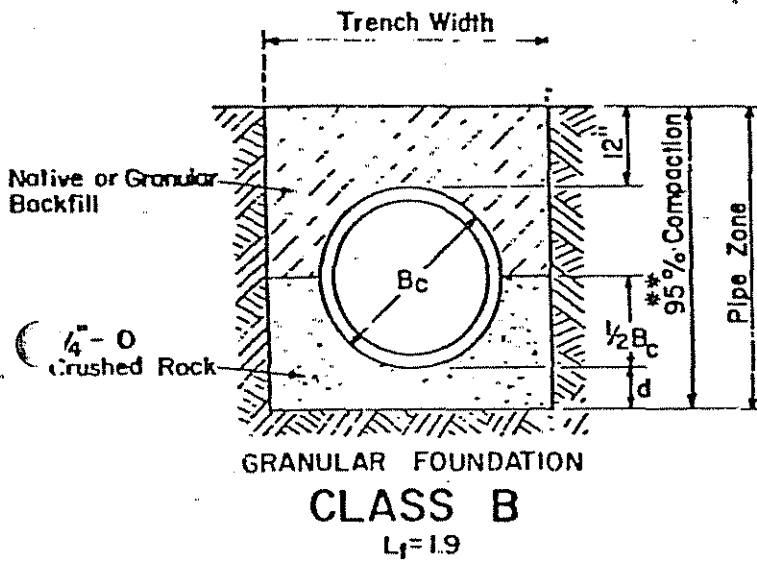
*NOTE:

For rock or other incompressible materials, the trench shall be overexcavated a minimum of 6" and refilled with granular material as directed by the engineer.

**NOTE:

Bedding and backfill materials in the pipe zone shall be compacted as specified prior to backfilling the remainder of the trench.

Depth of Bedding Material Below Pipe	
D	d (min)*
27" & Smaller	3"
30" to 60"	4"
66" & Larger	6"



LEGEND:

B_c = outside diameter

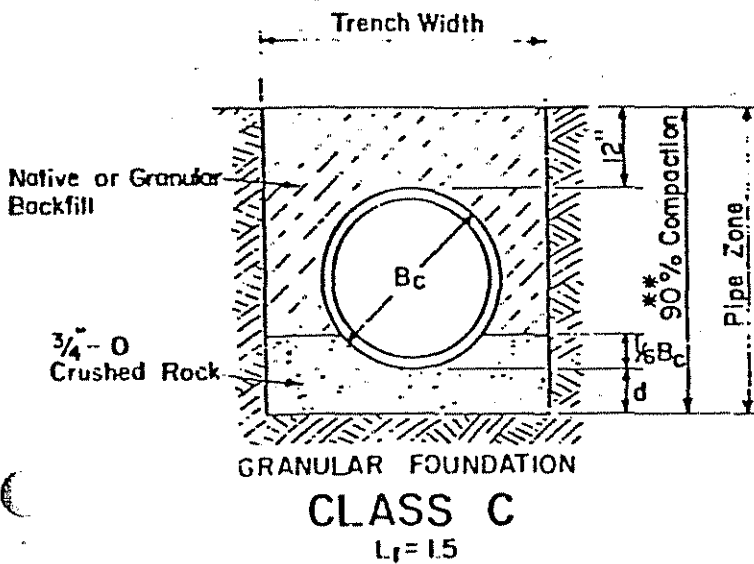
D = inside diameter

d = depth of bedding material below pipe

NOTE:

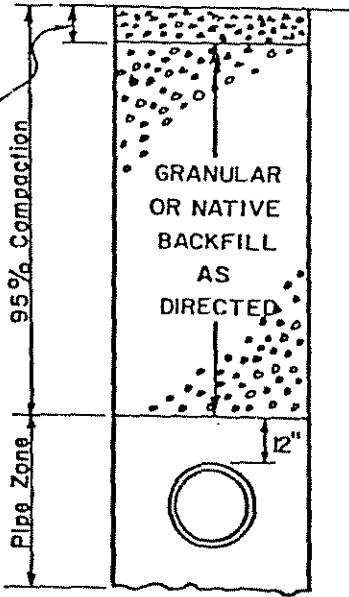
TRENCH STABILIZATION—

Where directed by the engineer granular trench stabilization shall be placed prior to placement of the bedding. Size and depth are dependent on soil conditions.



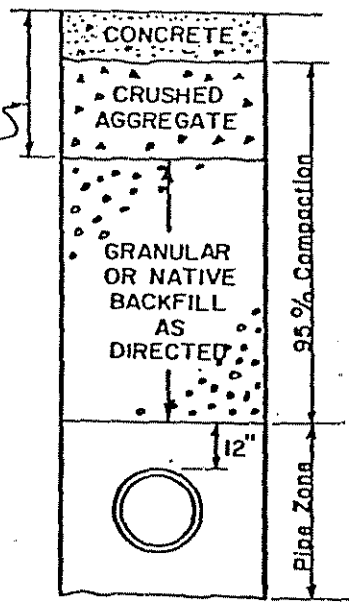
PIPE BEDDING

When not otherwise specified, resurfacing shall consist of 6" of 1/2" - 0 or 3/4" - 0 crushed aggregate as directed.



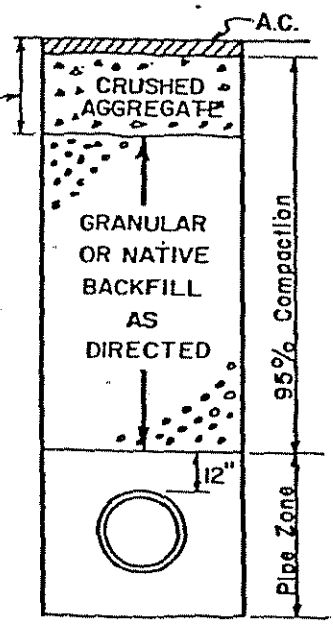
TRAVELED UNIMPROVED STREET

When not otherwise specified, resurfacing shall be a minimum of 6" of concrete on 12" of 1/2" - 0 crushed aggregate.



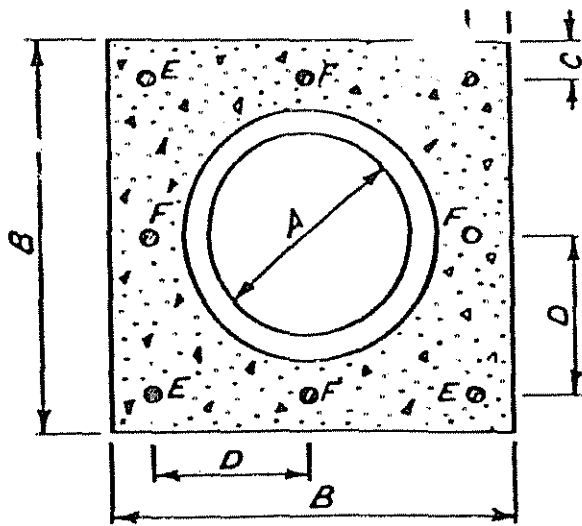
HARD SURFACE (CONCRETE)

When not otherwise specified, resurfacing shall be 2" of class C mix on 12" of 1/2" - 0 crushed aggregate.



OIL GRAVEL OR ASPHALT CONCRETE SURFACE

TYPICAL TRENCH SECTIONS
BACKFILL, BEDDING
& SURFACING



Note:
 Concrete shall be 3000# 3 to 5" slump.
 All reinforcing steel shall be No. 5 Deformed Bars with 18" lap splices and 2" clear cover.

	DIMENSIONS (INCHES)				BARS REQ'D.	C.Y. CONC. PER LIN. FT.	LBS. STEEL PER LIN. FT.
	A	B	C	D			
BELL & SPIGOT AND TONGUE & GROOVE STD. STRENGTH	6	16	3½	—	E	0.055	4.17
	8	18	3½	—	E	0.07	4.17
	10	20	3½	—	E	0.08	4.17
	12	22½	3½	—	E	0.09	4.17
	15	26	3½	—	E	0.10	4.17
	18	30	3½	—	E	0.14	4.17
	BELL & SPIGOT STD. STRENGTH	21	38	3½	15½	E,F	0.25
24		42	3½	17½	E,F	0.26	8.34
27		50	3½	21½	E,F	0.40	8.34
TONGUE & GROOVE STD. STRENGTH	21	36	3½	14½	E,F	0.19	8.34
	24	41	3½	17½	E,F	0.25	8.34
	27	46	3½	19½	E,F	0.32	8.34

SEWER PIPE
 ENCASED IN CONCRETE