

CITY OF WASCO

SUBDIVISION ORDINANCE

**June 2003 revision to incorporate
Transportation System Plan**

THIS PROJECT IS PARTIALLY FUNDED BY A GRANT FROM THE TRANSPORTATION AND GROWTH MANAGEMENT (TGM) PROGRAM, A JOINT PROGRAM OF THE OREGON DEPARTMENT OF TRANSPORTATION AND THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT. THIS TGM GRANT IS FINANCED, IN PART, BY FEDERAL TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21), LOCAL GOVERNMENT, AND THE STATE OF OREGON FUNDS.

THE CONTENTS OF THE DOCUMENT DO NOT NECESSARILY REFLECT VIEWS OR POLICIES OF THE STATE OF OREGON.

Ordinance No. 1130-98C

**CITY OF WASCO
SUBDIVISION ORDINANCE
SHERMAN COUNTY, OREGON**

**PREPARATION OF THIS ORDINANCE WAS FINANCIALLY AIDED
THROUGH A PLANNING ASSISTANCE GRANT FROM THE
OREGON DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT**

**PREPARED FOR
WASCO CITY COUNCIL**

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Adopted November 30, 1998

**ORDINANCE NO. 1130-98C
EXHIBIT 1**

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Ordinance No. 1130-98C

WASCO SUBDIVISION ORDINANCE

**AN ORDINANCE OF THE CITY OF WASCO, OREGON;
ESTABLISHING A SUBDIVISION ORDINANCE TO ASSURE
THE ORDERLY DEVELOPMENT OF SAID CITY;
ESTABLISHING RULES AND REGULATIONS THEREFORE;
PROVIDING FOR PENALTIES OR VIOLATIONS THEREOF;
AND DECLARING AN EMERGENCY**

The City of Wasco, Sherman County, Oregon, ordains as follows:

General Provisions

SECTION 1. TITLE. This ordinance shall be known as the "Subdivision Ordinance" of the City of Wasco, Oregon.

SECTION 2. PURPOSE. The purpose of this ordinance is to enact subdivision regulations for the City which will provide for better living conditions within new subdivisions; assure necessary streets, utilities, and public areas and provide for their installation or improvement; enhance and secure property values in subdivisions and adjacent land; simplify and make land descriptions more certain; implement the comprehensive land use plan; and, in general, to promote the health, safety, convenience, and general welfare of the people of Wasco.

SECTION 3. COMPLIANCE REQUIRED. It shall be unlawful for any person to create any street or way for the purpose of partitioning land; or to dispose of, transfer, sell, or agree to offer to sell any lot or parcel of land if the same constitutes or is part of a process of subdivision or minor land partition as defined in Section 4, or if the sale, transfer, or offer is made by reference to or exhibition of a plat or plan of a subdivision unless all the requirements of Sections 1 to 36 with regard to such subdivision or minor land partition, or the creation of such street or way, have been complied with. In the event of an unlawful subdivision or partitioning contrary to this section, each day during which the subdivider thereafter fails to bring the subdivision into total compliance with this ordinance shall be deemed a separate offense punishable by fine not exceeding \$500.00.

SECTION 4. DEFINITIONS. As used in Sections 1 to 36, unless the context otherwise requires, the following words and phrases shall mean:

- (1) Access or Access Way. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property.
- (2) Alley. A public way, permanently dedicated or reserved as a secondary means of access to abutting property.
- (3) Block. A contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.
- (4) Building Line. A dashed line on a plat restricting the location of buildings or structures or that distance as prescribed by the zoning ordinance, when applicable.
- (5) City. The City of Wasco, a municipal corporation of the State of Oregon, where the provisions involve a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context or, where the context does not clearly indicate a specific officer, department, or agency, than the City Administrator of said City.
- (6) City Engineer. The duly appointed City Engineer of the City of Wasco.
- (7) City Recorder. The duly appointed administrative officer of the City of Wasco, or a person designated by him to fulfill his obligations as set forth in this ordinance.
- (8) Comprehensive Plan. A plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the City, including amendments thereto.
- (9) Contiguous Land. Two or more parcels or units of land including water under a single ownership which are not separated by an intervening parcel of land under separate ownership including limited access right-of-way which would deny access between the two parcels under single ownership.
- (10) Curb Line. The line dividing the roadway from a planting strip or footway.
- (11) Design. The design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.
- (12) Easement. A grant of the right to use a strip of land for specific purposes.
- (13) Legal Description. The method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

- (14) Lot. A single parcel of land for which a legal description is filed on record or the boundaries of which are shown on the subdivision plat filed in the office of the Sherman County Clerk. The term "lot" shall include a part of a single parcel of land when such part is used as a separate lot for all purposes and under all requirements of this ordinance: Except for the parcel of land on which condominium structures are placed, the term "lot" does not include condominium as used under ORS 91.505 through 91.675 "Unit Ownership Law".
- (15) Lot Area. The total horizontal net area within the lot lines of a lot.
- (16) Lot Corner. A lot situated at the intersection of two (2) or more streets.
- (17) Lot Depth. The depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.
- (18) Lot, Double Frontage. An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.
- (19) Lot, Interior. A lot other than a corner lot or reverse corner lot.
- (20) Lot, Key. The first lot to the rear of a reversed corner whether or not separated by an alley.
- (21) Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.
- (22) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line.
- (23) Lot Line, Side. Any lot boundary line not a front line or a rear lot line.
- (24) Lot, Reverse Corner. A corner lot which rears upon the side yard of another lot.
- (25) 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.
- (26) Minimum Road Standard. That standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the City.
- (27) Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is now located.
- (28) Owner. The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided or parti-

tioned to commence and maintain proceedings to subdivide or partition the same under this ordinance.

- (29) Official Map. The Comprehensive Plan Map as adopted by the City Council for the City of Wasco.
- (30) Major Partition. To partition a parcel of land into two (2) or three (3) parcels which includes the creation of a road or street.
- (31) Minor Partition. To partition a parcel of land into two (2) or three (3) parcels that does not include the creation of a road or street.
- (32) Partition Land. To divide an area or tract of land into two (2) or three (3) parcels when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include division of land resulting from creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by 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 or parcel size established by applicable zoning ordinance.
- (33) Parking Space. A rectangular area not less than 20 feet long and 8.5 feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- (34) Parcel. A tract of land as created by a partitioning of land.
- (35) Pedestrian Way. A right-of-way for pedestrian traffic.
- (36) Plat. A map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning o subdivision or partition as specified by this ordinance.
- (37) Right-of-Way. The area between the boundary lines of an alley, easement, street, or highway.
- (38) Roadway. The portions of the right-of-way of a street or highway developed for vehicular traffic.
- (39) Sidewalk. A pedestrian walkway with permanent surfacing.
- (40) Street. A public way for sidewalk, roadway, and utility installations, being the entire width from lot line to lot line and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.

- A. Alley: A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.
 - B. Cul-de-sac (dead end street): A short street having one end open to traffic and being terminated by a vehicle turn-around.
 - C. Half-street: The dedication of a portion only half of the width of a street, usually along the edge of a subdivision, where the remaining portion of a street has been or could later be dedicated in another subdivision.
 - D. Local Street: A street used primarily for access to abutting properties.
 - E. Major Street: A street used primarily for through traffic.
 - F. Secondary Street: A street used to some extent for through traffic and to some extent for access to abutting properties.
- (41) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts wired together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
 - (42) Subdivide Land. To divide an area or tract of land into four (4) or more lots when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of this ordinance.
 - (43) Subdivider. Any person, firm, corporation, partnership or association who causes the land to be divided into a subdivision as defined herein.
 - (44) Tentative Plan. Initial diagram of a proposed subdivision or partition.

SECTION 5. POWERS OF THE CITY COUNCIL.

- (1) The City Council is hereby designated as the approving agency with respect to subdivision or partitioning of land, as provided in the State subdivision laws.
- (2) The City Council shall have all the powers and duties with respect to tentative and final subdivision and partitioning maps, and the procedure relating thereto, which are specified by law and by this ordinance.
- (3) The City Council shall follow the statutory process for Limited Land Use decisions to review subdivisions and partitions.

Subdivision or Partition of Land

Subdivision Map - Tentative

SECTION 6. INITIAL SUBMISSION. Ten (10) copies of a tentative plan and a statement of any proposed subdivision or partition shall be submitted to the City Administrator at least thirty (30) days prior to the meeting of the City Council at which consideration is desired, together with a fee of \$300.00, and \$10.00 for every lot over twenty (20) lots.

SECTION 7. PRELIMINARY REVIEW.

- (1) The City Recorder shall transmit one (1) copy of the tentative plan to the designated City Engineer, and additional copies to the City departments and other public officials as he deems necessary. Each City department, upon receipt of a copy of the tentative plan, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within six (6) days after receipt thereof, shall make a written report to the City Recorder. The City Recorder shall prepare a report on the tentative plan for submission to the City Council. The report shall include information on zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits, or lines proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections together with any other data as appears pertinent to the City Council's review of the tentative plan.
- (2) Copies of the tentative plan may be submitted to the following additional officials, and they will be given at least seven days to review the plan and submit comments:
 - A. The County Surveyor and the County Assessor.
 - B. The County Health Department, if the property is inside the City and the installation of sanitary sewer is not contemplated, or if there is other indication of possible sanitation problems.
 - C. The State Highway Department, if the property is adjacent to a state highway.
 - D. The school district, if there is indication of school district interest in property development in the area.

SECTION 8. TENTATIVE PLAN SCALE. Tentative plans shall be to a scale of 1 inch equals 100 feet or better; except tracts over 100 acres, which may be to a scale of 1 inch equals 200 feet, and shall be clearly and legibly reproduced.

SECTION 9. INFORMATION ON TENTATIVE PLAN. The tentative plan shall contain the following information:

- (1) The proposed subdivision's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision.
- (2) Name and address of record owner or owners of the proposed subdivision.
- (3) Name and address of the subdivider.
- (4) Name, business address, and number of the registered engineer or licensed surveyor who prepared the map of the proposed subdivision.
- (5) The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
- (6) Names of the record owners of all contiguous land within 100 feet of exterior boundaries of the tentative plan.
- (7) The approximate location and character of all existing and proposed easements and public utility facilities, including water and sewer lines in the subdivision or adjacent thereto.
- (8) Approximate lot layout and approximate dimensions of each lot and each to be numbered.
- (9) Setback lines, if any, proposed by the subdivider.
- (10) The outline of any existing buildings and their use, showing those which will remain.
- (11) Contour lines on lands with slopes greater than five (5) percent.
- (12) City boundary lines crossing or bounding the subdivision.
- (13) Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
- (14) Any areas proposed to be cut or filled or otherwise graded or protected from flooding.

- (15) If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads, watercourses, and cliffs.

SECTION 10. INFORMATION IN STATEMENT. The statement to accompany the tentative plan shall contain the following information:

- (1) A general explanation of the improvements and public utilities, including water supply and sewage disposal, proposed to be installed.
- (2) Deviations from subdivision ordinance, if any.
- (3) Public areas proposed, if any.
- (4) Tree planting proposed, if any.
- (5) A preliminary draft of restrictive covenants proposed, if any.

SECTION 11. CITY COUNCIL PROCEDURE FOR TENTATIVE SUBDIVISION OR PARTITION PLAN REVIEW. The City Council shall follow the statutory requirements for a limited land use decision in reviewing tentative subdivision or partition plans. The City shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The property owner list shall be obtained from the most recent property tax assessment role. The notice shall contain the following.

- (1) Provide a fourteen (14) day period for submission of written comments prior to the decision.
- (2) State that issues which may provide the basis for an appeal to the Land Use Board Appeals (LUBA) may be raised in writing prior to expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
- (3) List by commonly used citation the applicable criteria for the decision.
- (4) Set forth the street address or other easily understood geographical reference to the subject property.
- (5) State the place, date and time that the comments are due.
- (6) State that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost.
- (7) Include the name and telephone number of the local government contact person.

- (8) Briefly summarize the local decision making process for the limited land use decision being made.

The City Council shall determine whether the tentative plan is in conformity with the provisions of law and of Sections 1 to 36. A public meeting conducted by the City Council to approve, conditionally approve, or disapprove the proposed subdivision plan shall be held not later than forty-five (45) days from the first regular City Council meeting following submission of the plat. Approval of the tentative plan shall indicate the City Council's approval of the final plat, provided there is no change in the plan of subdivision or partition as shown on the tentative plan and there is full compliance with all requirements of Sections 1 to 36. The action of the City Council shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider, one shall be transmitted to the designated City Engineer, and the other retained by the City Recorder together with an order setting forth the action of the City Council.

The City will provide notice of decision to the applicant and any person who submits comments under subparagraph (1) of this paragraph. Notice of decision must include an explanation of appeal rights.

Subdivision or Partition Map - Final

SECTION 12. SUBMISSION OF FINAL MAP. The subdivider shall cause the proposed subdivision or partition, or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. A tracing and five blue-line or black-line prints of the final map shall be submitted to the City Recorder, together with a fee of \$50.00, within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon statutes. An extension of time for filing of the final map may be granted by the City Council, provided written application is made by the subdivider within one year after action on the tentative map.

SECTION 13. SUPPLEMENTAL DATA. At the time of the submission of the final map, the subdivider shall also submit the following:

- (1) A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:
 - A. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
 - B. The computation of all distances, angles, and courses shown on the final map.

- C. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
 - D. Coordinates of all block corners and all street center points.
- (3) A copy of any deed restrictions applicable to the subdivision. A Hold Harmless Agreement recognizing Agricultural and Aeronautical operations in the area shall be required as a deed restriction.

SECTION 14. FORM OF FINAL MAP. The final subdivision map shall be prepared in accordance with the provisions of Sections 1 to 36 and state laws, including but not limited to ORS 92.000. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

SECTION 15. INFORMATION ON FINAL MAP. The final map shall, in addition to other information required by law, show the following:

- (1) The date, scale, north point (generally pointing up), legend, and controlling topography (i.e, cracks, highways, railroads, cliffs, etc.).
- (2) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - A. All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.
 - B. Adjoining corners of all adjoining subdivisions.
 - C. Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.
 - D. Whenever the City has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
 - E. All other monuments found or established in making the survey of the subdivision, or required to be installed by the provisions of Sections 1 to 36.
- (3) Tract boundary lines, right-of-way lines, and centerlines of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points or curvature, and tangent bearings. Tract boundary and street bearings shall be shown

to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of 1 foot in 10,000 feet.

- (4) The location of additional monuments, which are to be set upon completion of improvements.
- (5) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and central angle. block corner curb data to be shown separately.
- (6) All easements clearly labeled and identified, and, if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- (7) Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.
- (8) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be so placed as 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.
- (9) Appropriate words, symbols, or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

SECTION 16. CERTIFICATIONS. The following certificates shall appear on the final map as submitted. The certificates may be combined where appropriate.

- (1) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - A. Rights-of-way, easements, or other interest, none of which can ripen into a fee.

- B. Rights-of-way, easements, or reversions which, by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision map, including land originally patented by the United States or the State of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provisions of Sections 1 to 36 without the consent of the United States or the State of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided.
- (2) A certificate signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
 - (3) A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by his seal.
 - (4) Provisions for additional certificates and acknowledgements required by law.

SECTION 17. APPROVAL BY CITY ENGINEER. Upon receipt, the final map and other data submitted to the City Administrator shall be referred to the City Engineer, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the tentative map as approved; that all provisions of the law and Sections 1 to 36 applicable at the time of approval of the tentative map have been complied with; and that the map is technically correct. The City Engineer may make checks in the field, as he may desire, to verify that the map is sufficiently correct on the ground; and he may enter the property for this purpose. If the City Engineer shall determine that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the map and shall transmit the map to the City Council.

SECTION 18. FINAL APPROVAL OF CITY COUNCIL. Upon return of the final map by the City Engineer, the City Council shall examine the same to determine whether the map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition of its acceptance. If the City Council does not approve the map, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him an opportunity to make the same. If the City Council determines that the map conforms to all requirements, it shall approve the same; but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit, required in Sections 19 and 20; and when the agreement and bond have been filed and approved as prescribed, the City Council's approval shall be endorsed upon the map by execution of the appropriate certificate, as prescribed by law.

SECTION 19. AGREEMENT FOR IMPROVEMENTS. Before City Council approval is certified on the final map, the subdivider shall either install required improvements or shall execute and file with the recorder-treasurer an agreement between himself and the City, specifying the period within which he or his agent or contractor shall complete all improvement work required by or pursuant to Sections 1 to 36; and, providing that if he shall fail to complete the work within the period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement of the City by the subdivider for the cost of inspection by the City Engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements specified in the agreement and required to be constructed by the subdivider.

SECTION 20. BOND.

- (1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - A. A personal bond co-signed by at least one additional person, who shall not be related to the subdivider by blood or consanguinity. The subdivider and co-signer shall submit evidence of financial responsibility, and the financial resources of those signing the bond shall provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.
 - B. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
 - C. Cash.
- (2) The assurance of full and faithful performance shall be for a sum approved by the City Recorder sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision; and must be approved by the City Attorney as to form.
- (3) In the event the subdivider fails to complete all improvement work in accordance with the provisions of Sections 1 to 36, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering, and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvement damages in the development of the subdivision, the City shall call on the surety for reimbursement or shall appropriate from any cash deposits funds for reimbursements. In any such case, if the amount of surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

SECTION 21. FILING OF FINAL PLAT. Approval of the final plat by the City, as provided in Sections 1 to 36, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required approving signature has been obtained.

Approval of Streets and Ways

SECTION 22. CREATION OF STREETS. The creation of all streets shall be in conformance with requirements for subdivision, except the City Council may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by Sections 24 to 31; provided either of the following conditions exist:

- (1) The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the dividing of land is an incidental effect rather than the primary objective of the street.
- (2) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

SECTION 23. CREATION OF WAYS.

- (1) Any easement-of-way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street approved in accordance with Section 22, except that the creation of a private easement-of-way to be established by deed without full compliance with these regulations shall be approved by the City Council, provided the easement is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with more access. If the existing lot is large enough so that three or more parcels meeting the lot size minimums of Sections 1 to 36 may be created, and two or more of the parcels would not have frontage on an existing street, an easement-of-way will not be acceptable and a street must be dedicated.
- (2) The procedure for approval of allowed private easements-of-way shall be as provided in Section 22(2) for streets, except the easement-of-way need only comply with the standards set forth in Section 22(2) and assure utility access to the resultant lot.

General Regulations and Design

SECTION 24. STREETS.

- (1) Streets and Highways Conform with Plans and Standards. In addition to conformance with state laws and the standards provided by Sections 1 to 36, the subdivision shall conform as to design and improvements to any master plan approved by the City Council and to any proceedings affecting the subdivision which may have been initiated by the City Council or approved by the City Council upon initiation by other legally constituted bodies of the City, county, or state. In addition, consideration shall be given to preliminary plans developed by the City.

- (2) Street Widths.
 - A. Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform with City standards shown below, except where it can be shown by the subdivider, to the satisfaction of the City Council, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the City Council, taking into consideration the zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

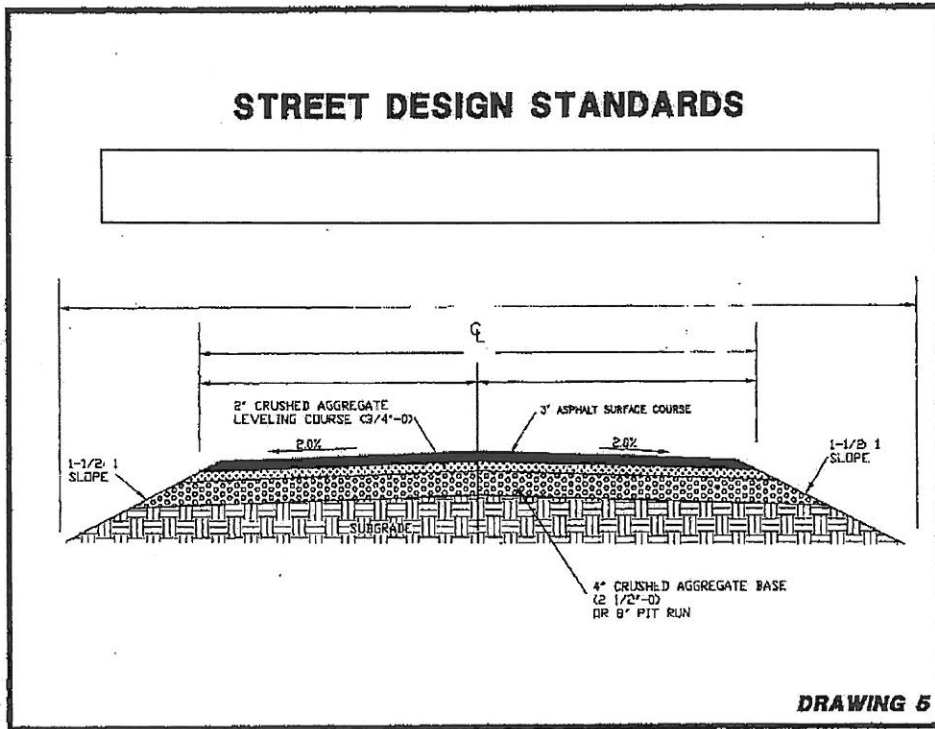
 - B. Minimum Right-of-way and Roadway Width: Unless otherwise approved in the tentative development plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet shown in the table below and other applicable City standards and specifications. Where conditions, particularly topography, or the size and shape of land parcels make it impractical to provide buildable lots, narrower right-of-way may be accepted, ordinarily not less than forty (40) feet. If necessary, slope easements may be required.

(Ord No. 304)

Street Design Standards

PAVEMENT		ROW Width	TRAVEL LANES No./Lane Width	PARKING LANES No./Width	BIKE LANES No./Width	PLANTING, UTILITY, SIDEWALKS (each side)
Classification	Width					
Arterial	36	70	2/12	None	2/6	12
Major Collector	28	44	2/10	1/8	2/4	2/8
Minor Collector	26	44	2/10	2/9	2/4	2/9
Residential Street	17	40	2/8.5	2/11.5	None	2/11.5
Local Residential Street	15	40	2/7.5	2/12.5	None	2/12.5
Accessway	10	20	1/10	None	None	None

STREET DESIGN STANDARDS



- (3) Future Streets. Whenever the City Council shall have determined that, in conformity with the master plan, a street is necessary for the future subdivision of the property as shown on the subdivision map, but that the present dedication and construction of such street is not warranted, the City Council may require that the location, width, and extent of such street shall be shown on the final map or on an approved map of record as a Future street. Improvement of such future street may not be required of the subdivider by the City Council.
- (4) Future Street Extension. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips, including street plugs, may be require to preserve the objectives of street extensions.
- (5) Service Roads. When any lot fronts on a major street, the City Council may require the subdivider to dedicate a service road at the front of the lot.
- (6) Reserved Strips. No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the City Council.
- (7) Half-Streets. Half-streets shall be prohibited, except they may be approved where essential to the reasonable development of the subdivision when in conformity with the other requirements of these regulations, and when the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half-streets.
- (8) Nonaccess and Planting Strips. When the rear or side of any lots border any major street, the City Council may require the subdivider to execute and deliver to the City an instrument deemed sufficient by the City Attorney prohibiting the right of ingress and egress to the lots across the side lines of the street. When the street is a freeway, state highway, or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to the street.
- (9) Alleys. When any lots are proposed for commercial or industrial usage, alleys at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic, unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.
- (10) Private Streets. The design and improvement of any private street shall be subject to all the requirements prescribed by this ordinance for public streets. The

subdivider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision.

- (11) Street Names. All street names shall be approved by the City Council for conformance with the established pattern and to avoid duplication and confusion.

SECTION 25. UTILITY EASEMENTS. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved, or granted by the subdivider in widths not less than five feet on each side of rear lot lines, alongside lot lines, and in planting strips wherever necessary; provided that easements of lesser width, such as for anchorage, may be allowed when the purpose of easements may be accomplished by easements of lesser width as approved by the City.

SECTION 26. LOTS.

- (1) The size and shape of lots shall conform to zoning regulations. Where there are unusual topographic conditions, curved or cul-de-sac streets, or other special conditions, modifications which meet the intent of the width and depth requirements may be granted by the City Council.
- (2) In areas that cannot be connected to community sewage disposal facilities, minimum lot sizes shall be greater than the minimum herein specified. The lots shall conform to the requirements of the County Health Department for sanitary waste disposal.
- (3) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or radial or approximately radial if the street is curved. Provided, however, where topographic or other natural features warrant variation from this provision, the City Council may approve such variations.
- (4) Lots without frontage on a street will not be permitted.
- (5) Through lots will be permitted only where necessitated by topographic or other unusual physical conditions.

SECTION 27. BLOCKS.

- (1) Blocks shall not exceed 1,320 feet in length, except blocks adjacent to major streets.
- (2) The subdivider may be required to dedicate and improve 10-foot walkways across blocks over 600 feet in length, or to provide access to schools, parks, or other public areas.

SECTION 28. WATERCOURSES. The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural watercourse or channel, stream, or creek that traverses the subdivision; or, at the option of the subdivider, provide by dedication further and sufficient easements or construction, or both, to dispose of the surface and storm waters.

SECTION 29. LAND FOR PUBLIC PURPOSES.

- (1) The City Council may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year; providing the City has an interest or has been advised of interest on the part of the state highway commission, school district, or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.
- (2) The City Council may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

SECTION 30. UNSUITABLE LAND. The City Council may refuse to approve a subdivision when the only practical use which can be made of the property proposed to be subdivided is a use prohibited by this ordinance or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or State Health authorities.

SECTION 31. LAND SUBJECT TO INUNDATION. If any portion of any land proposed for development is subject to overflow, inundation, or flood hazard by storm waters, an adequate system of storm drains, levees, dikes, and pumping systems shall be provided.

Improvements

SECTION 32. IMPROVEMENT STANDARDS AND APPROVAL. In addition to other requirements, all improvements shall conform to the requirements of Sections 1 to 36 and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared in accordance with requirements of the City.
- (2) Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- (3) All required improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the City.
- (4) All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

SECTION 33. IMPROVEMENT REQUIREMENTS. Improvements to be installed by the subdivider are as follows:

- (1) Streets. All streets shall be improved to City standards. The subdivider shall improve the extension of all subdivision streets to the centerline of existing streets with which subdivision streets intersect.
- (2) Structures. Structures specified as necessary by the City for drainage, access, and public safety shall be installed.
- (3) Sidewalks. Sidewalks may be required along the street frontages of each lot and in approved pedestrian ways within the subdivision.
- (4) Sewers. Sanitary sewer facilities connecting with the existing City sewer system shall be installed to serve each lot. Storm water sewers shall be installed as required by the City.

- (5) Water. Water mains and fire hydrants of design, layout, and locations approved by the City shall be installed.
- (6) Railroad Crossing. Provision shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider.
- (7) Abutting Streets. If any part of the property within the proposed subdivision abuts an existing dedicated street not improved to the ultimate width and other standards required for streets within subdivisions, the abutting portions of said street shall be improved to such standards by the construction of a sidewalk, curb, and gutter along the side adjacent to the subdivision and also by paving the roadway from said curb to 12 feet beyond centerline, or to such lesser distance beyond centerline as the City Council may deem necessary to provide a safe and adequate paved road way for two-way vehicular traffic; provided, that if said street is an arterial street, or is otherwise so classified that the established policy of the City is to specially assess less than the entire cost of an improvement thereof, the City Council may reduce the paving required hereunder to such extent as appears fair and equitable.
- (8) Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including but not limited to electricity, communications, street lighting, and cable television, shall be required to be placed under ground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground. The City Council may waive the requirements of this section if topographic, soil, or other conditions make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.
- (9) Street Lighting. Ornamental street lighting of an approved type shall be installed on all streets at locations approved by the City.
- (10) Street Name Signs. All streets shall be legibly marked with street name signs, not less than two in number, at each intersection, according to specifications furnished by the City.

- (11) Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.
- (12) Off-site Street Improvements. All off-site street improvements, where required, shall conform to the standards of the City.

SECTION 34. MONUMENTS.

- (1) In addition to requirements of state law and other provisions of this ordinance, permanent monuments of a type approved by the City shall be set in the following locations:
 - A. At each boundary corner of the subdivision, at the beginning and end of the property line curves, and at any other points as may be required by the City.
 - B. At intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom.
- (2) Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- (3) Complete field notes in a form satisfactory to the City, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of Sections 1 to 36, shall be submitted to the City to be retained by the City as a permanent record.

Variances

SECTION 35. VARIANCE APPLICATION. When necessary, the City Council may authorize conditional variances to requirements and regulations of Sections 1 to 36. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative map of the subdivision or partition. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the City Council shall find the following facts with respect thereto:

- (1) That there are special circumstances or conditions affecting the property.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that extraordinary hardship would result from strict compliance with these regulations.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the vicinity in which the property is situated.

SECTION 36. CITY COUNCIL ACTION ON VARIANCES.

- (1) In granting variances, the City Council shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. The conditions that are necessary for this purpose shall be specified in granting the variance.
- (2) In granting any variance under the provisions of this section, the City Council shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The City Council shall keep such findings on file as a matter of public record.

SECTION 37. SEVERABILITY. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED by the City Council and approved by the Mayor.

Read the first time: _____, 1998.

Read the second time by title only: _____, 1998.

Read the third time and passed: _____, 1998.

Approved by the Mayor: _____, 1998.

Mayor

ATTEST:

City Recorder

ORDINANCE NO. 331
CITY OF WASCO, OREGON

**AN ORDINANCE AMENDING THE CITY'S SUBDIVISION ORDINANCE,
ORDINANCE #1130-98C, AS AMENDED, TO IMPLEMENT THE
2015 TRANSPORTATION PLAN, AND ESTABLISH UPDATED STREET DESIGN
STANDARDS FOR ROADS AND STREETS IN THE CITY AND DECLARING AN
EMERGENCY**

WHEREAS, in late 2013 the County applied to the Oregon Department of Transportation for a grant to assist in updating the County's Transportation System Plan. The existing Plan at that time had been prepared in 2003 by ODOT Field Personnel and the County Planning and Economic Development Staff and was becoming outdated; and

WHEREAS, the Oregon Department of Transportation funded the project near the be of 2014 and began a selection process to select a qualified consultant to assist the County in preparing the updated Transportation System Plan; and

WHEREAS, Kittelson & Associates of Bend, Oregon, was selected and was given an official notice to proceed on December 19, 2014; and

WHEREAS, the scope of the work is to provide an updated Transportation System Plan which serves Sherman County and the four incorporated Cities of Rufus, Wasco, Moro and Grass Valley; and

WHEREAS, the consultants began work preparing the updated Transportation System Plan, and at regular intervals, provided the established Public Advisory Committee with a number of workshops to review the Plan material as it became available. There were three

public workshops conducted beginning on March 18, 2015, the second on May 6, 2015, and the third on August 5, 2015; and

WHEREAS, the Department of Land Conservation and Development was notified of a Post Acknowledgment Plan Amendment on September 15, 2015; and

WHEREAS, the City Council conducted a public hearing on October 20, 2015, at the close of the public hearing, the City Council moved unanimously to amend the City's Subdivision Ordinance to update the Street Design Standards for future street development in the City.

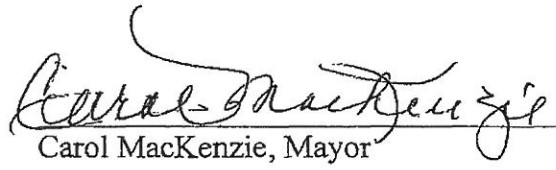
NOW, THEREFORE, the Common Council of the City of Wasco hereby ordains:

The following Sections of the City's Subdivision Ordinance are amended as follows:


Section 1: Section 24(2)(B): The Street Design Standards Table and Cross-section drawing are hereby deleted. This section is revised in its entirety to read: **The City has adopted the 2015 Transportation System Plan which contains specific design standards for future street development in the City.**

EMERGENCY CLAUSE

Inasmuch as the safety, health, and welfare of the citizens of the City are impacted, it is important to have current plans in effect as quickly as possible. An emergency is deemed to exist and this ordinance shall begin full force and in effect upon approval by the City Council and signed by the Mayor.


Carol MacKenzie, Mayor

ATTEST


Cassie Strege, City Recorder 10/20/15