

CITY OF COVE
ORDINANCE NO. 1-1990

AN ORDINANCE REMANDING AND REPLACING THE CITY OF COVE, OREGON, PARTITION AND SUBDIVISION ORDINANCE.

WHEREAS, the City of Cove, Oregon, adopted the Partition and Subdivision Ordinance on January 7, 1977 by Ordinance 1-77.

WHEREAS, the 1989 Oregon Legislature adopted SB358 which substantially revises land partitioning and subdividing requirements and which became effective January 1, 1990;

WHEREAS, the Cove City Council held a preliminary hearing on February 6, 1990, 7:00 p.m. and has advertised and scheduled a hearing for adoption on March 6, 1990, 7:00 p.m., City Hall.

NOW, THEREFORE, THE CITY OF COVE ORDAINS AS FOLLOWS:

SECTION 1: COVE, OREGON PARTITION AND SUBDIVISION ORDINANCE

- A. Cove, Oregon Partition and Subdivision Ordinance - Ordinance No. 1-99 is adopted, approved and affixed hereto.
- B. Ordinance 1-77 - Partition and Subdivision Ordinance Cove, Oregon, is remanded and replaced by Part A. of this Section 1.

SECTION 2: EFFECTIVE DATE

The above Section 1. A. & B. will be in full force and effect on March 6, 1990.

PASSED AND ADOPTED this 6 day of March, 1990 by
() City Council members voting therefore.

Alice Alexander
CITY RECORDER

MAYOR

Merton D. Clie
CITY COUNCIL MEMBER

Randy J. Lewis
CITY COUNCIL MEMBER

Wayne Bristow
CITY COUNCIL MEMBER

Sean Puckett
CITY COUNCIL MEMBER

Wally Dussel
CITY COUNCIL MEMBER

CITY COUNCIL MEMBER

ORDINANCE L-1990

PARTITION AND SUBDIVISION ORDINANCE

CITY OF COVE, OREGON

I. Title. This ordinance shall be known as the "Subdivision and Partition Ordinance, Cove, Oregon" as provided by the enabling legislation of ORS Chapters 92 and 227.

II. Purposes. The purposes of this ordinance are as follows:

1. To accomplish the orderly development of land.
2. To facilitate creation and sales of lots and parcels.
3. To insure that needed access, public services and facilities are, or can be made, available to areas proposed for development.

In pursuit of these purposes the following factors shall be taken into account:

1. Land use plan and zoning provisions.
2. The suitability and compatibility of the proposed partitioning or subdividing as related to adjacent and surrounding area development.
3. The extent and placement of needed facilities and services.
4. Street location and improvement needs which may include requiring that access be extended to adjacent properties.
5. Safety from fire, flood, landslide or other hazards.
6. Other transportation, service, drainage, education, recreation or related needs.
7. Soils and related characteristics.

III. Definitions. As used in this ordinance, the masculine includes the feminine and neuter and the singular includes the plural. Unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings:

1. Alley. A narrow street through a block which affords only secondary means of access to abutting property at the rear or side thereof.

2. Arterial Street. A street carrying fast or heavy traffic of considerable continuity, used primarily as a traffic artery for intercommunication among large areas.
3. Building Line. A line on a plat indicating the limit beyond which buildings or other structures may not be erected.
4. City. City of Cove, Oregon.
5. Comprehensive Plan. A plan adopted by the City Council as a guide for the growth and improvement of the City including modifications, refinements and amendments which may be made from time to time.
6. Collector Street. A street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a development and streets for circulation within such a development.
7. Council or City. Mayor and Council of the City of Cove, Oregon.
8. Cul-de-sac. A short street having one end open to traffic and being terminated by a vehicle turn-around.
9. Developer. Property owner or authorized representative thereof partitioning or subdividing land.
10. Easement. A grant of the right to use a strip of land for specific purposes.
11. Lot. A unit of land that is created by a subdivision of land.
 - a. Corner Lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - b. Through Lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
12. Major Partition. A partition creating two or three parcels, and which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.
13. Marginal Access. A cul-de-sac street, driveway, lane or frontage road, generally providing access to a limited number of abutting lots.

14. Minor Partition. A partition creating two or three parcels, and which does not include the creation of a road or street, or utilization of a means of access not previously approved for partitioning or subdividing.

15. Minor Street. A street used primarily for access to abutting lots, and having greater anticipated traffic demands than marginal access streets.

16. Parcel. A unit of land that is created by a partitioning of land.

17. Partition. Either an act of partitioning land or area or tract of land partitioned.

18. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year. Partition land does not include divisions of land resulting from lien foreclosures; foreclosure of a recorded contract for the sale of real property; the creation of cemetery lots; the adjustment of a parcel or 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 a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2) (g) to (s) and 215.283 (2) (p) to (r).

19. Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

20. Partitioner. Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

21. Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assigner, or other similar representative thereof.

22. Planning Administrator. The Council or that official designated by the City Council to administer this ordinance.

23. Plat. A final subdivision plat, replat or partition plat.

24. Replat. A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications and provisions and information concerning a recorded partition or subdivision.

25. Road. A public or private way which is used or intended to provide access (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 access (ingress or egress), to such land in conjunction with forestry, mining or agricultural uses.

26. Street. See Road.

27. Street Width. The shortest distance between the lines delineating the right-of-way of a street.

28. Subdivider. Any person commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

29. Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

30. Subdivision. Either an act of subdividing land or tract of land subdivided as defined in this ordinance.

IV. Scope of Regulations.

1. No person shall subdivide or partition land within the city limits except as provided in this ordinance. All partition and subdivision plats and all streets and ways utilized for the purpose of creating lots or parcels are required to be approved in accordance with these regulations.

A person desiring to subdivide or partition land within the incorporated area of the City shall submit tentative plans and final documents for approval as provided in this ordinance and Oregon Revised Statutes.

2. Recording of a lot or parcel. No lot or parcel created by subdividing or by major or minor partitioning shall be submitted for recording to the County Clerk nor have any validity unless it has been approved as required by this ordinance.

3. Sale of lots or parcels. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the Union County Clerk. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition a person may use the approved tentative plan for such subdivision or partition.

4. Permits. No building permit, or permission for the connection to the city water or sewerage systems shall be given for any structure on a parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in a manner prescribed herein.

5. The City may withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein.

VI. Application Procedure.

1. Preliminary Review. Prior to creating any new lots or parcels the developer should obtain the checklist for partition or subdivision requirements, and discuss his intent with the Planning Administrator. It is desirable to prepare sketch maps, and assemble other information as needed to discuss the proposal.

In considering possible partition or subdivision activities, the developer should recognize (1) that the proposal may be denied, unless it meets all conditions and (2) that the factors below will be considered to determine suitability of the proposal:

- A. Land use plan and zoning provisions.
- B. Initial and potential future development of the area.
- C. Initial and potential future area street design and related requirements.
- D. Sewage disposal and water supply provisions.
- E. School district service capability.
- F. Other information as may be pertinent.

2. Initiation of an Application. A partitioner or subdivider shall submit an application on forms provided by the City accompanied by a tentative plan showing the general design of the proposed subdivision or partition accompanied by the prescribed fee. Partition or subdivision activities may be initiated if the developer determines that his proposal can satisfy the following:

- A. Is in accord with the area land use plan and zoning requirements.
- B. Is suitable for partitioning or subdividing and does not materially alter the stability of the overall land use pattern of the area, not initiate or encourage a pattern of development incompatible with existing area uses. In determining suitability, the following policies shall be recognized:

- (1) That access and provisions for water supply, sewage disposal, school capacity, surveying, and possible other requirements must be satisfied.
- (2) That the development will not adversely affect the economic and social conditions and other characteristics which make the City desirable in which to live.
- (3) That the proposal is consistent with the need to minimize flood damage.

3. Tentative Plan. A tentative plan and at least ten copies (unless a lesser number is determined acceptable by the Planning Administrator), for distribution to other departments and agencies shall be submitted along with supplementary materials as required and the prescribed fee. The tentative plan shall include the items indicated in this ordinance. Within thirty days or at the next available regularly scheduled Council meeting after the tentative plan is submitted to the Planning Administrator, the Council shall set a hearing date to consider the request. The Planning Administrator shall mail notice of such hearing to all interested agencies and departments, Council members, area landowners within 300 feet of the proposed development, and to such other vicinity residents as he determines may be affected.

VIII. Tentative Plan Requirements.

Tentative plans and related written information for partitions and subdivisions shall include the following:

1. Scale. The tentative plan shall be drawn on a sheet 18 by 24 inches in size at a scale of one inch equals 100 feet, or as previously approved by the City.

2. Proposed Design. The following information shall be included on the tentative plan:

A. The location, width, names, approximate grade of all streets. The relationship of all streets to any projected streets as shown on any plan adopted by the City, or, if no such plan has been adopted, as may be identified by the City Council in order to assure adequate traffic circulation.

B. The location, width and purpose of easements.

C. The location and approximate dimensions of parcels or lots and the proposed parcel or lot and block numbers.

3. General Information. The following general information shall be shown on the tentative plan:

- A. Proposed name of a subdivision shall not duplicate, sound alike or resemble the name of another subdivision in the County and shall be approved by the Council.
- B. Date, northpoint and scale of drawing.
- C. Appropriate identification clearly stating the map is a tentative plan.
- D. Location of the partition or subdivision sufficient to define the location and boundaries of the proposed tract.
- E. Names and addresses of the owner, partitioner or subdivider, and engineer or surveyor.

4. Existing Conditions. The following existing conditions shall be shown on the tentative plan:

- A. The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, corners, city boundary lines and monuments.
- B. Land use plan and zoning classifications on and adjacent to the property proposed to be partitioned or subdivided.
- C. The location of at least one temporary bench mark within the tentative plan boundaries.
- D. Contour lines having the following minimum intervals: Two foot contour intervals for ground slopes of less than 10 percent, and 10 foot contour lines for slopes of more than 10 percent. The elevations of all control points which are used to determine the contours shall be indicated and must be based on the United States Geodetic Survey.
- E. The location and direction of water courses and the location of areas subject to flooding.
- F. Natural features such as rock outcroppings, landslide hazard areas, wetlands, wooded areas and other unique features.
- G. Known historical sites or structures and provisions for recognition or protection thereof.

H. Existing uses of the property, including location of all existing structures to remain on the property after platting and existing structures to be removed.

5. Partial Development. If the partition or subdivision plat pertains to only part of the tract owned or controlled by the partitioner or subdivider, the City Council may require a sketch of a tentative layout for streets in the unpartitioned or unsubdivided portion.

6. Supplementary Information with Tentative Plan. The following information shall be required by the City and, if it can not be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:

A. A vicinity map, showing existing adjacent ownership to the proposed partition or subdivision, and showing how proposed streets and utilities may be extended to connect to existing and proposed streets and utilities.

B. Proposed deed restrictions, if any, in outline form.

C. The location of existing sewers, water mains, culverts, drain pipes, and electric and telephone lines within the proposed partition or subdivision and in the adjoining streets and property.

D. All persons offering for filing an approved plan, plat or replat of subdivisions or partitions for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision or partition the statement of water rights and a copy of the plan, plat, or replat must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the plan, plat, or replat to the Union County Clerk.

7. Supplemental Plans with Tentative Plan. The following information shall be submitted with the tentative plan:

A. Proposed street designation, e.g., arterial, collector, etc., and approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed partition or subdivision showing the approximate grade of streets and the nature and extent of street construction.

B. A plan for domestic water supply, including the source, and plans for water lines.

C. Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.

D. Proposals for other improvements such as television cable service, telephone, electric and gas utilities.

E. Present and future service capability of the school district.

F. Such additional information as may be required by the City to insure compliance with the objectives of this ordinance.

8. Preliminary Review of Proposal. Upon receipt of tentative plan and supplementary information, the Planning Official shall furnish copies to other local, state or federal agencies as may have an interest in the proposal. These officials shall be given a reasonable time to review the plan and to suggest any revisions that are in the public interest.

9. Approval of Tentative Plan.

A. Within 40 days following submission of the proposed tentative plan the Council shall review the tentative plan and reports of appropriate officials and agencies. The Council may approve the tentative plan as submitted or require modifications. If the Council does not approve the tentative plat, it shall express its disapproval and its reasons therefore.

B. No plat for any proposed subdivision or partition may be considered for approval until the tentative plan has been approved by the Council. Approval by the Council of such tentative plan shall be binding upon the City for the purposes of the preparation of the subdivision or partition plat.

C. No tentative plan for a proposed subdivision and no tentative plan for a proposed major partition shall be approved unless:

(1.) The streets and roads are laid out so as to conform to the plat of subdivisions and major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interests to modify the street or road pattern.

(2.) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.

(3.) The tentative plan complies with the applicable zoning ordinance and regulations that are then in effect.

D. The action of the Council shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the partitioner or subdivider and the other shall be retained by the Council.

XI. Submission of Final Plat.

Within one year after approval of the tentative plan and upon completion of, or bonding for improvements, the partitioner or subdivider shall prepare a final plat in conformance with the tentative plan as approved. The partitioner or subdivider shall submit the final plat for Council approval and submit the original drawing and the reproducible copy, as required by Oregon Revised Statutes Chapter 92 and any supplementary information for filing to the Union County Clerk. If the partitioner or subdivider wishes to proceed with the partition or subdivision after the expiration of the one year period following approval of the tentative plan by the Council, he must resubmit his tentative plan to the Council and make any revisions considered necessary to meet changed conditions.

1. Final Plat Requirements. The final plat, known as the partition plat or subdivision plat, shall conform to surveying requirements in ORS 92.050 through 92.080, except any parcels created that are greater than 10 acres need not be surveyed or monumented. In addition to specific action in Oregon Revised Statutes, the following information shall be shown on the final plat:

- A. The date, scale, northpoint, basis of bearing, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing features such as highways and railroads.
- B. Legal description of the tract boundaries.
- C. Name of the owner, subdivider and surveyor.
- D. The exact location and width of streets and easements intersecting the boundary of the tract.
- E. The width of street rights-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.

F. Lot numbers beginning with the number 1 and numbered consecutively in each block, and the area of each lot containing one acre or more to the nearest hundredth of an acre.

G. Block letters beginning with letter A and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out and be so placed as not to obliterate any figure. Block letters in an addition to a subdivision of the same name shall be a continuation of the lettering in the original subdivision.

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

I. Building setback lines, if any, are to be made a part of the partition or subdivision restrictions.

J. The following certificates which may be combined where appropriate:

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

(2.) A certificate signed and acknowledged as above, dedicating all rights-of-way, parcels or lots of land shown on the final map intended for any public use. Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation.

(3.) An affidavit with the seal of and signed by the registered land surveyor responsible for the land survey and final map per ORS 92.070.

(4.) Other certifications now or hereafter required by law.

2. Supplementary Information with Final Plat.

The following data shall accompany the final plat:

A. Addresses of the owner, subdivider, and engineer or surveyor.

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

C. A copy of any deed restrictions applicable to the partition or subdivision.

D. A copy of any dedication requiring separate documents.

E. Certification that domestic water and sewage disposal systems are available to the lot line of each and every lot in a subdivision and assurance by the subdivider the systems will be installed or alternative systems will be provided according to ORS 92.090 (4) and (5) provisions.

F. A certificate by the City that the partitioner or subdivider has complied with one of the following alternatives:

(1.) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Council in giving approval of the tentative plan, or

(2.) An agreement has been executed as provided in Section XII and to assure completion of required improvements.

3. Technical Review. Upon receipt of the final plat and accompanying data, the Planning Official shall review the final plat and documents to determine the following:

A. Private streets and roads conform to the tentative plan.

B. Subdivision or partition plat conforms with any applicable zoning ordinances and regulations that are in effect.

C. Donation and explanation of common improvements are recorded and referenced on the partition or subdivision plat.

D. The final plat conforms with the approved tentative plan.

E. Compliance with other provisions of Oregon Revised Statutes and this Ordinance.

4. Approval of Final Plat. If the Planning Official determines that the final plat conforms fully with all applicable regulations and standards, he shall so advise the Mayor.

The final plat shall then be placed on the next feasible Council agenda, and if the Council agrees that the partition or subdivision has complied with the requirements for tentative plan and final plat approval, it shall be approved and signed. If the Council determines that all requirements have not been met, they shall identify those that are yet to be completed, and may authorize the Mayor to sign the plat upon satisfactory compliance with such requirements.

5. Before Recording Partition or Subdivision Plat with County Clerk.

A. Petitioner or subdivider shall file a statement of water rights with the Water Resources Department and a copy of acknowledgment from the Water Resources Department when required and per provisions in ORS 923.120 (5) and 92.122.

B. All ad valorem taxes shall be paid per ORS 92.095.

C. Partitioner or subdivider shall receive approval and pay fees for the final plat from the County Surveyor per ORS 92.100.

6. Recording Partition or Subdivision Plat with County Clerk. The partition or subdivision plat when approved as required and upon payment of the fees provided by law shall be recorded with the County Clerk. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained or within 90 days after Council approval.

7. Amendments to Recorded Partition and Subdivision Plats

A. Any recorded partition or subdivision plat may be amended by an affidavit of correction per ORS 92.170 provisions.

B. Any recorded partition or subdivision plat may be replatted per ORS 92.180 through 92.190 provisions.

C. Any boundary of lots or parcels in a recorded subdivision or partition plat may be adjusted as long as no new parcels or lots are created, the adjustment does not reduce a lot or parcel below the minimum parcel size of the applicable zone(s), and each adjusted boundary is surveyed and filed with the County Survey and recorded with the County Clerk.

X. Creation of Streets or Ways.

1. **Creation of Streets.** The creation of all streets not within a subdivision shall meet the standards for streets within a subdivision. Creation of such streets may be initiated by the Council by resolution, or by a property owner by request.
2. Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry or mining, shall make written application for consideration by the Council at a joint public hearing.
3. Application for road approval shall comply with applicable tentative plan and final plat procedures and standards as provided in this ordinance.
4. Once roadway improvements are completed, or performance bonds have been approved for such, a centerline survey, deed, and a description of the proposed right-of-way shall be submitted to the Council. Deeds shall have the signatures of all owners of property to be dedicated.
5. Upon final approval by the Council, and recording of the survey and deed, final plat partitioning or subdivision procedures can be completed.
6. Expiration times for approval to create roads shall be the same as for tentative plans and plats.

XI. Street, Roadway and Other Utility Design and Improvement Standards

1. Streets.

- A. **Conformity.** The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, construction and maintenance costs, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on an area plan, the arrangement and other design standards of streets shall conform to the provisions found herein.
- B. **Relation to Adjoining Street Systems.** The arrangement of streets in new partitions and subdivisions shall make provision for the continuation of the existing or desired streets in adjoining areas.
- C. **Projection of Streets.** Where adjoining areas are not partitioned or subdivided, the arrangement of streets in new partitions or subdivisions shall make provisions for the proper projection of streets.

D. Streets to be Carried to Property Lines. When a proposed partition or subdivision joins unplatted land, street rights-of-way shall be carried to the boundaries of the tract to be partitioned or subdivided.

E. Dead-end Street or Cul-de-sac. Dead-end streets or cul-de-sacs, shall not be longer than 400 feet, and be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet and a street right-of-way diameter of at least ninety (90) feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

F. Frontage Streets. Where a partition or subdivision abuts or contains an existing arterial street, the Council may require frontage streets or other such treatment as may be necessary for adequate protection of abutting properties and to afford separation of through and local traffic.

G. Minor Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

H. Street Standards. Street standards shall not be less than those set forth hereunder.

(1.) In areas designed and zoned for commercial use, street widths may be increased by such amount as may be deemed necessary by the Council to provide for the free flow of vehicles, and to provide safe parking space for such commercial or business districts.

(2.) Street and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the Planning Administrator, according to the following Road Standard Table, or as adopted by the City as "Street Improvement Guidelines."

	Surface Width	Base Depth & Material	Leveling Course	Overlay Material	Shoulder Width	Sidewalk Location and Width
1. Arterial Streets	36	8" 1.5/3"	4" 1 1/2-3/4	2" Paved	Curbs & Gutters	5'
2. Collector or Minor Streets	36	8" 1.5/3"	4" 1 1/2-3/4	2" Paved	Curbs & Gutters	5'
3. Marginal Access*	20	8" 1.5/3"	3" 1 1/2-3/4	2" Crushed Gravel	6'	None

Rights-of-way widths shall generally be determined by widths of existing area streets or projections thereof.

*Marginal access rights-of-way shall not be less than 10% of street length and shall be provided with utility easements on each side to provide a 50' combined utility easement and right-of-way width.

Streets or roads with anticipated commercial or industrial traffic shall have a minimum base depth of 12".

All bridges shall have a 30-year minimum life expectancy and shall be constructed to load limit standards approved by the City Council.

The above standards may be altered if the Council determines that more (or less), extensive standards may be desirable because topographical conditions, anticipated traffic counts, soils conditions, or continuation of existing street improvements or right-of-way widths warrant such.

I. Intersections. The intersections of more than two streets at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no streets shall intersect at an angle of less than 75 degrees. Street intersections shall be rounded with a radius of 30 feet.

J. Reverse Curve. A tangent at least 100 feet long shall be introduced between reverse curves on arterial streets.

K. Subdivision or partition into tracts larger than ordinary building lots. Where a tract is partitioned or subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdividing.

L. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

M. Street Grades. No street grade shall be less than 3/10 of 1 percent, and shall not exceed the following, with due allowance for reasonable vertical curves:

STREET TYPE	MAXIMUM PERCENT GRADE
Arterial	10
Collector	15
Minor	15
Marginal Access	15

N. Half Street Prohibited. Half streets shall be prohibited except where essential to the reasonably development of the partition or subdivision in conformity with the other requirements of these regulations. Where the Council finds it will be practicable to require the dedication of the other half when adjoining property is partitioned or subdivided, such right-of-way may be required as part of the initial plat.

O. Street Names and Numbers. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.

P. Access to Streets Across Ditches. The developer shall provide access to all proposed lots or parcels, across all ditches in a standard method approved by the Council.

Q. Hardship to Owners of Adjoining Property Avoided. The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

R. Street Intervals. In general, provisions should be made for through streets at intervals not exceeding 1250 feet.

2. Alleys.

A. Commercial and Industrial Districts. Alleys may be required in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, or unloading and parking consistent with and adequate for the uses proposed.

B. Width. The right-of-way width of an alley shall be that width determined necessary by the Council.

C. Dead-end. Dead-end alleys shall not be permitted, except that the Council may waive this requirement where such dead-end alley is unavoidable, and where adequate turn-around facilities have been provided.

3. Easements.

A. Provided for Utilities. Easements with a right-of-way width sufficient for utility maintenance may be required by the Council where necessary for utilities.

B. Providing for Drainage. Where a subdivision or partition is traversed by a water course, drainage way, channel, or stream, there shall be provided storm water or drainage easement conforming substantially with the lines of such water course, and such further width of construction, or both, as will be adequate for the purpose.

4. Blocks.

A. Factors Governing Dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of parcel or lot required in the area by the zoning ordinance of the City, and to provide for convenient access, circulation control and safety of street traffic.

B. Lengths. Block lengths shall not exceed 1250 feet, or be less than 200 feet.

C. Arrangement. A block shall generally be so designed as to provide two rows of lots.

D. Cross-walks. In blocks over 800 feet long, pedestrian crosswalks may be required by the Council in locations, and of a design and dimension determined desirable for public health, convenience and necessity.

5. Lots and Parcels.

A. Dimensions. Lots or parcels shall not be less than the dimension and area requirements of the City zoning ordinance.

B. Lot Depth. Lots may be required by the Council to have a depth of at least 200 feet if abutting land is utilized or suitable for agricultural purposes.

C. Side Lot Lines. Side lot lines shall be substantially at right angles to front and rear lot lines.

D. Corner Lots. Corner lots for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets, as required by the zoning ordinance. Lots abutting on a pedestrian walkway shall be treated as corner lots.

E. Uninhabitable Lots. Lots or parcels subject to flooding and lots deemed by the Council to be undesirable for habitation shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Such land within a plat shall be combined with lots suitable for development, or shall be set aside for such uses as will not be endangered by period or occasional inundation or will not produce unsatisfactory living conditions.

F. Lot Remnants. All remnants of lots below minimum size left over after partition or subdivision of a larger tract must be added to adjacent lots, rather than be allowed to remain as unusable parcels.

6. Water Distribution System

A. Prior to considering final approval of a partition or subdivision, each parcel or lot shall be required to be provided with a water supply which meets standards of the State.

B. Fire Protection System. Fire hydrants shall be required in all subdivisions. The location and design shall be approved by the Council prior to installation.

7. Sewage Disposal System.

A. Prior to final approval of a partition or subdivision, each parcel or lot shall be approved for sewage disposal or have sewerage service available.

B. Plans and specifications for providing sewage disposal to each lot or parcel shall meet State and local requirements.

8. Storm Water Runoff and Flood Control. Prior to considering final approval of a partition or subdivision, the developer shall make drainage improvements as needed to accommodate storm water runoff and minimize the potential for flood damage.

9. Park or Recreation Areas. In subdivisions of 10 acres or more, and where lots average less than 10,000 square feet, the Council may require the developer to provide up to five percent of the total for park or recreation purposes. These areas shall be of a design and location determined by the Council to be suitable for such purposes.

10. Sidewalk and Bicycle Trail Improvements. Curbs and sidewalk improvements may be required by the Council to be provided of such design and location as the Council determines desirable. These improvements may be considered by the Council to meet park or recreation area requirements.

11. Monuments. Monuments shall be placed in all locations as required by ORS Chapter 92. Any monument which might be disturbed during construction, shall be properly replaced when such construction has been completed.

12. Building Sites. The following standards shall apply to building sites and the access thereto:

A. 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:

(1.) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with requirements of the Department of Environmental Quality 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.

(2.) Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the discretion of the Council. 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.

B. Cuts and Fills. Shaping 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 and one-half feet horizontally to one foot vertically.

(2.) Fill slopes shall not exceed two feet horizontally to one foot vertically.

(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.

13. Street Signs. Street name signs shall be installed at all street intersections. The location and design shall be approved by the Council prior to the installation.

14. Street Lights and Utility Services. Street lights and utility services shall be installed according to location and design approved by the Council. Utilities shall be served from an underground source wherever practical.

XII. Improvements.

1. Improvements in Partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision.

2. Improvement Procedures. In addition to other requirements, improvements installed by a developer either as a requirement of these regulations or at his own options shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the City and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the

proposal, the plans may be required as part of approval of the tentative plan of a subdivision or partition.

B. Improvements shall be constructed under the inspection and to the satisfaction of the Council. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant the change.

C. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length minimizing the necessity for disturbing street improvements when service connections are made.

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

3. Cost Allocation for Improvements. All improvements shall be installed at the expense of the developer. If water, sewer, storm water or drainage, street or other improvements are required to be larger than necessary to serve the development in order to provide service to abutting areas, the City may agree to sharing costs as below (or as otherwise determined equitable):

A. Extending improvements immediately and covering the added cost within the development by assessing adjacent benefitting property owners for their share.

B. Extending improvements as demand arises and reimbursing the developer a proportionate share for a specified time period, e.g., 10 years, as each hook-up outside the development is made.

4. Performance Agreement. If all improvements required by the Council in this Ordinance are not completed according to specifications prior to the time the final plat is duly submitted for consideration and approval, the Council may accept, in lieu of completion of improvements, a performance agreement and one of the following:

A. A bond executed by the developer and his surety company with the City, conditioned upon faithful performance and completion of all such improvements within a period of time stated in the performance agreement and approved by the Council.

B. An agreement, duly signed and executed by the developer, assigning his account in a legal savings institution in the State of Oregon to the City of Cove.

C. A cash deposit with the City of Cove guaranteeing completion of the improvements.

The performance agreement shall contain the following procedures and provisions relating to completion of the improvements.

A. The developer's engineer shall prepare cost estimates on completion of roads and utilities. Road cost estimates shall be based upon road standards as designated in this ordinance. Sewer and water system improvement estimates shall be based upon designs approved by the State. All cost estimates shall be stamped or sealed by the engineer who prepared them.

B. Estimates shall be submitted to the Council and shall be limited to a maximum of one (1) year for completion of improvements. If the improvements are not completed within the specified time, the city may complete the work and recover the full costs and expenses thereof from the developer. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. Minimum units prior to occupancy will be the completion of one block of frontage.

C. Copies of water and sewage service estimates will be sent to the proper authorities for review and comment. Road cost estimates may be submitted to the County Roadmaster for review. The Council may have other estimates reviewed as they deem necessary.

D. The bond or cash deposit shall be twenty-five percent (25%) greater than the estimated cost of construction of the improvements. The Council shall notify the developer as to the amount of the bond or cash deposit and other performance agreement requirements as to any changes necessary for bond acceptance. The performance agreement shall determine the completion required of utility improvements before residents may occupy the development.

E. The developer shall submit the bond, cash deposit, or savings account information and the performance agreement to the City Recorder.

F. Release of the bond, or release of a portion of the cash deposit or the savings account, may be made by Council action and in response to a written request for such release upon determination that improvements have been completed in accordance with the performance agreement.

XIII. Modifications. Modifications of the partition and subdivision dimension standards can, upon application to the Council be approved to alleviate hardships, providing all of the following conditions can be found to exist:

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

2. The modification will be in accord with the purpose of this ordinance;

3. The interests of the public will be preserved, and such action(s) will not set a trend; and

4. That the modification will be the minimum needed to alleviate the hardship, and will not result in an undesirable change in area land values or property uses, or be otherwise injurious to other property in the area.

In approving a modification, the Council may require such conditions as determined desirable to insure that the purposes of this ordinance will be carried out, and that the uses provided for by the modification(s) will be compatible with surrounding area development.

The Council shall deny application for modification(s) if all of the conditions above are not found to exist.

XIV. Amendments.

1. Authorization to Initiate Amendments. An amendment to the text of this ordinance may be initiated by the City or by application of a property owner or his authorized agent.

2. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the Planning Administrator. The application shall be accompanied by a fee as provided for by the Council.

3. Public Hearing on an Amendment.

A. Notice of time and place of the public hearing before the Council and the purpose for the proposed amendment shall be given by the City as provided in ORS 197.610 and 92.048 wherein it is indicated:

A proposal to amend this ordinance shall be submitted to the Oregon Department of Land Conservation and Development Director at least 45 days before the final Council hearing on adoption. The submitted proposal shall contain 4 copies of the text and any supplemental information and the date for the final hearing on adoption. The Council shall hold a public hearing on the proposed ordinance or regulation after publishing notice of the hearing at least 10 days prior to

the hearing in a newspaper of general circulation published in the area in which land to be subject to such ordinance or regulation is situated. The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the ordinance or regulation.

B. Recess of hearing. The Council may recess a hearing in order to obtain additional information. Upon recessing for this purpose, they shall announce the time and date when the hearing will be resumed.

C. Within 30 days after the hearing, the Council shall make a final decision.

4. Record of Amendment. The City Recorder shall maintain a record of amendments to the text of this Ordinance in a form convenient for the use of the public.

XV. Fees. For the purpose of partially defraying the expense involved in investigating matters connected with application and appeals and the action taken thereon, each activity initiated by property owners or contract purchaser shall be accompanied by a fee in accordance with a Fee Schedule prepared by the Administrator and approved by Council resolution.

XVI. Appeals. Other appeals may be made to the Oregon Land Use Board of Appeals.

XVII. Interpretation of Ordinance Provisions. The Council shall be responsible for interpreting the provisions of this ordinance.

XVIII. Severability Clause. The provisions of this ordinance are severable. If any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any persons or circumstance; such invalidity, unconstitutionally or inapplicability shall not affect nor impair the remaining provisions of this ordinance.

XIX. Penalty and Enforcement. Violation of any provision of this ordinance is punishable upon conviction under the provision of the Zoning Ordinance.

XX. Repealing Ordinance. All previously adopted partition or subdivision regulations, ordinances, or resolutions of the City which are in conflict with this Ordinance are hereby repealed and replaced with this Ordinance upon adoption by the City Council.