

Ordinance No. 331-01

**CITY OF WALLOWA  
LAND DIVISION ORDINANCE  
WALLOWA COUNTY, OREGON**

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

PREPARED FOR  
WALLOWA CITY COUNCIL

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**Ordinance No. 331-01****WALLOWA LAND DIVISION ORDINANCE**

**AN ORDINANCE OF THE CITY OF WALLOWA, OREGON;  
REPEALING ORDINANCE No. 237;  
ESTABLISHING A SUBDIVISION ORDINANCE TO ASSURE  
THE ORDERLY DEVELOPMENT OF SAID CITY;  
ESTABLISHING RULES AND REGULATIONS THEREFOR;  
PROVIDING FOR PENALTIES OR VIOLATIONS THEREOF;  
AND DECLARING AN EMERGENCY**

The City of Wallowa, Wallowa County, Oregon, ordains as follows:

**General Provisions**

SECTION 1. TITLE. This ordinance shall be known as the "Land Division Ordinance" of the City of Wallowa, 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 Transportation System Plan; and, in general, to promote the health, safety, convenience, and general welfare of the people of Wallowa.

SECTION 3. COMPLIANCE REQUIRED. All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions. 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 47 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 47, unless the context otherwise requires, the following words and phrases shall mean:

- (1) Access. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property.
- (2) Access Classification. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
- (3) Access Connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
- (4) Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
- (5) Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other designation. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner that provides convenient access for pedestrians.
- (6) Alley. A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.
- (7) Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
- (8) Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.
- (9) Bikeway. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. **Multi-use Path.** A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
  - b. **Bike Lane.** A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
  - c. **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
  - d. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
  - e. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.
- (10) **Block.** A contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.
  - (11) **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.
  - (12) **City.** The City of Wallowa, 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.
  - (13) **City Administrator.** The duly appointed administrative officer of the City of Wallowa, or a person designated by him to fulfill his obligations as set forth in this ordinance.
  - (14) **City Engineer.** The duly appointed City Engineer of the City of Wallowa.
  - (15) **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.
  - (16) **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.

- (17) Corner Clearance. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
- (18) Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system
- (19) Curb Line. The line dividing the roadway from a planting strip or footway.
- (20) 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.
- (21) Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
- (22) Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)
- (23) Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- (24) Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- (25) Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.
- (26) 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.
- (27) Lot. A unit of land that is created by a subdivision of land (ORS 92.010(3)).
- (28) Lot Area. The total horizontal net area within the lot lines of a lot.
- (29) Lot, Corner. Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees.

- (30) Lot Depth. The average horizontal distance between the front lot line and the rear lot line.
- (31) Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
- (32) Lot, Through. A lot having frontage on two parallel or approximately parallel streets other than alleys or that fronts upon two streets that do not intersect at the boundaries of the lots.
- (33) Lot Frontage. That portion of a lot extending along a street right-of-way line.
- (34) Lot, Interior. A lot other than a corner lot or reverse corner lot.
- (35) Lot Line Adjustment. 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.
- (36) Lot, Key. The first lot to the rear of a reversed corner whether or not separated by an alley.
- (37) 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.
- (38) Lot Line, Rear. Lot line which is opposite and most distant from the front lot line.
- (39) Lot Line, Side. Any lot boundary line not a front line or a rear lot line.
- (40) Lot, Reverse Corner. A corner lot which rears upon the side yard of another lot.
- (41) 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.
- (42) Major Partition. To partition a parcel of land into two (2) or three (3) parcels which includes the creation of a road or street.
- (43) 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.



- (44) 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.
- (45) Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.
- (46) Nonconforming Access Features. Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.
- (47) 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.
- (48) Owner. The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided or partitioned to commence and maintain proceedings to subdivide or partition the same under this ordinance.
- (49) Official Map. The Comprehensive Plan Map as adopted by the City Council for the City of Wallowa.
- (50) Parcel. A division of land comprised of one or more lots in contiguous ownership.
- (51) 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 divisions of land resulting from the creation of cemetery lots, divisions of land resulting from lien foreclosures, and divisions of land pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; 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.
- (52) Parking Space. A rectangular area not less than 20 feet long and 8.5 feet wide, together with maneuvering and access space required for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
- (53) Pedestrian Facilities. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

- (54) Pedestrian Way. A right-of-way designated for use by pedestrians.
- (55) Plat. A map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition as specified by this ordinance.
- (56) Private Road. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
- (57) Public Road. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (58) Reasonable Access. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Wallowa.
- (59) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (60) Right-of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.
- (61) Roadway. The portions of the right-of-way of a street or highway developed for vehicular traffic.
- (62) Safe and convenient. Bicycle and pedestrian routes that are:
- a. Reasonably free from hazards, and
  - b. Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.
- (63) Sidewalk. A walkway with permanent surfacing that meets adopted standards and is used primarily by pedestrians.
- (64) Significant Change in Trip Generation. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) local—10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State—exceeding 25 percent more trip generation (either

peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

- (65) Street. A public or private right-of-way which provides ingress and egress to adjacent properties for vehicular, pedestrian, public utilities and other such uses. The term "street" shall include such designations as "highways," "road", "lane", "alley", "court", or other such similar terms.
- 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. Arterial: Higher volume streets with a minimal number of access points, providing direct routes between cities, districts, and neighborhoods; includes sidewalks and bike lanes.
  - C. Collector: Serves local access needs through connecting local streets to arterial; typically includes sidewalks and may have on-street parking and bike lanes
  - D. Cul-de-sac (dead end street): (Dead-end) Street. A short section of residential street intended to serve only adjacent land in residential neighborhoods, typically includes a bulb-shaped turn around area for emergency vehicles.
  - E. 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.
  - F. Local Street: A street used primarily for access to abutting properties.
  - G. Major Street: A street used primarily for through traffic.
  - H. Minor Street: A street intended primarily for access to abutting properties.
  - I. Residential Street. Provides access to individual residential or multi-family lots, includes sidewalks, on-street parking, and is designed for very low speeds
  - J. Secondary Street: A street used to some extent for through traffic and to some extent for access to abutting properties.
  - K. Stub-Out (Stub-Street): A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

- (66) 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.
- (67) 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.
- (68) Subdivider. Any person, firm, corporation, partnership or association who causes the land to be divided into a subdivision as defined herein.
- (69) Substantial Enlargements or Improvements. A 10 percent increase in existing square footage or 50 percentage increase in assessed valuation of the structure.
- (70) Tentative Plan. Initial diagram of a proposed subdivision or partition.
- (71) Walkway. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

#### 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.

## Division of Land

### Partition or 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 ~~\$150.00~~ <sup>200</sup> for a minor partition, ~~\$350.00~~ <sup>350</sup> for major partition plus \$10.00 for every lot over twenty (20) lots, and \$35.00 for a lot line adjustment.

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200 minor Partition  
350 major 1)

### SECTION 7. PRELIMINARY REVIEW.

- (1) The City Administrator/Recorder may transmit one (1) copy of the tentative plan to the City Engineer and/or the City Attorney, and additional copies to the City departments, members of the City Council, and other public officials as he deems necessary. The City Administrator/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 calendar 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 Oregon Department of Transportation shall review any application that involves access to the State Highway System for conformance with state access management standards.
  - D. The school district, if there is indication of school district interest in property development in the area.
- (3) Subdivision and site plan review shall address the following access criteria:
  - A. All proposed roads shall follow the natural topography and preserve

natural features of the site as much as possible. Alignments shall be planned to minimize grading.

- B. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- C. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
- D. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
- E. The access shall be consistent with the access management standards adopted in the Transportation System Plan.

SECTION 8. SUBMISSION OF TENTATIVE SUBDIVISION PLAN. Whenever it is proposed to subdivide land, those persons for said subdivision shall prepare and submit, at least five (5) copies of the tentative plan to the City Recorder's office at least fifteen (15) calendar days prior to the council's regularly scheduled meeting. The tentative plan shall contain such information as indicated below.

SECTION 9. 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 10. 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.
- (7) The locations, names, right-of-way and pavement widths, approximate radii of curves, and grades of all existing and proposed streets, pedestrian facilities,

and bicycle facilities (including accessways) 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.

- (8) Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- (9) Number and direction of lanes to be constructed on the driveway plus striping plans;
- (10) All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
- (11) Parking and internal circulation plans including walkways and bikeways;
- (12) The location and design of bicycle parking facilities shall be indicated on the site plan. The development shall include the number and type of bicycle parking facilities required in section 4.12 of the City of Wallowa Zoning Ordinance.
- (13) Names of the record owners of all contiguous land within 100 feet of exterior boundaries of the tentative plan.
- (14) 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, and a statement indicating that water and/or sanitary sewer service is available to the property.
- (15) Land descriptions and acreage or square footage of the original lots.
- (16) Approximate lot layout, approximate dimensions, land descriptions, and acreage or square footage of each proposed lot and each to be numbered.
- (17) Setback lines, if any, proposed by the subdivider.
- (18) The outline of any existing buildings and their use, showing those which will remain.
- (19) Contour lines on lands with slopes greater than five (5) percent, at contour intervals of not more than ten (10) feet.
- (20) City boundary lines crossing are bounding the subdivision.