

- (21) 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.
- (22) Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
- (23) 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.
- (24) Proposed sites, if any, allocated for purposes other than single family dwellings.
- (25) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision or major partition, together with the purpose of conditions or limitations of such reservations, if any.
- (26) Traffic Impact Study (TIS) as described in Section 4.15 of the Wallowa Zoning Ordinance.

SECTION 11. INFORMATION IN STATEMENT. The statement to accompany the tentative plan shall contain the following information:

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

~~X~~ SECTION 12. CITY COUNCIL PROCEDURE OF TENTATIVE SUBDIVISION OR PARTITION PLAN. 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 250 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 Board 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 47. 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) calendar 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 47. The action of the City Council shall be noted on two copies of the tentative plan. One copy shall be returned to the subdivider, and the other retained by the City Administrator 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 13. 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 blueline or black-line prints of the final map shall be submitted to the City Administrator, 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 14. 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.

SECTION 15. FORM OF FINAL MAP. The final subdivision map shall be prepared in accordance with the provisions of Sections 1 to 37 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 16. 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 37.
- (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, pedestrian and bicycle facilities (including accessways) 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 17. 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 37 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 acknowledgments required by law.



SECTION 18. APPROVAL BY CITY ENGINEER. Upon receipt, the final map and other data submitted to the City Administrator may 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 3 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 19. 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 20 and 21; 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 20. 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 37; 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 21. 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 Administrator 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 37, 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 22. FILING OF FINAL PLAT. Approval of the final plat by the City, as provided in Sections 1 to 37, shall be conditioned on its prompt recording in the official County records. 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 in the official County records within thirty (30) days after the date the last required approving signature has been obtained.

SECTION 23. APPEALS. An applicant or party of record may appeal a decision made on a land division application in accordance with Article 8 of the City of Wallowa Zoning Ordinance.

SECTION 24. FURTHER SUBDIVISION. Further subdivision of the property shall be prohibited unless the applicant submits a plat or development plan in accordance with requirements in this ordinance.

SECTION 25. APPROVAL OF LOT LINE ADJUSTMENTS.

- (1) No person shall complete a lot line adjustment without applying for and

receiving the approval from the City Recorder. Applications for the lot line adjustment shall include a map, superimposed upon a tax lot map, showing the dimensions of the proposed lot line adjustment. The application shall contain such additional information as is necessary to determine whether the proposed transfer constitutes a lot line adjustment or a subdivision or partition.

- (2) Lot line adjustment applications shall be determined by the City Recorder and no public hearing shall be required. The City Recorder may refer a lot line adjustment to the Commission for review or decision. Lot line adjustments may be approved on the following findings:
  - A. The conveyance proposed will not create a new lot or parcel and will constitute a lot line adjustment as defined in this ordinance; and
  - B. Every parcel affected by the proposed transfer will constitute a lawful parcel under this ordinance and that the lot line adjustment will not cause any land in present contiguous ownership to be of a size or configuration not in compliance with the standards for new lots under this ordinance.
  - C. The new lot line created by the lot line adjustment shall be set back from existing buildings in a manner that complies with the setback requirements of this ordinance.
- (3) If the lot line adjustment adjusts a boundary in a manner that is parallel to the pre-existing boundary, no survey is required in conjunction with such lot line adjustment. In the event the adjusted boundary is not parallel to the pre-existing boundary, the applicant shall cause to be prepared, and filed with the office of the County Surveyor, a survey of the adjusted boundary lines, a copy of such survey shall be filed with the City Recorder prior to final approval of the lot line adjustment by the city.

#### SECTION 26. DETERMINING WHETHER LOT LINE ADJUSTMENT OR PARTITION

- (1) If no new lot or parcel is created by a proposed conveyance, then such conveyance shall be treated as a lot line adjustment. A conveyance of property, which has the effect of creating additional lots or parcels is always a partition or subdivision.
- (2) In determining whether a proposed conveyance involves the creation of an additional lot or parcel, the following rules apply:
  - A. A lot created by a lawful subdivision or partition, recorded in the office of the Wallowa County Clerk, is always a separate and



discrete parcel. For example, the division of an existing lot into two (2) parts for the purpose of joining it with an adjacent lot does not involve the creation of a parcel and therefore a lot line adjustment.

- B. The conveyance of a portion of an unplatted parcel, for purposes of adding it to a pre-existing platted lot, or any other pre-existing parcel, does not involve the creation of an additional parcel and therefore is a lot line adjustment.
- C. If a parcel or a tract of has, at any time since the recording of the federal patent, been a separate parcel, in separate ownership, it shall be considered a separate and discrete parcel for purposes of determining whether a lot line adjustment, or subdivision or partition is involved. If a tract of contiguous land, presently under a single ownership, is composed of parts that were formerly separate parcels, then the tract of land may be divided into as many parts as there were historic separate parcels and no new lot parcel shall be deemed to be created thereby. Any adjustment of the boundaries of said historic parcels may be conducted as a lot line adjustment.

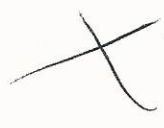
### **Approval of Streets and Ways**

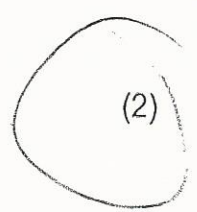
SECTION 27. CREATION OF STREETS. The creation of all streets shall be in conformance with requirements for subdivision, except the City Council may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by Sections 25 to 32; 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 28. 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 23, 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 37 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 23(2) for streets, except the easement-of-way need only comply with the standards set forth in Section 23(2) and assure utility access to the resultant lot.

## General Regulations and Design

SECTION 29. PURPOSE. The purposes of this section are to provide for safe and convenient pedestrian, bicycle, and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonable direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

SECTION 30. COMPLIANCE. All partitions and subdivisions shall comply with the standards and requirements of Section 4.12, Bicycle Parking, 4.14, Access Management and Street Connectivity, and Section 4.15, Traffic Impact Studies, in the City of Wallowa Zoning Ordinance.

### SECTION 31. STREETS.

- (1) Streets and Highways Conform with Plans and Standards. In addition to conformance with state laws and the standards provided by Section 1 of this Land Division Ordinance and Section 4.12 of the City of Wallowa Zoning Ordinance, 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 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. With the exception of alleys, one street name for each street shall be provided at each intersection.
- (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. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance. Increased widths may be required where streets or driveways 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.

## STREET STANDARDS

STREET TYPE	RIGHT-OF-WAY WIDTH	TOTAL PAVED SURFACE WIDTH	PARKING STRIP WIDTH	BIKE LANE	WALKWAY (PLANTING STRIP)	CURB RETURN RADIUS	MAXIMUM PERCENT OF GRADE	MINIMUM RADIUS OF CURVATURE
Arterial(3)	80'	50-52'	8' on both sides	6' on both sides	6-10' (7'-8')	20'	10%	700'
Collector (2)	57'-63'	30'-34'	7-8' on both sides	Shared Roadway	5'-6' (7'-8')	20'	12%	500'
Local Option 1 (1)	42'-48'	20'	None (2)	Shared Roadway	5-6' (6'-8')	15'	13%	100'
Local Option 2 (1)	47'-52'	23'-24'	7' on one side	Shared Roadway	5-6' (7-8)	15'	13%	100'
Local Option 3 (1)	52'-56'	28'	7' on both sides	Shared Roadway	5'-6' (7'-8')	15'	13%	100'
Alley	16'-20'	10'-12'	None	None	None	15'	10%	150'

## Notes:

1. All right-of-ways, one street name sign shall be provided at each intersection for each street.
1. Paved walkways and planting strips shall be provided unless the City determines they are unnecessary.
  2. Parking may be provided on unpaved shoulder that is designated as a planting strip.
  3. On Highway 82 between Douglas and Holmes Streets, the right-of-way shall be 70-feet with a planting strip of 0-5 feet. On all other portions of Highway 82 within the City of Wallowa, the standard for arterials shall be those listed in the Street Standards table.

(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) Corner Clearance

- (A) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- (B) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the



property is available.

- (C) Where no other alternatives exist, the (permitting department) may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(5) Joint and Cross Access

- (A) Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- (B) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- (C) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- (D) Pursuant to this section, property owners shall:
1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after

- construction of the joint-use driveway;
3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- (E) The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section.
  2. The site plan incorporates a unified access and circulation system in accordance with this section.
  3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- (F) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.
- (6) Access Connection and Driveway Design
- (A) Driveways shall meet the following standards:
- (1) If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one way connection.
  - (2) For two-way access, each lane shall have a minimum width of 10 feet.
- (B) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
- (C) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.



(7) Requirements for Phased Development Plans

- (A) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
- (B) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(8) Nonconforming Access Features

- (A) Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
1. When new access connection permits are requested;
  2. Change in use or enlargements or improvements that will increase trip generation.

(9) Reverse Frontage

- (A) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- (B) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the (city/county) and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial.

The berm or buffer yard shall not be located in the public right-of-way.

(10) Connectivity

- (A) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
- (B) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- (C) Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

(11) Pedestrian Access and Circulation.

- (A) Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

(12) Commercial Development Standards.

- (A) New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.
- (B) Off-street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).

- (13) 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.



- (14) 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.
- (15) 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.
- (16) Cul-de-Sacs and Accessways.
- A. Cul-de-sacs or permanent dead-end streets may be used as part of a development plan; however, through streets are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting streets infeasible. Cul-de-Sac lengths in excess of 300 feet are prohibited. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers.
  - B. Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchbacks paths may be used where grades are steep.
  - C. Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet.
  - D. The Hearings Body may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include but is not limited to:
    1. Physical or topographic conditions make an accessway connection impractical. Such conditions include, but are not limited to extremely steep slopes, wetlands, or other bodies of water or where a connection cannot reasonably be provided.
    2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

3. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995 that preclude a required accessway connection.
- (17) 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.
  - (18) 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.
  - (19) 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.
  - (20) 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 32. 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 33. LOTS.

- (1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations.
- (2) Each lot shall abut a public or private street for the required minimum lot frontage for the zoning district where the lots are located.
- (3) 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.

- (4) 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.
- (5) 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.
- (6) Lots without frontage on a street will not be permitted.
- (7) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through-lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the City of Wallowa and recorded with the deed. A berm or buffer yard may be required at the rear of through-lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way. Otherwise, through-lots will be permitted only where necessitated by topographic or other unusual physical conditions.

#### SECTION 34. FLAG LOTS.

- (1) Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the state highway system or other arterials.
- (2) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:
  - A. Flag lot driveways shall be separated by at least twice the minimum frontage requirements of the zoning district.
  - B. The flag driveway shall have a minimum width of 10 feet and maximum width of 20 feet.
  - C. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.

- D. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
- E. No more than one flag lot shall be permitted per private right-of-way or access easement.

#### SECTION 35. 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 36. SHARED ACCESS.

- (1) Subdivisions with frontage on the state highway system shall be designed to have a maximum of two shared access points to and from the highway, regardless of the number of lots or businesses served.
- (2) If access off of a secondary street is possible, then access shall not be allowed onto the state highway. If access off of a secondary street is possible in the future, then the subdivision layout shall allow for conversion of access to that secondary road with a stub-out or reserved right-of-way.

SECTION 37. 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 38. 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 39. UNSUITABLE LAND. The planning commission 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 40. 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 41. IMPROVEMENT STANDARDS AND APPROVAL. In addition to other requirements, all improvements shall conform to the requirements of Sections 1 to 37 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 Administrator upon completion of the improvements.

SECTION 42. 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 installed along both sides of each street and in pedestrian ways. Where topographic or other conditions make it necessary or desirable, the council may require a walk through a block on a public right-of-way of such width, at such location and of such material or materials as the council may specify.
- (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 43. 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 37, shall be submitted to the City to be retained by the City as a permanent record.

## Variances

SECTION 44. VARIANCE APPLICATION. When necessary, the City Council may authorize conditional variances to requirements and regulations of Sections 1 to 37. 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 45. 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 46. 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.

SECTION 47. REPEALER. City of Wallowa Ordinance No. 237, and all amendments thereto, are hereby repealed.



SECTION 48. ADMINISTRATION FEES. The City of Wallowa, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants, including but not limited to attorneys, engineers, and landuse experts to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports, and, in some cases, actual attendance at the Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to the applicant as a part of the land use planning process.

SECTION 49. EMERGENCY CLAUSE. That inasmuch as it is necessary for the peace, health, safety, and welfare of the citizens of the City of Wallowa that this Subdivision Ordinance become effective with its adoption, the Council, by its vote, declares an emergency to exist, and the Ordinance to be in full force and effect upon and after its passage by the City Council and approval by the Mayor.

PASSED by the City Council and approved by the Mayor.

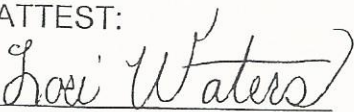
Read the first time: April 10, 2001.

Read the second time by title only: May 8, 2001.  
Read the third time and passed: June 12, 2001.

Approved by the Mayor: June 12, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder