

SUBDIVISION ORDINANCE

FOR THE

CITY OF STAYTON

ORDINANCE NO. **437**

## TABLE OF CONTENTS

SECTION 1	SHORT TITLE
SECTION 2	PURPOSE
SECTION 3	DEFINITIONS
SECTION 4	OFFICIAL MAP
SECTION 5	SUBDIVISION AND MAJOR PARTITIONING PROCEDURE
SECTION 6	PROCEDURE BEFORE THE PLANNING COMMISSION
SECTION 7	ACTION ON FINAL PLATS READY FOR RECORDING
SECTION 8	TIME LIMIT FOR THE FILING AND RECORDING OF A FINAL PLAT
SECTION 9	PARTIAL PLATTING
SECTION 10	COPIES OF RECORDED PLATS TO BE FURNISHED
SECTION 11	MINOR PARTITIONING PROCEDURE
SECTION 12	MAP OF PARTITIONING
SECTION 13	FINAL APPROVAL OF PARTITION
SECTION 14	CONSIDERATIONS FOR APPROVAL OR DENIAL
SECTION 15	STREETS AND HIGHWAYS
SECTION 16	DEDICATION OF A RIGHT-OF-WAY
SECTION 17	DEAD-END STREETS
SECTION 18	RADIUS AT STREET INTERSECTIONS
SECTION 19	STREET GRADES
SECTION 20	RESERVE BLOCK
SECTION 21	STREET WIDTHS
SECTION 22	ADDITIONAL RIGHT-OF-WAY WIDTHS
SECTION 23	TWO-LEVEL STREETS
SECTION 24	STREET IMPROVEMENTS

SECTION 25	SUBDIVISION BLOCKS
SECTION 26	MIDBLOCK WALKS
SECTION 27	LOT SIZE
SECTION 28	CURVED FRONT LOT LINES
SECTION 29	LOT LINE
SECTION 30	BUILDING LINES ALONG STREETS
SECTION 31	PUBLIC SURVEY MONUMENTS
SECTION 32	SEWAGE DISPOSAL
SECTION 33	PUBLIC USE AREAS
SECTION 34	WATER SUPPLY
SECTION 35	UNDERGROUND UTILITIES
SECTION 36	EXCEPTIONS TO SUBDIVISION REGULATIONS
SECTION 37	REVIEW BY COUNCIL
SECTION 38	SAVING CLAUSE
SECTION 39	AREA INVOLVED
SECTION 40	FEEES
SECTION 41	ENFORCEMENT, VIOLATION AND PENALTY
SECTION 42	REPEAL OF PRIOR ORDINANCES
SECTION 43	EMERGENCY CLAUSE

AN ORDINANCE relating to subdivision and the plans of plats therefor; providing standards for the subdivision or partitioning of land in the City of Stayton, prescribing procedure for the application of such standards, and providing penalties for violations.

WHEREAS, the following standards prescribing procedure for surveying, platting and recording subdivisions in the City of Stayton are authorized and in conformity with Oregon Revised Statutes relating thereto to chapters 92 and 227 and by revisions as indicated by Oregon Laws of 1955, chapters 31, 439 and 756;

WHEREAS, all proceedings have been had and hearings have been held both before the Planning Commission and the Common Council, of which hearings notices were given as required by ordinance; and the Common Council finds that it is in the public interest to provide standards for the subdivision and declaring an emergency, now, therefore,

THE CITY OF STAYTON DO ORDAIN  
AS FOLLOWS:

SHORT TITLE

SECTION 1. SHORT TITLE. This ordinance may be cited as the "Subdivision Ordinance of Stayton, Oregon."

PURPOSE

SECTION 2. PURPOSE. In the interpretation and application of this ordinance, the provisions hereof shall be held to be the minimum provisions adopted to promote the public health, safety, and welfare. These provisions are intended to provide for (a) permanently wholesome community environment; (b) adequate public services; (c) safe streets, and are intended to accomplish the following objections:

- (a) Better living conditions within new subdivisions.
- (b) Areas which may be economically developed.
- (c) Simplification and definiteness of land descriptions.
- (d) Establishment and development of streets, utilities and public areas.
- (e) Stabilization of property values in the subdivision and adjacent areas.

## DEFINITIONS

SECTION 3. GENERAL DEFINITIONS. For the purpose of this ordinance words used in the present tense include the future, the singular number includes the plural, and the term "this ordinance" shall be deemed to include all amendments hereafter made thereto.

- ALLEY. A Public way or thoroughfare not more than twenty feet wide, providing a secondary means of access to private property.
- APPLICANT. Any person as defined herein who makes application to the commission for approval of a subdivision or partition plan.
- BLOCK. A parcel of land bounded by three or more streets.
- BUILDING LINES. The lines indicated on the subdivision plat or otherwise described, limiting the area upon which structures may be erected.
- CITY COUNCIL. The duly constituted Body of elected, or appointed, councilmen of the City of Stayton.
- CITY ENGINEER. The City Engineer of the City of Stayton, when one exists.
- COMMISSION. The term "Commission" shall mean the Stayton Planning Commission.
- CORNER LOT. A lot or portion thereof situated at the intersection of two or more streets.
- CURB LINE. The line indicating the edge of the vehicular roadway within the over-all right-of-way.
- EASEMENT. The grant of a right of use across or through a parcel of land.
- LOT. A unit of land that is created by a subdivision of land or a parcel or tract of land having a frontage upon a street occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this ordinance.
- MAJOR PARTITION. A partition which includes the creation of a road or street.

MINOR PARTITION. A partition that is subject to approval by a City or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.

OFFICIAL MAP. The map established by the City Council on which the planned location, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisitions, building restrictions, building permits, zoning or other uses, the original whereof is on file in the office of the City Engineer and in the office of the Secretary of the Planning Commission, each bearing the same date as the date of the passage of this ordinance, and each having endorsed thereon the signatures of the County Clerk and the County Engineer.

OWNER. The owner of record of real property as shown on the latest tax rolls of Marion County, or by the deed records of such county, or a person who is purchasing a parcel of the property under contract.

PARTITIONING. The division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition Land" does not include division of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made 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 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.

PERSON. Person, unless the context indicates otherwise, includes an individual, partnership, corporation, both public and private, association, or club; and the singular includes the plural; and the masculine includes the feminine.

PLAT. The final map, diagram, drawing, replat and other writing containing the descriptions, location, specifications, dedications, provisions and other information concerning a subdivision.

- RESERVE BLOCK. A strip of land, usually one foot in width, across the end of a street or alley and terminating at the boundary of a subdivision; or strip of land between a dedicated street of less than full width and adjacent acreage, in either case, reserved or held for future street extension or widening.
- SHALL. The term shall means mandatory.
- STREET A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, court, place or other such terms.
1. ARTERIAL. A thoroughfare or arterial of considerable length primarily for intercommunication between large areas and with a roadway designed to handle a large volume of traffic.
  2. COLLECTOR. A street accumulating traffic from minor streets and routing it to an arterial street.
  3. CUL-DE-SAC. A short, dead-end street with vehicular turn around at or near the dead end.
  4. DEAD-END STREET. The same as cul-de-sac, usually longer, which may be extended, and with no turn around at the present dead-end.
  5. HALF STREET. A portion of the ultimate width of a street. Usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.
  6. MINOR STREET. A street used exclusively for access to abutting properties.
- SUBDIVIDER. Any person, as defined herein, who undertakes the division of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

SUBDIVISION.

As applied to these regulations, the term means to partition a parcel of land into four or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this ordinance.

OFFICIAL MAP

SECTION 4. OFFICIAL MAP. The official map as defined herein and any other information appertaining thereto which appears on said map, are hereby incorporated into and made a part of this ordinance, so much as if such matters and information set forth thereon were fully described herein.

SUBDIVISION AND MAJOR PARTITIONING PROCEDURE

SECTION 5. PROCEDURE. When it is proposed to subdivide or make a Major Partitioning of land (or to record the plat of a subdivision containing less than four parcels), the applicant shall file one reproducible copy of the preliminary plan for the proposed subdivision or Preliminary Map of a proposed Major partitioning with the city recorder at least fifteen days prior to the commission's regular meeting at which the petition will be considered. The recorder shall forward the preliminary plan or map to the Planning Commission with copies thereof to the public works superintendent and the city engineer, together with copies thereof to all affected city, county, state and federal agencies and all affected special districts who shall attend the Planning Commission meeting at which the plan is considered. Preliminary plans shall include the following information and data:

(a) Name

The name of any proposed subdivision shall not be the same as or similar to, any name used on a recorded plat or sub-division in Marion County. A name shall not be required for a major partitioning.

(b) Plan

The preliminary plan or map shall be on a scale of not less than one inch equals 200 feet and show information and date as follows:



1. The township, range, section or donation land claim and the county in which the subdivision is located.
2. The location of all existing or proposed roads within or on the boundary of the proposed subdivision.
3. Lot layout with approximate dimensions.
4. The land use zoning in and adjacent to the proposed subdivision shall be shown.
5. An outline of proposed restrictions or covenants, if any.
6. The location of all existing buildings within the proposed subdivision and their present uses. Those to remain shall be indicated.
7. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the commission shall be dedicated for such use and indicated on the final plat.
8. The location and kind of public utilities in or adjacent to the proposed subdivision.
9. Location of any existing or proposed drainage ways or easements in or adjacent to the proposed subdivision.
10. Topography within and adjacent to the proposed subdivision if considered necessary by the commission. If a topographic map or elevations at designated points are required, the base for such information shall be the datum obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished.
11. North point, scale and date.
12. The plan or map shall also conform to the requirements of ORS 92.090 as amended.

(c) Names and Addresses

The names and addresses of all land owners within the proposed subdivision and the owners of all land adjacent thereto, the subdivider, if other than the owners, and the engineer or surveyor responsible for laying out the subdivision.

(d) Sewage disposal and water supply.

A brief statement regarding contemplated sewage disposal and water supply.

(e) Additional information.

Such additional information as the commission deems necessary. If upon initial investigation by the commission, it is found that further information is necessary, it shall be furnished by the applicant.

SECTION 6. PROCEDURE BEFORE THE PLANNING COMMISSION. The Planning Commission, upon receipt of a preliminary plan for subdivision or partitioning, shall review the plan and give consideration for its approval, modification or denial. If desired by the commission, they may hold a public hearing thereon after giving reasonable notice of the hearing. Any preliminary approval of a plan by the commission shall be subject to approval by the public works superintendent and the city engineer. The plan shall be forwarded to the City Council by the commission, together with the report of the commission, engineer and public works superintendent, if any, and the council shall act on the plan as provided in Section 36. No plan or map shall be approved unless it complies with the provisions of ORS 92.090, as amended, and unless approval, or reasonable opportunity therefore, has been given by all affected city, county, state and federal agencies and all affected special districts. If the council approves the preliminary plan without modification, the sub-divider shall cause the final plat to be presented to the Planning Commission for final approval; otherwise, the preliminary plan shall be returned to the Planning Commission for further consideration.

SECTION 7. ACTION ON FINAL PLATS READY FOR RECORDING.

A subdivision plat, when ready for final approval prior to recording, shall be substantially in accord with the approved preliminary plan. Before approval by the commission, the final plat shall be approved and signed by all persons set out in the dedication, the mortgagees, if any, and the signature and the seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision. All signatures must be with black india ink. The final plat, when presented for approval by the commission shall be accompanied by an exact duplicate copy, or a photostat copy large enough to be easily compared with the original. The commission shall withhold final approval of a plat until a field check of the subdivision has been made. The final plat may contain all or only a portion of the approved preliminary plan.