

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 and within six miles thereof; 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 and the areas of Marion and Linn Counties within six miles of the Stayton city limits 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 or partitioning of land in the City of Stayton and within six miles thereof; and declaring an emergency, now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF STAYTON, OREGON,

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 objectives:

- (a) Areas which may be economically developed:
- (b) Simplification and definiteness of land descriptions:
- (c) Establishment and development of streets, utilities, and public areas.
- (d) 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 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.
- 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 acquisition, building restrictions, building permits, zoning or other uses, the original whereof is on file in the office of the City Council and the counterpart 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 property under contract.
- PARTITIONING. The division of a parcel of land, into three or less parcels each containing five acres or less for the purpose of transfer of ownership or building development, either immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax rolls for the 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 the passage of this 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 a 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 right-of-way which provides access to adjacent properties for vehicular, pedestrian, public utilities and other such uses. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place or other such terms. A right-of-way twenty feet or less in width shall not be recognized as a street.

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 STREETS. 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 subdivision 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 of less than five acres each 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 PROCEDURE

SECTION 5. PROCEDURE Subdivision of areas into four or more lots. When it is proposed to subdivide land into four or more parcels of less than five acres

each (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 with the commission at least eleven days prior to the commission's regular meeting at which the petition will be considered. Preliminary plans shall include the following information and data:

(a) Name of subdivision.

The name of any proposed subdivision shall not be the same as or similar to, any name used on a recorded plat or subdivision in Marion County.

(b) Subdivision plan.

The preliminary plan of the proposed subdivision shall be on a scale of not less than one inch equals 200 feet and show information and data 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 is furnished.
11. North point, scale and date.

(c) Names and Addresses.

The names and addresses of all land owners within the proposed subdivision, 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.

If, upon investigation by the commission, it is found that additional information is necessary, it shall be furnished by the applicant.

SECTION 6. 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 plat. 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 may withhold final approval of a plat until a field check of the subdivision has been made.

SECTION 7. TIME LIMIT FOR THE RECORDING OF A PLAT.

The final plat shall be recorded by the first day of the seventh month following the date of final approval by the commission. In the event that the final plat is not recorded within the time herein provided, it shall be resubmitted to the commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

Section 8. PARTIAL PLATTING.

If desired by the subdivider, a portion of an approved plat may be recorded, with the approval of the commission.

SECTION 9. COPIES OF RECORDED PLATS TO BE FURNISHED. Within six days after the recording of a plat, the applicant or his representative shall furnish the commission three prints from the reproduction of the recorded plat.

PARTITIONING PROCEDURE

SECTION 10. PARTITIONING ACREAGE INTO THREE OR LESS TRACTS. When acreage tracts or lots are to be partitioned, one reproducible copy of the application for the proposed partitioning shall be filed with the commission at least eleven (11) days prior to a regular meeting of the commission, for reproduction and distribution to appropriate agencies with a request for comments or suggestions regarding those features that come within the scope of their activities. The commission may require compliance with any or all of the provisions pertaining to the subdivision of acreage into four or more tracts or lots whenever it appears that it will be possible to ultimately subdivide into more tracts or lots than are indicated on the submitted plan.

Partition plans submitted shall include the following information:

(a) A plan of the proposed partitioning showing tract dimensions, bearings of all lines, area of each tract, and the names of existing and proposed roads.

(b) Names and addresses of the land owner, the subdivider, mortgagees, if any, and the engineer or surveyor employed to make necessary surveys

and prepare the description of each tract involved.

- (c) Topography, when considered necessary by the commission.
- (d) A tie by actual survey to a section or donation land claim corner. When partitioning is a re-subdivision of all or a part of an existing subdivision, a tie shall be given to either the initial point or a block corner of the original subdivision.
- (e) A statement regarding contemplated water supply and sewage disposal for each tract.
- (f) North point, scale and date.
- (g) Such additional information as the commission deems necessary.

SECTION 11. MAP OF PARTITIONING. When all requirements for partitioning have been complied with, five copies of a map thereof shall be furnished the commission. The commission shall endorse its approval on copies and distribute a copy to each of the following:

The owner of the partitioned tract:

The Planning Commission:

Two copies to the City Recorder:

The County Assessor:

SECTION 12. FINAL APPROVAL OF PARTITION. Approval of the submitted plan shall be considered as final when properly endorsed and no other plan need be submitted unless the owner or subdivider intends to record the partitioning, in which case the requirements for recording a plat with four or more tracts or lots shall be followed.

GENERAL REGULATIONS

SECTION 13. STREETS AND HIGHWAYS. Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways now or hereafter adopted by The City Council. Streets, roads, or highways should intersect at or as near right angles as practicable. These regulations may be modified where the commission determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

SECTION 14. DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be subdivided includes any portion of a right-of-way, street, road, or highway, the subdivider shall dedicate such right-of-way for the purpose or use proposed. However, where such dedication is greater than 60 feet in width, The City of Stayton shall reimburse the owner for that portion of the right-of-way in excess of 60 feet. Payment therefor shall be based on the true cash value of the excess acreage as computed by the Marion County Assessor for the tax year prior to filing the subdivision plat.

SECTION 15. DEAD-END STREETS When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be platted to the boundary of a subdivision without a turn-around. In all other cases, dead-end streets shall have a turn-around with a radius of not less than forty-five (45) feet to the property line.

SECTION 16. RADIUS AT STREET INTERSECTIONS.

(a) The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals the radius in feet. The distance shall be increased to the next full foot above the figure established by said formula.

(b) The minimum angle of any intersection shall be 40°.

SECTION 17. STREET GRADES. No street grade shall be in excess of eight per cent (8%) unless the commission finds that because of topographic conditions a steeper grade is necessary.

SECTION 18. RESERVE BLOCK. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the commission, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case, unless the land comprising such strips is placed in the name of The City of Stayton for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the commission or such other commission as may have jurisdiction.

In no case shall a reserve block be platted along a street that is dedicated to the required full width.

SECTION 19. STREET WIDTHS. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the commission may require dedication of streets to a greater width than herein otherwise provided.

The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties, viz:

	Right-of-way width	Curb to curb width
Major street or arterials	100 feet	40 feet
Minor streets	60 feet	34 feet
Collector streets	80 feet	40 feet
Cul-de-sac - 200 to 600 feet in length	50 feet	30 feet
Less than 200 ft.	45 feet	30 feet
Turn-arounds	45 feet radius	38 feet radius

Temporary dead-end streets Dead-end streets which may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

SECTION 20. ADDITIONAL RIGHT-OF-WAY WIDTHS. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

SECTION 21. TWO-LEVEL STREETS. Where it is determined that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provide on each level, space for one sidewalk, plus a minimum width of twenty feet (20) for roadway, curbs, and drainage facilities. Between the two street levels and out to the right-of-way lines there shall be space for all cut and fill slopes.

SECTION 22. STREET IMPROVEMENTS. All street improvements including pavement, curbs, sidewalks, and surface drainage shall be in accordance with the specifications and standards prescribed by The City Council. Subdivision plans shall not have final approval until such time as the Commission in its judgment is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section.

- (a) Clearing and grading to full right-of-way limits.
- (b) Storm drainage facilities both within and outside of right-of-way limits.
- (c) Base and pavements materials for roadways, in place and compacted.
- (d) Concrete curbs and concrete sidewalks; the location and width thereof shall be determined by the commission, and in making such determination, the commission shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivisions. In all cases sidewalks shall be placed one foot from the property line on arterial and collector streets.

SECTION 23. SUBDIVISION BLOCKS. Block lengths and widths shall be determined by giving consideration to the following factors: (a) the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision; (b) topography; (c) lot size; (d) need for and direction of the flow of through and local traffic.

Blocks shall not exceed 1,200 feet between street right-of-way lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

SECTION 24. MIDBLOCK WALKS. Where topographic or other conditions make necessary blocks of unusual length, the commission may require midblock pedestrian walks on a right-of-way at least six (6) feet in width which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

SECTION 25. LOT SIZE. All lots shall have a minimum area of 7,000 square feet and shall have a minimum front line width of seventy (70) feet.

In Cul-de-sac the minimum lot line fronting the turn-around shall be forty feet (40) and in no case shall the lot width be less than sixty feet (60) at the building line. If topography, drainage, or other conditions justify, the commission may require greater area on any or all lots within a subdivision.

SECTION 26. CURVED FRONT LOT LINES. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.

SECTION 27. CORNER LOTS. All corner lots shall be at least eighty feet (80) wide.

SECTION 28. LOT LINE. Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

SECTION 29. BUILDING LINES ALONG STREETS. The final plat ready for recording shall indicate building lines of each block of a subdivision. Unless otherwise approved because of some unusual topographic or other conditions, minimum building lines shall be in accordance to the zoning ordinance of The City of Stayton.

SECTION 30. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

SEWAGE DISPOSAL

SECTION 31. SEWAGE DISPOSAL. All extensions of the existing City of Stayton sewage facilities, including manholes, mains, laterals, and risers, shall be in accordance with the specifications and standards prescribed by the City Council. Subdivision plans shall not have final approval until such time as the commission in its judgement is satisfied that the following sewage disposal facilities will be completed in accord with the specifications and standards set forth in this section.

(a) The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision at the sub-dividers expense if adequate public sewage facilities are available and adjacent to the parcel of land proposed for subdivision, or for partitioning whenever it appears that it will be possible to ultimately subdivide into more tracts or lots than are indicated on the submitted plan, and topographic and other considerations make it appear practical and economically feasible.

(b) If adequate public sewage facilities are not available, or not adjacent to the parcel of land proposed for subdivision, or if extension of the existing sewage facilities of the City of Stayton to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolation or other tests made by or approved by the health officer having jurisdiction, individual sewage disposal facilities approved by such officer shall be installed on each lot when and as buildings are erected thereon.

WATER SUPPLY

SECTION 32. WATER SUPPLY. All lots shall be served from the established public water system of the City of Stayton, or from community, or private wells, the water quality of which shall be in accordance with the requirements of the Oregon Board of Health or County Health Officer.

EXCEPTIONS TO SUBDIVISION REGULATIONS.

SECTION 33. EXCEPTIONS TO SUBDIVISION REGULATIONS.

(a) Authorization. The commission may authorize a variance of any requirements set forth in these regulations.

(b) Basic consideration for a variance. The basic reason for granting a variance will be proof that:

1. Special conditions or circumstances peculiar to the property under consideration make a variance necessary.
2. That the variance is necessary for the proper development of the subdivision and the preservation of property rights and values.
3. That the variance will not be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision.

(c) Consideration for variance. Consideration for a variance from these regulations shall be based upon a written application by the subdivider in which is given complete details of conditions and reasons why a specific variance should be granted.

SECTION 34. REQUESTS FOR REVIEW OF DENIAL OF VARIANCE. Any person applying for a variance of any provision of this ordinance whose application is denied may appeal such denial by the commission by filing a written petition for review with the City Council, within ten (10) days after written notice has been mailed the applicant of the denial of the request for variance. The petition for review as herein provided shall set forth the grounds upon which the review is requested. The City Council shall give the petitioner at least seven (7) days notice prior to the hearing on the petition.

SAVING CLAUSE

SECTION 35. SAVING CLAUSE. If any section, paragraph, subdivision, clause, sentence or provision of these regulations shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, invalidate, or nullify the remainder of these regulations, but the effect thereof shall be confined to the section, paragraph, subdivision clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the City of Stayton to enact the remainder of these regulations notwithstanding the parts so declared unconstitutional or in applicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subdivision, clause, sentence, or provisions as to any other premises or use.

AREA INVOLVED

SECTION 36. AREA INVOLVED. This ordinance shall be applicable to all lands inside the City of Stayton.

FEES

SECTION 37. FEES The following fees shall be required by the administrative official of the Stayton Planning Commission, and such fees shall be paid in advance:

- (a) For filing an application for approval of a plat of subdivision
\$15.00 plus \$1.00 per lot
- (b) Application for approval of sketch, as provided in Section 9, to partition property
\$5.00

SECTION 38. ENFORCEMENT, VIOLATION, AND PENALTY. It shall be the duty of

the City Council to enforce this ordinance. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than \$50.00 nor more than \$500.00 or imprisonment in the county jail for not less than 25 days nor more than 50 days, or both.

SECTION 39.

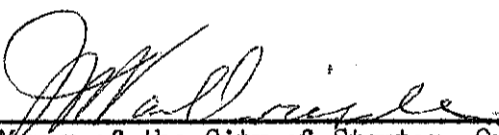
Where the Stayton Planning Commission deems it necessary the sub-divider shall insure that this ordinance shall be followed and will, if required by Planning Commission:

- (a) Furnish such bond or bonds, public or private, as required will be necessary to insure that the development or project shall be carried out in accordance with the approved specifications.
- (b) That where the sub-divider does not conform to specifications of this ordinance or will not conform to the commission's rulings, then in that event the city may enter in and upon the said premises expending such monies and labor as necessary to make such specifications conform and any monies so expended shall constitute a lien upon the improvements as improved.
- (c) Or any other agreement the Planning Commission would approve between the City of Stayton and sub-divider.

SECTION 40. EMERGENCY CLAUSE It is hereby adjudged and declared that existing conditions in the City of Stayton are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

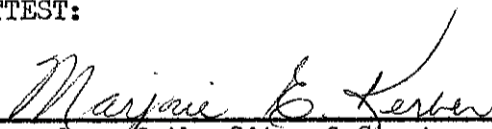
PASSED BY THE COMMON COUNCIL this 29th day of June, 1964.

SIGNED BY THE MAYOR this 29th day of June, 1964.



Mayor of the City of Stayton, Oregon.

ATTEST:



Recorder of the City of Stayton, Oregon.